

Tuesday 20th December 2016

To the Committee for Justice Review of the Need for Stalking Legislation in Northern Ireland,

Please accept this response on behalf of the Hampshire Stalking Clinic for consideration in the introduction of a stalking law in Northern Ireland.

In Hampshire, we have been operating a multi-agency clinic to address stalking cases with a high level of concern since the introduction of the legislation in 2012. The clinic comprises of specialist police officers, probation officers, CPS advocate, forensic psychiatrist, forensic psychologist and victim advocate. We meet monthly to offer advice and guidance on live police investigations. Clinic members are trained in the Stalking Risk Profile model of stalking risk assessment and management.

In our experience, harassment and stalking are substantially different offences, evidenced particularly in the detail provided by the 4a stalking charge. This necessarily reframes our understanding of harassment as lower-level 'nuisance' behaviour. The 4a stalking charge was the first law introduced in England that was wrapped around the impact of the victim, requiring that impact to be taken as prima facie evidence. As a result there have been challenges in implementing this. These challenges have included a lack of understanding within the police and CPS about what stalking is and issues in communication between the two agencies. This is something that we continue to address through the stalking clinic, we have been active in police officer training and being available to officers to support and advise between clinics. We have also played a significant role in facilitating good relationships between the CPS and police officers.

Please note that considering the motivations and mental health of some stalkers that we become aware of through the clinic, we do not advocate for a blanket criminal justice response, as we recognise that this is not useful or appropriate in all cases. Developing and making effective treatment programmes available is one of the challenges that we are working through at the moment. None of these challenges are insurmountable.

The challenges of stalking legislation implementation are far outweighed by the benefits. What the stalking laws enable us to do is to better capture the impact the stalking has had on the victim and reinforce that they are believed and the matter is being taken seriously. This is not provided by the harassment legislation - note the particular difference between the harassment 4 and the stalking 4a charges with the introduction of the severe alarm and distress clause in the latter. We have a specialist stalking victim advocate who is in a position to support victims of stalking, no matter the relationship prior to the stalking, through the police and court process. This is a necessary part of the service we provide in Hampshire because stalking is an immensely damaging crime with victims often reporting that they have made significant changes to their lives due to the behaviours they have been experiencing. The stalking laws are an essential part of providing a better service to victims.

Furthermore, the initial motivation of the stalker must be taken into account. Stalking is a unique and often seemingly bizarre crime and it is our duty to understand why the stalker is behaving as they are, if we want to have a beneficial impact on the public. This will enable us to work on the development of treatment programmes and protective as well as punitive responses to stalking in the future. Without the stalking laws we would not be able to complete this work.

We strongly support the introduction of stalking legislation in Northern Ireland.

If you have any questions or would like any further detail about the work that we do in Hampshire, please do not hesitate to contact us for more information.

Yours sincerely,

Hampshire Stalking Clinic