

Nelson McCausland
Chair of Performance Committee

Date: 15 December 2016

Ms Christine Darragh
Committee Clerk
Committee for Justice
Room 242
Parliament Buildings
Stormont
BELFAST

Dear Christine

COMMITTEE FOR JUSTICE REVIEW OF THE NEED FOR STALKING LEGISLATION IN NORTHERN IRELAND

Thank you for your letter to the Board's Chief Executive dated 22 November 2016 concerning the Justice Committee's review of the need for stalking legislation in Northern Ireland. The Board's Performance Committee discussed the Terms of Reference for this review at their recent meeting held on 8 December 2016. Members are cognisant of the debilitating and often very harmful impact that stalking can have upon victims. Members therefore support the decision of the Justice Committee to undertake a review into the need for specific stalking legislation in Northern Ireland.

Police recorded crime statistics reveal that in recent years there has been a significant upward trend in the level of harassment offences, from 234 harassment offences recorded by PSNI in 1998/99 to 2,759 in 2015/16. Of the 2,759 crimes, 981 (36%) had a domestic abuse motivation. The statistics also reveal that of 828 online crimes recorded by the PSNI in 2015/16, 316 (38%) of the offences were harassment. While the Committee is conscious that not all of these harassment offences will have involved 'stalking', and that not all stalking offences, if reported, will have been dealt with using harassment legislation, the statistics are striking as they illustrate two key factors that the Justice Committee will undoubtedly consider as part of its review:

- (i) The impact that the internet and social media has had upon the ability to stalk and the nature of stalking. The Protection from Harassment (NI) Order 1997, which is the main legislative tool currently used to deal with stalking, was drafted at a time when access to the internet was not commonplace and social media did not exist. A Women's Aid (England) report in 2014 entitled "Virtual World, Real Fear" recorded that in an online survey of 307 female survivors of domestic abuse:
 - 45% reported experiencing some form of abuse online during their relationship, including through social networking sites or over email.
 - 48% reported experiencing harassment or abuse online from their ex-partner once they'd left the relationship. 38% reported online stalking once they'd left the relationship.
 - 75% reported concerns that the police did not know how best to respond to online abuse or harassment. This includes 12% who had reported abuse to the police and had not been helped.

A tailor-made piece of legislation to specifically address stalking and the many forms it can take may therefore be more effective at bringing offenders to justice and protecting victims.

- (ii) The linkages between stalking and domestic abuse. We note that you are specifically seeking information on victims' experiences and will make arrangements to accommodate evidence from individual victims and their families who have been subjected to stalking. Given the linkages between stalking and domestic abuse, you may wish to speak to the Board's Human Rights Advisor, Alyson Kilpatrick BL. Alyson has previously carried out a human rights thematic review of the police response to domestic abuse on behalf of the Board, and domestic abuse is reported upon every year through the Board's Human Rights Annual Report. Organisations such as Women's Aid, Men's Aid, Victim Support Northern Ireland, the Rainbow Project, NSPCC, Focus and SAIL NI may be able to assist with gathering victim testimony as of course would PSNI.

If dedicated stalking legislation was to be enacted in Northern Ireland, guidance ought to be issued to police officers and prosecutors as to its application. Training ought to be rolled out across the Police Service to ensure that the legislation was understood and utilised to its full potential. It would also be useful if a mechanism was put in place to ensure that statistical evidence could be gathered and linked up at all stages of the criminal justice process in order to be able to track cases and assess the effectiveness of the new legislation. At present it would appear that offences (of any type) can be tracked by PSNI from first report to the point at which a case is shared with the PPS through Causeway. Thereafter any further tracking information in relation to the case must be obtained from the PPS while sentencing data is held by the Court Service. In practice this has presented difficulties when trying to obtain an overall picture in terms of how certain offence types are dealt with by the criminal justice system as only limited information is available, and what is available from the different organisations doesn't always marry up.

The Performance Committee looks forward to reading the final report from the Committee for Justice on this review when published.

Yours sincerely

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