

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

**PALADIN, NATIONAL STALKING ADVOCACY SERVICE SUBMISSION
LAURA RICHARDS, FOUNDER AND DIRECTOR OF PALADIN AND CATHERINE
SKINNER, CEO OF PALADIN
28/12/2016**

“Stalking is like a one man terror campaign. Like other forms of violence against women, for too long our parliaments, police and courts have remained silent about stalking. It’s time we end that silence: one way to do so is to recognize stalking as a crime and to enact specific anti stalking laws. It’s time we stop making excuses, and realize the terror and harm it can cause, not only from the psychological impact. And it’s time that good men and women everywhere speak out” Michael Kaufman, Co Founder, White Ribbon Campaign

Introduction

We would like to start by thanking the Northern Ireland Assembly Committee for Justice for instigating this evidence based review and, in particular, Paul Frew, Chairman, Brenda Hale MLA and Councillor Peter Martin DUP for their leadership and commitment to safeguarding victims of stalking and giving them a voice.

Stalking is insidious and terrifying when it happens and yet many do not understand it. Stalkers steal lives and take lives if their behaviour is allowed to escalate unchecked. It is for this reason that our founder, Laura Richards, spearheaded the stalking law reform inquiry and was specialist adviser to the Independent All Party Parliamentarian Stalking Law Reform Inquiry in 2012. The Inquiry heard from families whose daughters had been murdered included Tricia Bernal and John and Penny Clough, whose daughters Clare Bernal and Jane Clough were stalked and murdered, as well as from probation and police officers, the Victim Commissioner, Magistrates Association and specialist services. The Inquiry published their report in February 2012 and there was overwhelming and compelling evidence for a specific offence of stalking. Please read the full report here <http://paladinservice.co.uk/wp-content/uploads/2013/10/Stalking-Law-Reform-Findings-Report-2012.pdf>

The Victim’s Voice was the cornerstone of this campaign and as well as victim’s families and victims themselves giving evidence to the Inquiry, the Victims Voice Survey (2011) revealed

a deep dissatisfaction with the criminal justice professionals, secondary victimisation by the criminal justice system, a lack of confidence in the judicial process and the horrific long term nature of stalking behaviour. Stalking is life changing and it is frequently injurious to victims' psychological, physical and social functioning, irrespective of whether they are physically assaulted. Offenders engaging in stalking behaviour can follow a path that ultimately can lead to rape, serious harm and murder. Intervention and prevention opportunities are missed and too often people pay with their lives. Read the full report here <http://paladinservice.co.uk/wp-content/uploads/2013/06/Headlines-from-Victim-Survey-10-11-11.pdf>

The Prime Minister, David Cameron met with Laura Richards on March 7 2012 and following a private briefing about stalking he publicly announced that stalking would become a criminal offence in it's own right. On November 25 2012, two new offences of stalking were introduced, section 2A and Section 4A, into the Protection from Harassment Act 2012.

The Stalking Legislation

Having met with the Home Office lawyers, Laura highlighted that one offence of stalking would be required with a maximum of 10 years, as outlined in the All Party Parliamentary Report. However, due to the lawyers wish to amend the Protection from Harassment Act 1997, which ironically was implemented following a high profile stalking related attempted murder (*R v Burstow* - Anthony Burstow stalked Tracey Morgan and was stalking another female at the time, who escalated his behaviour towards culminating in him attempting to kill her, which he is still in prison for.) they were recommending that two new offences should be introduced which mirrored the lower and higher harassment offences in the Protection from Harassment Act. We presented evidence that only 2% of perpetrators were convicted for a section 4 offence of harassment since the Protection from Harassment Act 1997 had been introduced, due to the fact it was cheaper and quicker to dispose of cases through the magistrate court and despite our warning that the same would be repeated with a two tiered approach to stalking, a lower and higher test of stalking was introduced in 2012; Section 2A punishable by a maximum of six months in a magistrate court, and; Section 4a, punishable by 5 years in Crown Court. Sadly our concerns have been born out and we have been campaigning to increased the maximum sentences for stalkers from five to 10 years given light touch sentences that result in the most serious of cases.

In both stalking offences the points to prove are focused on the impact of stalking behaviour on the victim. This is key to proving the offences given that the very nature of stalking behaviour tends to be psychological and indirect rather than physical and indirect. Training is also important along with sentencing guidelines with the introduction of any new offence.

The Home Office Circular 018/2012 <http://paladinservice.co.uk/wp-content/uploads/2013/07/20121012stalkingcircular.pdf> was drafted with the help and advice from Laura to ensure police understand the offence and what evidence they need to collect to prove the offence. Victim personal statements are also important as is the victim keeping a diary with a time, date stamp.

Paladin was launched in July 2013 in the House of Lords due to the prevalence of victims of stalking coming forward and needing specialist advice and support. Paladin is currently funded for England and Wales. However, we have had referrals from Northern Ireland too. Since we launched we have advised and assisted in more than 2000 cases and advised even more professionals.

Stalking Facts and Figures

- *Stalking can happen to anyone and is a public safety risk.*
- *Stalking victims are rarely believed or taken seriously.*
- *Many victims lose friends and their support network as people do not want to get caught in the cross fire.*
- *Stalking is very isolating for a victim.*
- *Victims fight a war on two fronts – battle with the system and the stalker.*
- *Stalkers get what they want – a terrified and isolated victim who has no-one to turn to.*
- *Stalkers cause psychological and physical harm and can escalate to rape and murder.*
- *Stalkers steal lives and take lives*

Continuation to Murder

- *1 in 2 domestic stalkers, if they make a threat, will act on it.*
- *1 in 10 of stalkers, if they make a threat will act on it.*
- *76% of domestic violence victims have been stalked prior to their murder.*
- *89% of femicide victims who had been physically assaulted had also been stalked in the 12 months before their murder.*
- *54% of femicide victims reported stalking to the police before they were killed by their stalkers (McFarlane et al 1999).*
- *Domestic violence stalkers are much more likely to be violent. Domestic Homicide Reviews (DHRs) show that there are clear opportunities for early identification and intervention and prevention. Paladin changes and saves both lives and money.*

The Office for National Statistics (2013) estimated that 1 in 6 women and 1 in 12 men will experience stalking at some time in their lives. However, we at Paladin believe these figures

are grossly underestimated. The Crime Survey for England and Wales (2011/12) revealed that up to 700,000 women will be a victim of stalking, whilst the British Crime Survey of 2006 estimated that 5 million people experience stalking. There are no official figures on cyber stalking. We know that stalking is under reported and that many victims tell us about the barriers to reporting and that many people do not identify behaviour as stalking.

Most victims of stalking say they are:

- *Unsure as to whether the behaviour constitutes stalking.*
- *Not receiving adequate or appropriate support and advice when they are being stalked.*
- *Not given the right information about how to stay safe online and offline.*
- *Not prepared for the court system process and how to move on after safety is achieved.*
- *Not receiving the support they need and feel very isolated.*

Stalking also happens in other types of cases too and it is important to make the links across public protection. Predatory stalkers are also very dangerous and much more likely to have a sexual motivation and more likely to be violent too.

Our Cases

The majority of the cases that Paladin receives (over 70%) are female ex-intimate partner victims. We have through research and our casework that the point of separation is the most dangerous time for victims of domestic violence as the risk of serious harm or homicide significantly increases. It is common that a perpetrator becomes even more determined to assert power and control over their victim at a point where they face losing access to the victim. Lees (2000) found that women are at greatest risk of homicide at the point when they leave or after they have left the perpetrator. Humphreys and Thiara (2002) supported this with reports that 76% of women experienced violence from the perpetrator after leaving the relationship. Of those 41% received serious threats towards themselves or their children and 6% were subjected to sexual violence.

According to Stark (2007) stalking is the most dramatic form of tracking, and the most common behavioural component of coercive control next to assault. McKenzie et al (2009) found that ex-intimate partners are most likely to be violent; 1 in 2 will make a threat and act on it. Ex-intimate stalkers are more likely to act on threats which increases risk with this type of perpetrator and patterns of coercive behaviour are often present.

The impact on victims is often severe, particularly when the stalking has continued over a period of time. Victims describe feelings of being trapped and losing control of their lives. They are often unable to work, study, socialise or maintain personal relationships for fears of how contact with others may result in the stalker targeting them. Clients tell us of how they feel extremely isolated and cut off. Many experience multiple mental health problems such as severe depression, anxiety disorders and Post Traumatic Stress Disorder (PTSD). Where there has been a previous intimate relationship with the perpetrator, the victim is more likely to experience physical and/or sexual abuse. Many domestic services are not trained to identify stalking or support victims of stalking. This is exactly why a specialist service is required.

Stalking cases that continue beyond two weeks often extend into months and years and may include threats of violence (Mullen et al 2004). Most victims often report barriers that prevent them from getting justice. Sheridan (2005) found that victims often reported feeling they may be overreacting and worried they wouldn't be taken seriously. Many were unaware the behaviour was stalking and of the possible risks. Many subjects had a previous negative experience when they reported the stalking and described a lack of faith in the Criminal Justice System. Victims also report threats from the perpetrator or fear of repercussions and not wanting to make things worse. They were also unaware of useful strategies and interventions and fearful or embarrassed of social perceptions and judgements.

Sheridan (2005) found that 77% of victims suffer 100 incidents or more before they report to the police. Therefore, a pattern of behaviour is normally established prior to reporting to police and therefore the police should take complaints seriously, use the 11 questions risk screening tool (S-DASH <http://paladinservice.co.uk/advice-for-victims/>) which will help focus on risk as well as evidence collection to prove the offence.

Whilst the law has changed there is still a vast gap in knowledge, awareness and training around stalking. The nature of stalking and the actual risk versus the perceived levels of risk are often deeply misunderstood and in some cases this can reduce effective interventions that could prevent serious harm and homicide.

Sheridan and Davies (2001) found that domestic violence ex-intimate stalkers were the most dangerous of all stalkers. They have knowledge and access to victims, there is heightened danger at the point of separation, particularly where domestic violence has occurred. With this group 'finality' thinking is often a key concern and risk factor – when the perpetrator

believes they have 'nothing left to lose', it can have catastrophic consequences. Finality thinking is where the perpetrator makes a decision to end their life, the victim's life, their children's lives or all of the above. Homicide may be viewed by the perpetrator as the ultimate act of control so thoughts of ending it all and taking the victim with them may come at a point when the stalker feels they have no control or are out of options. This has to be taken into consideration working with this group. There is an urgent need to reduce risk, work with the police and the Criminal Justice System to secure prosecution and to carefully consider and monitor safety planning.

Mullen et al (2009) surmised "epidemiological studies indicate that stalking is a prevalent form of victimisation, with 8% of women and 2% of men to be conservatively estimated to experience stalking at some time." Whilst these figures are taken from a meta-analysis of studies from across the world, studies in the UK have shown higher figures of prevalence. In 1998 the British Crime Survey carried out the first British epidemiological study into stalking for England and Wales, following on from the introduction of the Protection from Harassment Act in 1997. The survey found that 12% of adults had been subjected to unwanted attention from another person since the age of 16. They found that lifetime rates were higher in women (16%) than men (7%). This survey also revealed that 16-19 year old women experienced the highest rates of unwanted attention at 17% and that 81% of perpetrators were male. Almost a third of participants (30%) reported threats of violence, 20% reported physical violence and third had experienced some form of sexual assault.

According to Coleman (2007) in the period they had surveyed over the previous 12 months, stalking was the most commonly experienced type of intimate violence with 9% of women and 7% of men having reported the crime. They also found that 23% of women reported having experienced stalking since they were 16. The most common types of stalking behaviour experienced were unwanted or threatening communications. 26% of women who had been the victim of domestic violence also reported experiencing stalking. Humphreys and Thiara (2002) carried out a study of 200 women who had experienced domestic violence. They found that of the women who had separated from the perpetrator, 76% continued to receive verbal and emotional abuse, 41% received serious threats towards themselves or their children, 23% experienced physical violence, 6% reported sexual violence and 36% said this violence was on-going.

The Home Office released figures in 2001 showing that 42% of all female homicide victims were killed by current or ex partners for the period 2001/02. In numerical terms that equated to 102 women in England and Wales which was an average of 2 per week. Walby

(2004) carried out an analysis of the public cost of treating the physical health of victims of domestic violence and estimated it to be over £1.2 billion per annum. No such analysis has yet been carried out on stalking. However, according to HM Treasury in 2014 the total cost of each murder in the UK is £1.8 million. In 2013 the Institute for Economics and Peace announced that violent crime costs the UK economy around £124 billion per annum which equates to 7% of GDP.

In 2013/14 Crown Prosecution Service figures reveal that 743 stalking offences were prosecuted, whereas 9,792 were prosecuted for harassment out of the 61,175 allegations recorded by police. Therefore only 1% of cases of stalking and 16% of cases of harassment recorded by the police resulted in a charge and prosecution by the CPS (Paladin, National Stalking Advocacy Service, 2015). In 2015 we undertook a review of our cases for the period 1st January 2013 – 31st December 2013, and found only 11% of stalkers received an immediate custodial sentence for Section 2a stalking and 9% for a Section 4a stalking offence. This is a major challenge and further underlines the need for professionals to be trained to an accredited standard by a specialist service, such as Paladin, to identify, risk assess and manage cases of stalking and that the stalking law is used. It also underlines the importance of a maximum sentence of 10 years and that sentencing guidelines are implemented for stalking.

Our cases further reveal that online and offline behaviours are used by stalkers and so it is somewhat of a misnomer to talk about cyber stalking as if it is an isolated act or behaviour. It is an old behaviour facilitated by new technology. The rise of social media, internet-dating and trolls can all be linked to cyber stalking. Online can inflict the same amount of psychological damage on a victim as other forms of stalking and needs to be taken seriously. More people than ever are using dating websites, but they are not regulated and many people do not consider the safety issues when accessing these sites. Many do not have report buttons and those that do, may not always take effective action to tackle abuse or concerning behavior.

Our cases involve digital and cyber stalking and so there is a clear link between online and offline behaviours. The more fixated a perpetrator is, the more likely they are to move from one online environment to another. Perpetrators can also be extremely resourceful and technology literate as a means to facilitate their behaviour. This can make a client feel their world is shutting down even further by closing off all forms of communication they may have with others and further reducing their sense of freedom. In 2015 Dr Emma Short carried out research into the impact of cyber stalking. She found that victims of cyber

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stalking experienced psychological effects comparable to PTSD, which also led to extreme feelings of isolation and guilt. She suggested both offline and cyber stalking victims suffer comparable high levels of psychological distress.

Our clients describe receiving high volumes of direct and indirect communication from the perpetrator. These may be phone calls, letters, graffiti, emails, texts, WhatsApp messages, Facebook and other social network sites. They are also likely to experience unwanted contacts when a perpetrator may loiter near the victim's home or place of work, spy on them, follow them, approach or confront the victim in private or public, enter the victim's home or workplace. Associated behaviours may include sending gifts or other items that are intended to intimidate such as dead animals or faeces, ordering or cancelling goods or services, making vexatious complaints, making threats, damaging property and being physically violent. A barrier for victims is often that agencies or authorities may view such behaviours in isolation to be unremarkable. However, the circumstance and repetition are linked to levels of threat and risk.

Many victims may lose their job, partners, friends and support networks. These types of loss will also have financial, social and psychological implications for victims that can become life changing and long standing if, for example, they are unable to find another job or become depressed about the end of a relationship. Many of our younger clients feel they are unable to think about ever having a family of their own as they would be unable to protect them. The physical, psychological and emotional effects of stalking include anxiety, depression, sleep disturbances, anger, frustration, distrust, eating disorders, PTSD, self-harm, alcohol and substance misuse. The effects, even if the stalking stops, can be extremely severe and long lasting. Clients may report feeling hypersensitive and hyper vigilant. They feel that they are always looking over their shoulder and living on adrenaline. There can be a huge impact on a victim's family, particularly if children or elderly parents are targeted. A victim may have several dependents who also experience threats of violence and abuse, which not only results in their own distress but immense frustration and anger from the victim.

50% of stalking victims reduce or stop work as a direct result of being stalked (Mullen et al 2006). Therefore it is important that businesses and services have a workplace policy and staff know what to do if someone is being targeted or in fact is the perpetrator targeting others. The victim and third parties may suffer from psychological or physical harm and are unable to attend work due to sick leave for short or extended periods of time. They report feeling too frightened to leave the house and if the stalker is a work colleague may not want to go back to work at all. Being unable to concentrate at work, having trouble catching up after taking time off and tension in the workplace where the victim feels they are to blame,

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or are actually blamed, by colleagues are all devastating effects that can significantly impact on the victim.

Pathe and Mullen (1997) carried out a survey into the distress and disruption cause to victims as a result of being stalked. All participants reported changes to their lifestyles and many experienced a “profound deterioration in functioning”. Kamphius and Emmelkamp (2001) surveyed stalking victims who had contacted the Dutch Anti-Stalking Foundation. Nearly all participants (97%) reported feeling fearful as a direct consequence of harassment whilst 88% felt their personal safety was at risk. 25% stopped work or study and over 50% avoided leaving the house. Purcell et al (2002, 2005b) found that victims were more likely to increase their home security, move house, socialise less, drink more alcohol and be more likely to take time off work. Victims of stalking were also more likely than victims of harassment to experience suicidal ideation.

Many of our clients feel very frustrated by their experiences with other agencies and with the police as they are often still faced with misconceptions about stalking from professionals. Many frontline agencies are not trained on the risks and traumas associated with stalking, so many victims feel that they have nowhere to turn again and again. Clients reported that progress being made with the police was slow and Paladin’s involvement actually helped to move actions by the police along.

The stalking offences introduced in England and Wales in 2012 have been a significant step forward to tackling with stalking, which has led to increased awareness, more victims of stalking coming forward and the formation of a pioneering and specialist service to co-ordinate the multi-agency response to better protect victims of stalking. This means far more victims are receiving the appropriate support, advice and help than ever before. This is a key part of significant change when changing laws to better protect victims.

Paladin continues to lobby and campaign on behalf of victims and would very much welcome a new offence of stalking and coercive control in Northern Ireland, having made the case for change in 2011/12 when visiting Stormont and delivering training with Probation, Police and other specialist services over the years. It is very frustrating to hear the police say that their hands are tied and they cannot do anything until the stalker physically acts of harms the victim. This is unacceptable and the legislative framework needs to catch up to enable professionals to better protect victims and also intervene far earlier to prevent psychosocial harm and damage to the stalker.

Paladin spearheaded the domestic violence law reform campaign, which successfully resulted in the introduction of the new offence of coercive control in December 2015. Again

we know from working with victims that the psychological abuse leaves a lasting and damaging impact and it makes no sense to wait for the behaviour to escalate to physical abuse on separation and stalking and then for it to be categorised as a crime. Laura, on behalf of Paladin advised the Home Office on the draft legislation, guidance and ran the first training sessions in the UK on the new law. We produced overwhelming and compelling evidence for change and would be happy to submit the report we submitted to the Home Office, if that would be helpful.

The introduction of the Coercive Control Law, Revenge Porn and the new Stalking Protection Orders are all significant steps in the right direction. However, there is still much more to do. We have been campaigning for a register for serial stalkers and domestic violence perpetrators (ViSOR and MAPPA to be used) and for new protection orders, to be tracked, managed and supervised just as sex offenders are. This triggered a consultation into new orders and in December 2016 the Home Office announced new Stalking Protection orders, which we welcome. They will provide an early intervention tool to police. However, we are concerned that they will become a 'go-to tool', like Police Information Notices (formerly known as Harassment warnings) and given that we know victims will suffer 100 times before they report to police, and the fact that 42% of those convicted and subjected to an order went on to re-offend (Paladin 2015), we know the stalking law should be used. We know a piece of paper on it's own will not protect a victim and protective orders only work for those who adhere to the rules and unfortunately the majority of stalkers sadly do not.

There is a clear need for positive obligations to be placed on the perpetrator and for them to be managed using the existing public protection arrangements already in place – ViSOR and MAPPA or PPANI. More effective clinical interventions and the serial perpetrator's register that track perpetrators are also crucial areas of perpetrator management along with extending sentences to allow judges greater flexibility to protect victims in the worst cases, ensure that the punishment fits the crime and increase public confidence in justice.

Case Study 1 from Northern Ireland

The victim, Charlotte (pseudonym) was triaged and assessed by one of the Paladin specialist university accredited Independent Stalking Advocacy Caseworker (ISACs) as high risk on referral to the service. The stalking behaviour had been ongoing over a period of two years at the first point of contact and the victim was frightened. Charlotte had previously been in a relationship with the perpetrator and separated after three months. The stalking began the following month. He was controlling during the relationship but at the time she had no

serious concerns about his behaviour. The case was assessed as high risk due to a high volume of incidents, the nature of the behaviour i.e. following, loitering, vandalism, graffiti, stalking various members of her family and an escalation in behaviour where he became bolder in his attempts to get closer to her as well as geographic proximity and knowing where she lived.

Charlotte was fearful that he would escalate his behaviour and harm her and/or members of her family. The PSNI dealt with each behaviour as isolated incidents despite the fact that Charlotte had reported all incidents to the police. Eventually a community police officer intervened as she was concerned about possible escalation and the case was referred to Paladin. Charlotte was forced to make significant changes to her lifestyle in order to try to improve her safety, as there was little the police could do. Paladin worked closely with PSNI on problem solving the case and on the risk management plan to close down the perpetrator's space and behaviour. We recommended covert surveillance of the perpetrator at key times in order to prove his fixation, risk and a pattern of behaviour that would indicate stalking.

The perpetrator was arrested at night hiding in her back garden. Officers commented on how 'creepy' his behaviour was. A harassment charge was brought, due to the fact there was/is no offence of stalking, which does not convey his fixation, risk or need for diagnosis and possible treatment. As a result the perpetrator was sentenced to a three year probation order. A protective order was also put in place to protect the client and another member of her family, however, he still continues to live in the same city. This is not a satisfactory outcome and he still remains a risk and Charlotte continues to look over her shoulder.



Baroness Royall of Blaisdon
House of Lords
London
SW1A 0PW

5 January 2017

Dear Janet,

POLICING AND CRIME BILL: MAXIMUM PENALTY FOR STALKING OFFENCES

Ahead of Commons consideration of the Lords amendments to the Policing and Crime Bill on 10 January, the Government has been reflecting on the debate at Lords Report stage on what is now Lords amendment 134 (and the associated Lords amendment 305) which would increase the maximum penalty for the offence of stalking involving fear of violence or serious alarm or distress (in section 4A of the Protection from Harassment Act 1997) from five to 10 years' imprisonment.

You will recall that in the debate on 12 December, I recognised the strength of feeling about this issue and the harm that can be caused by the most serious stalking cases. Indeed, as recently as 7 December the Government reaffirmed its determination to protect victims of this appalling crime and to stop perpetrators at the earliest opportunity by announcing our intention to legislate for stalking protection orders. Given the seriousness of the section 4A offence and the devastating impact it can have on victims, we accept the force of the case that has been put forward by Peers and MPs on both sides and, accordingly, the Government agrees that the maximum penalty for the section 4A offence should be raised to 10 years' imprisonment. Indeed, we believe that the maximum sentence for the related harassment offence in section 4 of the 1997 Act of putting a person in fear of violence should also be increased from five to 10 years' imprisonment. Although the section 4 and 4A offences capture different conduct and each case needs to be considered on its own facts and its own merits, cases frequently involve elements of both harassment and stalking and introducing a very substantially different maximum penalty for stalking risks unintended consequences.

The Government has today tabled the attached amendments in lieu of Lords amendments 134 and 305 to give effect to these changes. In addition, the amendments increase the maximum sentence for the racially or religiously aggravated version of the section 4 and 4A offence from seven to 14 years' imprisonment and, in the normal way, provide that the increase in penalties only applies to offences committed on or after the date of commencement.

I hope you will agree that this is a satisfactory outcome and that you will support the Government amendments in lieu – if agreed by the Commons - when the Bill returns to the Lords.

As with your amendment 134, the Government amendment in lieu will apply to England and Wales only. In the Government's view, it would be within the legislative competence of the Scottish Parliament or Northern Ireland Assembly to make corresponding provision and, as such, the motion in respect of the Government amendment would be certifiable under Standing Order 830(2) of the Standing Orders of the House of Commons relating to public business.

I am copying this letter to Lord Rosser, Lord Paddick, Lord Hope of Craighead, Viscount Hailsham, Diane Abbott, Lyn Brown and Joanna Cherry and placing a copy in the libraries of both Houses.

A handwritten signature in black ink, appearing to read 'Susan', is centered on the page. The signature is written in a cursive, flowing style.

Baroness Williams of Trafford



Stalking and Sentencing. Briefing for Baroness Jan Royall

Two years on from the stalking law being implemented Paladin has seen that too few cases result in a stalking charge. Those that are charged are more likely to be harassment, Section 2a stalking or something much lesser and light touch sentences result.

There is a lack of investment in specialist led training for Judges, Magistrates and court officials including the Crown Prosecution Service. Magistrates are still bailing dangerous stalkers despite police/CPS/Paladin advice. This highlights a serious training need and victims pay with their lives. Of equal concern is that there are still no sentencing guidelines for stalking. The last update for harassment occurred in 2008, which noticeably pre-dates the introduction of stalking legislation. This in turn has had a serious and detrimental impact on outcomes at court.

Since the launch of Paladin in 2013 we have advised on more than 800 cases. Not all cases receive full advocacy by the service; some receive advice for example. We have analysed 100 cases which reveals that many cases are charged as a much lower offence than stalking. When charged as stalking the section 2a is used rather than 4a, which we advise if it is stalking. A snapshot of 18 cases where perpetrators were charged with a section 2a stalking offence reveals:

- six defendants received a custodial sentence, in many cases weeks rather than months.
- five community orders,
- four suspended sentences, and;
- three did not receive a sentence.

In our case work we have only seen four Section 4a charges result. Oftentimes when the police arrest for a Section 4a stalking offence, the CPS tend to drop it to a section 2a or much lesser charge which means that the stalking behaviour is hidden. This means the more serious charge for a 4a stalking offence, heard in Crown court with a maximum of five years, rarely results and the lack of understanding of stalking can be seen in the dismal number of sentences handed out to stalking perpetrators as detailed in Parliamentary Question 211535¹ **Between 2012-13 only 35 perpetrators received immediate custody for section 2a charges and 14 received immediate custody Section 4a charges.** Given that stalking is about fixation and obsession stalkers cannot be treated when the behaviour is masked or when light sentences occur.

Paladin have seen many cases charged with a breach of a restraining order or non-molestation order rather than *in addition* to stalking, which is good practice. Of 17 cases charged with a breach rather than stalking, 47% went on to re-offend. This again illustrates the need for stalking to be charged in addition to other charges to highlight the fixated and obsessive behaviour, ensure longer sentences for assessment and treatment, as well as for the need for the register for serial stalkers.

Sentencing is still not being treated as seriously as it deserves to be. There are still too many lenient outcomes and the conviction rate is still too low. The consequence is that the fixated behaviour continues and more victims accrue. This is costly in terms of victim's lives and financially with the continuing costs being counted due to 'revolving door' criminal justice system approach.

In summary

Many stalkers are serial and Paladin believes that they should be included on the Violent and Sex Offenders Register (ViSOR) and managed through Multi-agency Public Protection Arrangement (MAPPA). Stalking is about fixation and obsession and stalkers must be identified, treated and managed, just like sex offenders. Whilst it is acknowledged that not all stalkers have psychiatric or

¹ <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-questions-answers/?page=1&max=20&questiontype=AllQuestions&house=commons%2clouds&keywords=stalking>

psychological problems, it is rare that there is an absence completely. It is important that they are treated and managed effectively and mandatory psychiatric assessment is required. Unduly lenient sentencing does not allow for treatment provision. However, there are currently no treatment programmes available for stalkers and 'Building Better Relationships' or group settings are not appropriate for stalkers.

Paladin has written to the Independent Sentencing Council chaired by Lord Justice Treacy and sent a letter to the Justice Minister on this matter. It is still not being seen as a matter of priority. Stalkers steal lives and take lives and many fail to understand this, despite the new legislation.

Clear guidance and sentencing guidelines are required sat alongside training for Judges, Magistrates and court officials, including the CPS as a matter of urgency.

Cases Examples

Case 1

The defendant had a history of stalking which had previously been dealt with by way of a community order. This next stalking case was charged as a section 2a stalking. The Magistrate said: 'These offences are so serious that the custody threshold has been passed. The only question is whether I suspend or not. I am prepared to suspend it but let me make it very clear, the primary concern is that I have to protect the victim from this behaviour..I do hope that with good work of the Probation Service and Building Better Relationship Programme that this behaviour can be addressed and not repeated...Your behaviour is unacceptable'. **She handed him an 8 week sentence, suspended for 18 months.**

Case 2

The defendant admitted the charge of stalking. He bought a tracker and put it on his ex-partner's car, sent her many abusive messages across six weeks and let her tyres down. The victim was terrified. District Judge David Noble said his behaviour "went beyond" typical harassment. Addressing the defendant, the judge said: "What you've done in terms of the tracking device is very serious. You went beyond what can normally be described as harassment."

The Judge handed him a three-year restraining order at North Staffordshire Justice Centre. He was also given a 12 week sentence, suspended for 12 months, with supervision and 80 hours unpaid work.

Lee Yates, mitigating, said: "This is a difficult and unusual case. It's a serious charge but he did plead guilty at the very first opportunity. He's a hardworking gentleman but there are financial difficulties."

Case 3

The defendant had a history of stalking and had spent two separate times in prison for breaching restraining orders. The victim was terrified. There was along history of stalking behaviour and a threat to assault the victim and get hold of a gun to shoot the victim.

He was found guilty of stalking. **The Presiding magistrate Robin Howe sentenced Green to 15 weeks in prison, suspended for two years, with an indefinite restraining order not to contact the couple or go to their address. He was ordered to pay costs of £200 and a victim surcharge of £80.**

Case Study 4

Elizabeth was subjected to a year-long campaign of violence, harassment and stalking from her former partner. He stabbed her, scratched her tongue until it bled, slapped her and struck her with a weight. He also stabbed her with a pair of scissors. Elizabeth was completely let down by the judicial process.

Elizabeth was kicked and punched and had her confidence totally destroyed. Her injuries were discovered by doctors when she attended hospital for a pregnancy check-up. The man admitted a section 39 assault by battery after he became enraged that a male doctor was treating his partner instead of a woman.

He would monitor Elizabeth's movements on his mobile phone, stopped her from attending college and made her cover up. He would constantly accuse her of cheating and claimed there were spies in the loft of their home.

He attended Magistrates court, which is the only place the section 39 can be heard and **was jailed for 16 weeks**. He will be released after serving just eight weeks of his sentence without any treatment. He was also given a restraining order and told to stay away from Elizabeth. The prosecution said the following on this case: "The defendant is not interested in showing any remorse in any way shape or form with regards to the hell he has put the victim through over the last 12 months. It is not often that I am lost for words. His actions have affected quite a number of people and I would say that quite a number of lives have also been destroyed".

Case Study 5

Jonathan, aged 35, had a tracker fitted to his car by an ex-girlfriend in a year-long campaign of harassment and stalking after they split up. She would keep turning up wherever he was to cause him bother and he was confused as to how she always found him. He checked the underside of his car and found a tracking device attached to it. Police were able to work through bank details to prove that the perpetrator had bought the tracker. Furthermore, Jonathan's ex-partner and his daughter were also stalked. She sent messages to Jonathan's ex-partner detailing her address, when she had been out and told her that she was watching her. This was extremely frightening for him and his ex-partner.

She was convicted of two counts of 'harassment' and two counts of stalking. **The perpetrator was sentenced to 26 weeks in jail which has been suspended for 12 months. A restraining order was also issued against all three victims (Jonathan, his ex-partner and daughter). She was also ordered to pay them all compensation and to complete 22 hours of unpaid work.**

Jonathan feels trapped and is still checking his car to make sure no more devices are attached.

Case Study 6

Gemma received threats to burn her house down and threats to kill from her ex-partner. He would also follow her home from work and rifle through her drawers to look for evidence of her having a new boyfriend. He aimed a punch at her but fortunately didn't make contact. Then he pushed her with both hands to the chest. But despite his campaign of intimidation against her, he was spared prison after Gemma asked the Judge to be lenient.

The perpetrator admitted burglary, assault by beating and stalking with fear or violence. **Despite this, he was given an 18 month community order and instructions to complete a domestic abuse perpetrator programme.** The judge said that he would benefit more from rehabilitation.

Case Study 7

Pauline was accused by her ex-partner of being a lesbian and misspelt the word "cheating" in graffiti he sprayed on a wall near his home. He was tracked down and arrested for stalking because of his bad spelling.

He admitted stalking of both Pauline and her friend, Julie, **but was spared prison after saying that he would be sacked if he was jailed.** Three times prior to the case being heard, he breached the restraining order issued by the court. Pauline said in her victim personal statement that she lives in fear of this man and believes that one day he will come after her.

The judge ordered the perpetrator to do **150 hours community work** and said he hoped three nights spent in prison on remand would 'give him time to reflect'. He had made threats to kill Pauline a number of years before which is why a Restraining Order was put in place. She seriously believes that it is only a matter of time before she is seriously harmed. He was controlling when they were married and six years later, she still feels that he is still controlling her. She cannot live her life the way she wants to. The Judge in this case said "You made life hell for your ex-partner and the person she entered in to a relationship with after it came to an end."

The perpetrator's Solicitor said "After over 20 years together, it has taken him a considerable time to appreciate that he and his ex-partner are finished. He knows he has caused stress to his family with this dreadfully immature and disturbing behaviour but he continues to support them financially."

Case Study 8

Rachel, aged 40, has been the subject of a long term campaign of stalking. The stalker breached a court order banning him from contacting Rachel just hours after it was made. The Magistrates Court heard how he turned up at her address and work place demanding she hand over cash.

He admitted stalking involving serious alarm or distress. **He was given an 18 week suspended prison sentence and ordered to stay away from Rachel,** but the next day he showed up at her place of work and was re-arrested. He told police "She better not live in that house when I get out, I mean it."

His defence team stated that he was desperate and pleading for help. They said that he did not threaten her when she refused to give him money. **The judge ordered the man to serve 18 weeks for each breach of the restraining order.**

Case Study 9

Nadia and her former husband re-mortgaged their home to help a family friend pay off his debts. The couple stopped contact with him when he failed to make these repayments. Shortly after, he began stalking Nadia who was then living alone with her children. **He received several police warnings (Police Information Notices)** and was eventually arrested when he left a mobile phone containing sexual material and video footage of him in a phone box outside her home.

The Crown Court heard that the man had become obsessed with her. His campaign of 'harassment' included hiding in bushes, watching her, sending anonymous cards and texting her son's phone up to fifty times a day. **He was given a 12 month community order and restraining order at Magistrates Court** but breached the order within weeks. He was then caught lurking in Nadia's garden and also tried to contact her through Facebook.

He was jailed at Crown Court for 16 months for one count of stalking and two breaches of his restraining orders. He will be released automatically after serving just 8 months of his sentence. The prosecution in this case said "[the perpetrator's] campaign of harassment included hiding in bushes and watching his victim. He would send anonymous cards and text her son's phone up to fifty times a day."

Case Study 10

Jayne, aged 22, was targeted by her neighbour. He would hide in bushes and shine laser torches through her window. He would often throw things at her window and on a number of occasions; he jumped out in front of her moving car. He would follow her day and night, screaming and shouting at her until she went into her home.

The impact was so great that Jayne got to a stage where she couldn't even leave her home by herself. The effect was life-changing. Jayne alerted police who spoke to him but he didn't stop his stalking behaviours. A few months later, **he received a caution from the police** and there was a three month cessation. However, he started again by following her. Jayne would arrive home from work to find him screaming at her.

He was remanded in custody for stalking and harassment and pleaded guilty at Magistrates court to stalking involving 'serious alarm or distress' (Section 4a).

He attended Crown Court where he received a 9 month prison term which was suspended for 12 months and ordered to do 100 hours of unpaid work. Furthermore, he was given a restraining order not to contact his victim for five years. However, he was allowed to return to his home address which is next door to Jayne.

Case Study 11

Chloe was out with her friends in her local pub and saw a male in his 30s sitting on his own. The group felt sorry for him and invited him to join them. He asked Chloe out and she politely declined. Then he started appearing in the local area. He would walk past her home and loiter nearby for up to ten minutes. He then began to post sexually explicit comments on Facebook and Twitter along with abusive messages.

He implied that he wanted to take her virginity. She told him that she didn't want to see him again but then he posted love songs. He sent numerous birthday, Christmas and Valentines cards to her. Furthermore, he had her name tattooed across his chest along with the names of her friends who had also been in the pub. He accessed websites and posted lewd comments about her. He joined her Church. He had previously been given a caution for harassment of another female.

The impact on Chloe and her family was devastating. Chloe couldn't sleep and his behaviour had seen her go from a bright bubbly young woman to an insecure and fearful state.

A Police Information Notice, wrongly referred to as a 'harassment warning', was served on him but he took no notice and continued his stalking behaviour. **He was then put before the Magistrate's court, where he was jailed for 18 weeks and given an indefinite restraining order.** On release from prison, he boasted on Twitter about his "extended break in prison". Chloe was terrified when she came face-to-face with him on the street despite never being formally informed that he had been released. **After this breach, he was given a further 28 days in prison.**

A year later, after repeated breaches of the restraining order, he pleaded guilty. **He was jailed for a further 4 months.** The judge summing up the case said "I have a victim impact statement that indicates the significant effect your conduct in harassing Chloe has had. It has affected her health significantly. She has had to undergo counselling and has lost time at work. Your actions have had a devastating effect on her."

Case Study 12

Caroline met a man on an on-line dating website and they were together for four months. During their short relationship he was jealous, controlling and emotionally abusive. He booked a holiday for them without her knowledge and tried to convince her to go with him even though they had split up. He sent over 60 emails and texts and also deposited money into her account to ensure she would contact him.

Furthermore, he would turn up at her place of work, she was a probation officer, and only leave when her colleagues threatened to call the police. Caroline felt suicidal due to his behaviour and that there was no escape from it. He had previously been jailed for three months after attacking and stalking an ex-partner. **He went to Magistrates court where the judge gave him a ten week suspended prison sentence, restraining order and he was ordered to pay his victim compensation.**

The Judge said "This is exactly the kind of behaviour that this law was designed to combat. I have been made aware of the profound effect that this behaviour has had on the victim's life."

Case Study 13

Harpreet, aged 21, and had been bombarded with text messages, emails and explicit photos. She blocked the perpetrator on her Facebook account but he continued stalking her, hacking into her family's email account and getting a mobile number for a friend.

He then pretended to be a woman and sent sexually explicit messages on Harpreet's behalf to her friend. **He was prosecuted under stalking legislation and he admitted four charges of stalking when he appeared at Crown Court.**

The Judge sentenced him to eight months in prison and banned him from contacting the victim for five years. He will be released back into the community after just four months. His lawyer, in mitigation, said that he had "an unhealthy obsession which manifested itself and extended itself to others."

Case Study 14

Claire was subjected to a stalking campaign from her ex-partner who would not accept that the relationship was over. He sent over 600 texts, emails and calls to her in just 24 hours. He also threatened to kill her.

The case was heard at Crown Court where **he was sentenced to eight months in prison** after being found guilty of 'harassment'. **He has been given an indefinite restraining order from contacting Claire or going near her home.**

She doesn't feel that the sentence is long enough after the emotional strain it has had on her and she lives in fear for when he is released.

Case Study 15

Phoebe has been stalked by her former partner. They had been in a relationship a number of years ago and met by chance in a shop. They went on a few dates but Phoebe said she did not want to see him anymore and asked him not to contact her. He then would turn up at her workplace where she kept her animals and she would receive packages containing letters and self-help books from the stalker.

A PIN was given to him but Phoebe went home the next day to find that her gardening had been tended to. Two days later she found him outside in her garden again. He was arrested.

He denied stalking but was convicted after a trial. **He was given a 6 month community order and 26 week electronic curfew and made the subject of an indefinite restraining order.** He also had to pay costs and a victim surcharge. Phoebe feels paranoid and frightened and has changed her phone number.

One good outcome

Case 16

Ritchie Fox relentlessly stalked and threatened his ex-girlfriend. He was charged with two counts of Section 4a stalking and perverting the course of justice. He received a six and a half year sentence. The CPS prosecutor called Paladin to update us on the result. The CPS Prosecutor has been trained by Paladin and attributed the success of the case to this training. She commends all prosecutors are trained to the same standard.



Stalking: Serial stalkers and domestic violence offenders to be included on ViSOR. Briefing for Baroness Nye

Zoe Dronfield is one of the so-called 'lucky' ones. She survived a brutal attack by a serial stalker. She was victim number 13, and victim number 12 who was a police officer, said he would kill someone one day. Yet the police did not tell Zoe about his history - they did not check and it was not on one database - and more so there is no obligation to risk manage his behaviour and join up the dots. We want to change this through the register - including them on the Violent and Sexual Offenders register (ViSOR) to ensure they are proactively managed, tracked and supervised, just like sex offenders.

Hollie Gazzard was not so lucky. She was stalked and murdered by a serial stalker. Jane Clough was stalked and murdered by a serial stalker – and sadly this is too often the case. John Clough is campaigning with Zoe Dronfield, Laura Richards and Paladin for serial stalkers and domestic violence offenders to be included on ViSOR and they have launched a petition which has amassed more than 127, 000 signatures.

HMIC (2014) inspected and reported on the police response to domestic violence found that despite our knowledge, research base and understanding increasing about domestic violence and stalking, there was very little evidence across police services of proactive targeting and risk management of these perpetrators, which is very concerning

Laura Richards from Paladin published a briefing in 2015 about Paladin's experience of serial stalkers – many of their cases involve serial stalkers which is why the register /ViSOR is needed and that they should be proactively tracked managed and supervised by the MAPPS.

Findings from the domestic homicide reviews reveal that many domestic violence and stalking perpetrators are serial, moving from one abusive relationship to another (Richards 2004) and such offenders have often used or threatened violence towards two or more unconnected victims (ACPO 2009). Police research shows that out of 356 perpetrators who re-offend, 18% did so against a different partner (Hester and Westmarland 2007). This means that more and more primary, secondary (children) and tertiary (future) victims accumulate and the cost is counted in both lives

destroyed and damages and financial costs. This also places a huge financial burden on services and the Criminal Justice System.

The research paper entitled 'Getting Away with it" published by Richards (2004) in the Metropolitan police revealed that many domestic violence perpetrators were serial and recommended that serial stalkers and domestic abuse offenders are included on ViSOR and managed via MAPPA. ACPO now the National Police Chief Council - as violence adviser made the same recommendation for the register and NPCC lead Garry Shewan for stalking also supports the register.

There are around 25,000 serial domestic violence offenders who have used or threatened violence towards two or more unconnected victims (ACPO, 2009). The most dangerous of these would be obliged to register.

The estimated cost of creating and registering 20% of offenders would be around £1.4m over the first 3 years, but this would be easily offset by reducing the number of future victims and saving lives. Preventing one murder would save £1.54 million. These proposals would achieve 'break-even' between the cost of establishing a system to track serial stalkers and savings if they prevent victimisation.

The Minster will no doubt say that Police National Computer/Database covers this - but it does not.

It is not about fragmenting data it is about using the specialist databases that already exist in public protection and therefore the need to expand ViSOR and MAPPA to include serial stalkers. This is the specialist database/register for violent and sex offenders - only they do not include stalkers currently. We want it to include serial stalkers. It allows for more specific and specialist information, case management and tracking of offenders as well as a full case history. It is accessible to those who work in public protection and it allows for specialist public protection work, cases and intelligence to be joined up and the framework already exists in the form of MAPPA.

Alongside ViSOR and MAPPA being expanded to include serial stalkers we have been campaigning for want to see new orders introduced that place a positive obligation on the stalker to take responsibility and change their behaviour. The Government consulted on this and the consultation closed in February and we have yet to hear anything further. The orders are specifically for stalkers and would work well with the register - and it mirrors current practice with sex offenders. Other orders will not work - these may prove effective if fashioned the same as orders for sex offenders. For more information on our briefings:
<http://paladinservice.co.uk/serial-perpetrator-register-and-order/>

Laura Richards

Founder and Director of Paladin National Stalking Advocacy Service

November 21 2016



Stalking: Increase the sentences for stalkers. Briefing for Baroness Royall

One in five women and one in ten men will experience stalking in their lifetime according to Home Office statistics. Richards (2003) report in the Metropolitan Police Service found more than 40% of the victims of domestic homicide had been stalked.

Stalking became a criminal offence on four years ago in 2012 following the successful All Party Parliamentary Stalking Law Reform campaign. The Prime Minister agreed that stalking is a “dreadful crime”.

It is important that the punishment fits the crime and that stalkers receive robust assessment and sentences. We know through Paladin’s work that:

1. Stalking destroys lives. Yet the maximum sentence is 5 years, which is less than what you would get for theft. The punishment should fit the crime.
2. Stalkers can be dangerous and can escalate their behaviour to serious and fatal violence, which is sadly what has happened in many cases including Clare Bernal, Rana Farruqui, Natalie Esack Jane Clough and Hollie Gazzard.
3. Stalking is about fixation and obsession. It is clear when people fixate and stalk that they are psychologically unstable, a significant minority are psychotic and some may suffer from undiagnosed personality disorders.
4. Currently stalkers do not get routinely assessed and once they come into contact with the criminal justice system. If they are not assessed they will continue their behaviour, which is detrimental and costly to those that they stalk as well as to themselves
5. Stalkers need to be assessed and more robust sentences would allow for a robust mental health assessment, which informs diagnosis, treatment and management.
6. It was always the intention for it to be 10 years. However, due to the two tiers in the Protection from Harassment Act, and stalking offences inserted into the Harassment Act the higher test mirrored section 4 harassment and became 5 years by default.

7. Paladin produced a report last year highlighting that light touch sentences result and only 11% of stalkers received an immediate custodial sentence for a section 2a and 9% for a section 4a.

8. Paladin's Ambassador Dr Eleanor Aston was stalked for eight years by former patient Raymond Knight. In March 2015 he was sentenced to five years imprisonment. The Judge stated that he would have sentenced him to longer in prison if he could, as he realised Knight was a serious risk to Dr Aston.

9. So began the joint campaign to review the current legislation on stalking as it is disproportionate that an individual can serve a longer sentence for theft, a non violent crime, than for stalking, and stalking can cause so much more long term damage across an entire family.

10. Paladin's research shows that victims feel unsafe due to short sentences. Judges require greater flexibility in sentencing to allow the sentence to fit the crime, whilst protecting victims.

We believe there is a strong case for increasing the maximum sentence for offences against Section 4a of the Protection from Harassment Act 1997. It will save both lives and money. To support the extension of the maximum sentence for stalking offences would be to learn from tragedies of the past and ensure that the terrible losses families and victims have suffered has not been ignored; further that stalkers get the message that serious harm is met with a commensurate sentence.

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December 2 2016

Stalking: the case for increasing sentencing. Supplementary Briefing for Baroness Jan Royall

Four years on from the stalking law being implemented Paladin, National Stalking Advocacy Service has seen that few cases result in a stalking charge, and yet when they do sentencing does not reflect the serious nature of the crime. This was highlighted as a cause of the concern when meeting the Home Office lawyers to discuss the drafting of the stalking legislation in 2012 given the proposed maximum sentence of five years. Training is important, so too are sentencing guidelines and the maximum penalty should reflect the serious impact that this psychological crime has on the victim.

Paladin has continuously raised the issue of sentencing guidelines (or lack thereof) numerous times in Parliament, as well as putting our case to Lord Treacy and the Sentencing Council. In December 2015 our founder and then Chief Executive, Laura Richards, received a written update that they would finally be drafted, which was great news. We have been working with the Sentencing Council subsequently and have continued to campaign for the maximum sentence for stalking to be 10 years, as advised by the All Party Stalking Law Reform Committee and specialist adviser to the Inquiry, Laura Richards.

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Sentencing guidelines and an increase to the maximum sentence for stalking as well as training are urgently needed. Stalkers do not just wake up one day and start stalking someone. Stalking is a long-term pattern of behaviour. It is persistent, intrusive and engenders fear, alarm or distress. It results in long-term psychological harm and can escalate to violence and murder. Stalking is about fixation and obsession. Whilst it is acknowledged that not all stalkers have psychiatric or psychological problems, it is rare that there is an absence completely. It is important that they are treated and managed effectively and mandatory psychiatric assessment is required. Unduly lenient sentencing does not allow for treatment provision.

Victims continue to live in fear and are terrorised and terrified when the stalker comes out, as it is clear short sentences do not allow for any form of diagnosis, treatment or any management and so the behaviour continues in a revolving door fashion. This is costly to victims and to the Criminal Justice System.

Given the psychological aspect involved in this crime, it should come as no surprise that Paladin's research reveals that many stalkers are serial, which is why new orders and a register (ViSOR and MAPPA) for serial stalkers are required to track and manage them, just like sex offenders. However, any protective order on it's own is just a piece of paper and will not protect the victim. We know well that orders work for those who will play by the rules – unfortunately the majority of stalkers do not. In fact, more often we see multiple breaches for orders with no sanction and high offending rates. In Paladin's analysis of stalking cases, 36% of perpetrators had a pervious

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conviction for harassment and 55% re-offended. Therefore we see high recidivism rates amongst stalkers and no doubt this figure is much higher in reality.

The new protective orders are a tool to help the police intervene earlier and should not be used when there is an established pattern of stalking behaviour. If there is an established pattern of behaviour, most victims suffer 100 incidents before they report to the police, then the offence of stalking – a Section 4a should be used.

It is important to highlight that stalking occurs over an extended period of time, and often offenders are only prosecuted for breaching restraining orders. The maximum sentence for criminal damage, burglary and offence against property is ten years. These crimes are acute and 'one-offs'. Allowing judges greater flexibility on sentences will also acknowledge the repetitive nature of stalking, which can span multiple years, offences and breaches.

Some victims have felt so helpless due to the long term, insidious and persistent nature of this crime, as seen in Helen Pearson's case who was almost killed by Joe Willis, that she attempted suicide twice. The escalation to murder should also be clearly understood. These cases are called 'murders in slow motion' for a reason and we have an opportunity to intervene earlier and prevent it. It is one of the few crimes where early intervention can prevent serious psychological damage violence and murder – and yet the sentence is much less. How can this be right?

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Too often victims pay with their lives including Anne Marie Birch, Hollie Gazzard, Jane Clough and we say we will learn the lessons – but little changes. Other victims may survive but suffer severe post-traumatic stress disorder as a consequence of stalking and a lack of robust intervention and feel they cannot ever go back to the person they once were or live a normal life ever again.

Extending the sentence will allow for stalkers to be psychologically assessed and treated and help victims who undergo the process of prosecuting their stalker and allow them to regain the trust of the criminal justice system. It will show a greater commitment to protecting victims in the worst cases and ensure the punishment fits the crime and increase the public confidence in justice.

Importantly, Dr Eleanor Aston's case is not unique. However, Judge Tabor passing a five year jail term and saying that he wished it could be longer but current legislation did not permit it, is.

Kristine Carlson, an American author and her daughter Kenna, were stalked for seven years by a man they met on a flight from LA to London. Mark Jury sent her thousands of emails and hacked her social media. He sent flowers, chocolates and abusive messages to friends and work colleagues.

He targeted her daughter Kenna and tweeted he was going 'to rape her every day for the rest of her life'. Jury made it clear he would visit them and in 2011 he flew to California. He used the internet to attack her about her work, her role as a mother and her business.

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He set up false Twitter accounts pretending to be Kristine in order to make detrimental comments on her behalf. Jury demanded £150,000 to stop his targeted campaign. Kristine was terrified for her own personal safety and that of her daughter and hired a private detective for protection.

Kristine likened her ordeal to 'emotional rape', which Paladin hear many victims say. Jury was sentenced to four and a half years at Crown Court. For the seven years that he terrorised her and her daughter and the devastating impact his campaign had on them– he received four and a half. He recently appealed his sentence in the Royal Courts of Justice – thankfully without success – and so the ordeal continued on for Kristine and her daughter.

This is one of the better sentences for stalking, albeit still not reflective of the psychological damage, torment and fear inflicted. Stalking is enduring causing long-term serious psychological harm.

Katie Price ended a relationship after nearly two years of abuse. Matthew Evans had an extensive history of domestic violence and bullying against at least three other women. Again the register is needed. He received a 12 month suspended jail sentence along with an order to attend a domestic abuse programme and complete 150 hours of unpaid work.

He then began to stalk Katie upon his release, when he appeared at her friend's home and assaulted her. He continued to bombard Katie and her

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parents with messages. Panic alarms were fitted at her parents' home. After a high speed chase and helicopter search, Evans was apprehended in August 2015. Whilst in prison he used a phone to build a fake Facebook profile and continue to stalk Katie. Shortly after release he breached his order and was arrested in January 2016. He then broke his bail conditions, and was due back in court the first week of March 2016. Katie has since been diagnosed with post traumatic stress disorder and relocated to a safe house with her daughter.

Why should victims be forced into a situation to disappear themselves because the system has failed to sentence and rehabilitate a dangerous stalker. The sentence needs to reflect the crime and also allow for appropriate treatment – put simply some stalkers are simply not safe to be in the community and need a robust sentence as well as treatment – and longer sentences allow for this.

Ritchie Fox relentlessly stalked and threatened his ex-girlfriend. He was charged with two counts of Section 4a stalking and perverting the course of justice. He received a six and a half year sentence. The CPS prosecutor called Paladin to update us on the result. The CPS Prosecutor has been trained by Paladin and attributed the success of the case to this training. She commends all prosecutors are trained to the same standard.

In summary

It is rare for the maximum sentence to be used in stalking cases – given the lack of sentencing guidelines and the five year maximum. Extending the maximum penalty will set the tone, allow for greater flexibility and make it clear that stalking is a serious offence. It may deter some stalkers in addition.

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Paladin recognise that sentencing is important as well as management of a perpetrator both pre and post sentencing. We have seen five years maximum in Dr Aston's case and know Judges are reticent to sentence the maximum – this does not make it right. Quite the opposite is true in fact.

Most stalkers are psychologically unstable, a significant minority are psychotic and some may suffer from undiagnosed personality disorders. They need to be assessed by mental health services when they come into contact with the Criminal Justice System otherwise they will continue their behaviour, which is detrimental and costly and dangerous to those that they stalk, as well as to themselves. Therefore it is important for Judges to understand fully the fixation and obsession aspect of this psychological crime, the aggravating features and the enduring and life changing trauma and damage inflicted unnecessarily on the victims and their families.

Laura Richards, BSc, MSc, MBPsP, Asc. IA-IP

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