



**STEPHEN CARGIN
CHIEF SUPERINTENDENT**

Our Ref: 16\16092

Please quote our reference number on all correspondence

6 January 2017

Committee Clerk
Northern Ireland Assembly
Room 242, Parliament Buildings
Ballymiscaw
Stormont
Belfast BT4 3XX

Dear Marie

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

Thank you for your letter dated 22 November 2016 to the Chief Constable who has asked me to respond on his behalf.

The PSNI is committed to investigating reports of stalking and delivering a quality service to victims. We recognise that this can be a distressing experience for victims and currently pursue those who engage in this type of behaviour using the legislation currently available. Complaints of stalking are taken seriously, as we are committed as an organisation to keeping people safe. Stalking is often linked to domestic relationships and the PSNI have set in place risk assessments at the first opportunity to try and identify stalking behaviour when dealing with domestic incidents. Where a victim indicates that stalking/harassment behaviour has occurred, officers are required to complete a further specific stalking/harassment section which includes additional questions to assist with safeguarding and safety planning. This also helps identify and assist vulnerable victims.

Victims have previously raised concerns around incidents being treated in isolation, the risk assessment process helps address this and PSNI will also pursue an investigation where a complete offence has been committed at the first opportunity. This may consist of several incidents occurring over a period of time. PSNI can also take action to protect and support the victim including making representations to the PPS to obtain a restraining order. If a restraining order is breached, the suspect can be arrested.

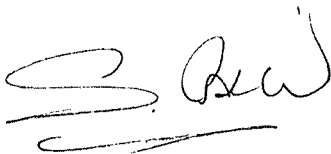
Current legislation used by the PSNI to investigate stalking behaviour would include the provisions of the Protection from Harassment (NI) Order 1997, Communications Act 2003, Computer Misuse Act 1990, Public nuisance contrary to Common Law, Malicious Communications (NI) Order 1988 as well as specific legislation relating to behaviour such as 'revenge porn'; Disclosing private sexual photographs and films with intent to cause distress (with the Justice Act (NI) 2016). This legislation would cover a range of behaviours, notably communication over the internet, by phone and social media and can apply to people of all ages and backgrounds.

PSNI will also consider any other substantive offences which may have been committed as part of the stalking incidents such as criminal damage. Officers are encouraged to liaise with PPS prosecutors to ensure that the evidence is of the required level to show that incidents are linked and to consider possible defences and whether or not further investigation is required in advance of a court case.

The benefit of a stalking offence would be that a victim has their experience categorised under a specific definition, which may reflect more accurately the nature of what they have been subjected to. There would be recognition of their experience separate from the generic title of 'harassment' and this would reflect the more persistent and targeted nature of stalking.

My colleagues are willing to engage with the Department in exploring the issues raised in this review process, and remain available to offer whatever assistance is required in the future.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Cargin', with a horizontal line underneath.

STEPHEN CARGIN
Head of Justice Branch
Legacy & Justice Department