

Stalking: Understanding and responding to victims' needs

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Learning outcomes

- Explain the types of actions commonly associated with stalking
- Identify the impact being stalked may have on the person affected and how this might affect their recovery from that experience
- Explain who might be affected



Learning outcomes

- Discuss how your opinions, and myths about stalking, and your own experiences might influence your work with service users
- Describe possible reactions to the experience of stalking and how this relates to those affected
- Describe factors service users may take into account when deciding whether to report a crime or not

Background



**LIVE
LIFE
SAFE**
suzy lamplugh
trust

Helping and supporting people - through the provision of free safety tips, managing the National Stalking Helpline; selling targeted resources to help people improve their personal safety

Education – training of organisations and individuals in personal safety through in-house training and open access courses; publishing guidance; providing workplace support and consultancy

Campaigning – working in partnership with other charities, private and statutory organisations; raising awareness; influencing policy makers

Introductions

Name

Interesting fact about yourself

Skills you bring to your role

Any concerns about the day

Stalking Statistics

How many of those who are stalked, are stalked by someone they know?

A. 20%

B. 50%

C. 90%

Stalking Statistics

Answer: C

90% of those who have contacted the National Stalking Helpline have been stalked by someone they know. This includes: neighbours, colleagues, acquaintances, ex intimates and family members

Stalking Statistics

How many of those who are stalked, are stalked by an ex intimate?

A. 70%

B. 40%

C. 55%

Stalking Statistics

Answer: B

40% of those who have contacted the National Stalking Helpline have been stalked by an ex intimate. They are the largest single group of victims, but it does show that the majority of victims are not stalked by someone they have been in a relationship with.

Stalking Statistics



How many men will be stalked at some point in their life?

A. 1 in 5

B. 1 in 20

C. 1 in 10

Stalking Statistics

Answer: C

According to studies (Smith, K. (ed), Coleman, K, Eder, S and Hall, P (2011)) 1 in 10 men will experience stalking in their lifetime.

Stalking Statistics

What is the average length of time someone is stalked for?

A. 2 ½ years

B. 18 months

C. 6 months

Stalking Statistics

Answer: A

Studies carried out by Dr Lorraine Sheridan show that the average time someone is stalked for is 2 ½ years. This figure agrees with statistics collated by National Stalking Helpline.

Stalking Statistics



How many callers to National Stalking Helpline already knew they could contact a civil solicitor for assistance?

A. 30%

B. 14%

C. 50%

Stalking Statistics

Answer: B

Only 14% were already aware that they can seek civil assistance, such as an injunction or cease and desist letter.

Stalking Statistics

How many people will a stalker contact to try and get to the victim?

A. 21

B. 10

C. 17

Stalking Statistics

Answer: A

Dr Sheridan's research shows that on average a stalker will involve 21 people that the victim knows.

Stalking Statistics

On average how many incidents occur before a victim makes a report to the police?

A. 40

B. 80

C. 100

Stalking Statistics

Answer: C

Dr Sheridan's research shows that 77% of people experience 100 incidents before making a report to the police.

Stalking Statistics

How many femicides perpetrated by ex partners have been preceded by stalking behaviour?

A. 52%

B. 76%

C. 34%

Stalking Statistics

Answer: B

Research carried out by McFarlane showed that 76% of femicides carried out by ex partners showed stalking behaviour leading up to the murder.

What is stalking?

Legislation – Background



The Protection from Harassment Act 1997 came into force 16th June 1997 which made it criminal behaviour for someone to harass another.

The legislation was being used to address lots of behaviours, but was not adequately protecting victims of stalking.

Legislation – Background

In November 2012 The Protection of **Freedom Act** took effect in England and Wales and made stalking a specific offence.

This provides greater validation for those who have been stalked and it also gave police greater powers i.e. obtain a warrant to enter and search premises.

Legislation

The Protection from Harassment Act 1997 (PHA) section 2

Harassment:

- *a course of conduct*
 - 2 or more incidents that cause the victim to feel *alarm or distress*
- *which amounts to harassment of another; and*
- *which the defendant knows or ought to know amounts to harassment of another*

Legislation

The Protection from Harassment Act 1997 (PHA) section 2

- *Whether the defendant ought to know is decided using the 'reasonable person test'. If a reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other then the test is satisfied.*

Legislation



The Protection from Harassment Act 1997 (PHA) section 2A

Stalking:

- *a course of conduct*
 - *2 or more incidents that cause the victim to feel alarm or distress*
- *which amounts to harassment of another; and*
- *the course of conduct amounts to stalking; and*
- *which the defendant knows or ought to know amounts to harassment of another*

Legislation

Stalking is not defined, but section 111

Protection of Freedoms Act 2012 has a non exhaustive list of examples which includes:

- * following
- * contacting or attempting to contact by any means
- * publishing statement or other material about or purporting to be from a person
- * monitoring by use of internet, email etc
- * loitering in public or private
- * interfering with property
- * watching or spying

Legislation

The Protection from Harassment Act 1997 (PHA) section 4

Harassment:

- a course of conduct
 - 2 or more incidents
- which causes another to fear that violence will be used against him; and
- which the defendant knows or ought to know will cause another to fear that violence will be used against them

Legislation



The Protection from Harassment Act 1997 (PHA) section 4A

Stalking:

- a course of conduct;
 - 2 or more incidents
- which amounts to stalking; and
- which causes another to fear, on at least two occasions, that violence will be used against him or her; **OR** causes another serious alarm or distress which has a substantial adverse effect on his or her usual day-to-day activities

Legislation



The second limb of the test recognises the overall emotional & psychological harm that stalking can cause.

Examples of what counts as substantial adverse affects are:

- Victim changing routes to work etc.
- Victim arranging for family members etc. to collect children from school
- Additional security measures installed in their home
- Physical or mental ill health

Legislation

However, some people will choose to live their lives as they did before the stalking commenced but this does not therefore mean that they do not meet the criteria for section 4A stalking offence.

Police Information Notice

Police may issue a warning:

- Suspect genuinely unaware of PHA
- Only a single act
- Victim is unwilling to support prosecution

Benefits are:

- Makes public aware
- Early police intervention may stop escalation
- May assist future prosecution

Important to note PIN is **not required** before seeking prosecution.

Court Sanctions

Section 2 – maximum sentence of 6 months
and/or fine

Section 2A – maximum sentence of 6 months
and/or fine

As both of the above are ‘summary offences’ they
should be reported to police within 6 months

Section 4 – maximum sentence of 5 years and/or
fine

Section 4A – maximum sentence of 5 years and or
fine

Court Sanctions



Restraining Order – if found guilty under PHA court can impose restraining order. BUT also under Domestic Violence, Crime and Victims Act 2004, court can impose restraining order even if defendant is acquitted if ‘court considers it necessary to do so to protect a person from ongoing harassment from the defendant’

A breach requires only one act. The only defence is that of reasonable excuse which the defendant needs to show on the ‘balance of probabilities’

Civil Action

Section 3 PHA enables victims to apply for an injunction which prohibits the perpetrator from engaging in harassing behaviour.

Anyone can apply for this injunction

If breached there are no automatic powers of arrest attached and a warrant of arrest has to be applied for.

Breaching an injunction can result in the perpetrator going to prison for up to two years for contempt of court.

Civil Action



Family Law Act 1996 you can apply for a non molestation order. This type of relief is available to those who have been in a relationship 'for a significant duration'.

Prohibits the perpetrator from contacting and coming near victim.

Has automatic powers of arrest attached.

Civil Action

Civil Restraint Order

- This order stops someone from issuing court proceeding without first getting consent of a judge.
- Useful where perpetrator ‘vexatious litigant’
- Usually only used if offender has brought two or more cases which have been totally without merit.

The Impact of Stalking

What's the impact on...

Mental health

Physical health

Work/school

Social life

Finances

Stalking: Common Reactions



How to Respond

Issues about reporting

*Why don't victims
report to the police?*

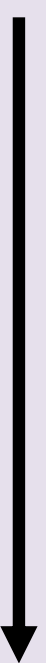
Issues about reporting

- Not understanding that it is stalking or a crime
- Trying to pretend it is not happening
- Believing that they should be able to deal with the situation
- Not wanting to get the stalker into trouble
- Fears that others will think they are over-reacting



Issues about reporting

- That they will be blamed for having encouraged the stalker in the first place
- Fears about how the stalker will respond
- **Direct threats from the stalker**
- **Feeling isolated**
- **Believing that nothing can be done**
- **Previous requests for help being ignored**



Issues about reporting

- Fear of losing their job particularly if the stalker works in the same organisation
- Financial limitations: unable to access legal advice or needing to take time off work to seek help
- Limited options to be able to change their situation eg relocation etc.
- Language barriers

Cyber stalking

- To locate personal information about a victim;
- to communicate with the victim;
- as a means of surveillance of the victim;
- Identity theft such as subscribing the victim to services, purchasing goods and services in their name;
- Damaging the reputation of the victim;
- Electronic sabotage such as spamming and sending viruses; or
- Tricking other internet users into harassing or threatening the victim

Risk Assessment

Who might be at risk?

What should we be assessing?

Thank you



Suzy Lamplugh Trust

www.suzylamplugh.org

 [@live_life_safe](https://twitter.com/live_life_safe)

 facebook.com/suzylamplughtrust

Stalking Helpline

www.stalkinghelpline.org

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