

Stalking and Harassment – a study of perpetrators

A briefing from Napo the Trade Union and Professional Association for Family Court and Probation Staff – October 2011

INTRODUCTION

Stalking is a serious crime and can lead to violent assault, psychological damage and even homicide. It is not fully understood by criminal justice professionals and there is an urgent need for law reform, revision of sentencing guidelines and proper mandatory training for relevant staff. Napo has undertaken a study of the behaviour and treatment by the criminal justice system of 80 convicted stalkers. Within the group, 79 of the perpetrators were men and 79 of the victims were women. The British Crime Survey suggests that at least 120,000 individuals are affected by stalking and harassment each year, however only 53,029 cases are recorded as crimes.

Data is not collected centrally by the police on the number of investigations or the number of offences of stalking which are reported at local stations. However the Home Office has collected statistics on the number of offences recorded by the police since 2008. Offences recorded under the Protection from Harassment Act 1997 are now grouped together under Home Office classification 8L Harassment

Data was made available following the tabling of parliamentary questions drafted by Napo and put down by MPs who are members of the All Party Justice Unions' Parliamentary Group. The figures suggest that in 2009, 53,029 offences were recorded by the police of whom 6,581 were subsequently found guilty in court. This represents 12.9% of the total number of recorded offences. It is not known what happened to the remaining 46,178 recorded offences. Some would have been acquitted at court but the majority were almost certainly not proceeded with. In terms of disposal: 1,197 were jailed; 645 were fined; and 4,648 were disposed of in other ways. Other ways is defined as "absolute or conditional discharge, a community sentence, a suspended sentence or otherwise dealt with". (Hansard 15-02-11) In addition many stalkers will have been charged with more serious offences such as grievous bodily harm, wounding and murder but the precise numbers are not currently known.

The parliamentary statistics suggest that 18.5% of those found guilty were jailed, 10% fined and 70.5% were dealt with in other ways as described above. However, if taken as a percentage of offences recorded during 2009, 2.2% were jailed and 10% fined or dealt with in other ways. The remainder were either not prosecuted or were acquitted.¹

Latest statistics show that the majority of victims (80.4%) are female while the majority of perpetrators (70.5%) are male.² The majority of stalkers are known to their victims either as ex-partners or acquaintances, but some people are stalked by complete strangers.

Many victims will experience multiple, repeated stalking behaviours before they report this to the police. Research has shown that victims will experience up to a hundred incidents before they report the matter to the authorities.³ There is also some evidence from research and from the Napo survey that many stalkers act in a serial manner.

PERPETRATORS' STUDY

During the summer of 2011 Napo asked its members to provide case histories of individuals who have been convicted of significant stalking behaviour in the last 12 months. By 31 August 2011 Napo had received 80 studies. The majority came from Probation Victim Liaison Units or from Probation staff working in jails.

It became apparent during the study that often court report writers, following training, concentrated on the immediate matter before the court and did not take into account previous histories or behaviours. In Napo's view this means that significant stalking and harassment evidence is therefore being missed by the courts and sentencers and this clearly affects the sentence handed down by the court on a finding of guilt. This is a view that is also shared by the leadership of the Magistrates' Association.

Probation staff are concerned that the evidence shows that sentences handed down are often too short for rehabilitation or treatment to occur and the cumulative behaviour is not taken into account by the courts when determining outcome. It is not routine for example that psychological or psychiatric assessments are requested by the courts in respect of the perpetrator, indeed often they are turned down. In Napo's view, as a consequence of this women who are being stalked are placed at grave risk.

CASE HISTORIES

Areas

Case studies were submitted from 17 of the 34 Probation Trusts in England and Wales. These were:

Avon and Somerset	Greater Manchester
Cheshire	Nottinghamshire
Cumbria	South Yorkshire
Devon and Cornwall	Staffordshire and West Midlands
Dorset	Thames Valley
Durham/Tees Valley	West Mercia
Lancashire	West Yorkshire
Leicestershire	Wiltshire
London	

CASE STUDIES

All the cases studies submitted by Napo members were harrowing, deeply distressing for the victim and illustrate the need for changes to the law, for more training for practitioners, for stronger sentences guidelines and for victim advocacy. Twenty five of the cases are reproduced below:

1 South East

A 52 year old man was charged with attempted murder. He has over 20 previous offences all against the same victim, involving burglary, breaking and entry, malicious communications, GBH and harassment. For the last 10 years he has stalked the current victim and has also been involved in stalking two other women, the offences overlap. The offending behaviour has involved calls, letters, malicious communications, threats to destroy the victim, announcing a countdown to her death, repeated entry into the home, intensive following, even bugging the victim at home and at work, threats to kill and most recently an attempt to pay for her husband to be murdered. He has conducted extensive research on all his victims and continues to breach all conditions. He was sentenced to life with a minimum tariff of seven years. He has not participated in any community programmes. He did take part in a programme in custody but was completely unresponsive. An indefinite restraining order has been put in place because of the continued harassment of the victim. Concern has been expressed because the offender has been allowed to access IT whilst in prison. Assessments for parole have shown lack of knowledge by prison staff of his psychological state. It was also felt it was inappropriate to get him to do domestic violence programmes when his behaviour was clearly involving harassment and stalking.

2. South East

A 55 year old male was charged with breaching a restraining order. He had previously been convicted of possessing an offensive weapon, two counts of harassment, possession of controlled drugs and breach of a restraining order. He has a 20 year history of sexual offending. The victim has been continually stalked following the collapse of a three month relationship five years ago. This has involved texts, calls, letters, repeated entry into the home, stealing of keys and the targeting of friends and family in order to isolate her. He has left messages and gifts. Sometimes the messages are threatening in tone. There is a possibility that he killed the family pet. He was released from a recent prison sentence to a hostel but absconded and continued to target the victim. He was then recalled. He has made scores of internet searches related to the victim. He has received 30 months for the index offences. An attempt was made to put him on a community programme but he was untreatable and did not complete. There is now an indefinite restraining order in place.

3. South East

A 44 year old male was charged with wounding with intent x 2. He had previous offences of wounding, criminal damage, theft and possession of an offensive weapon. He has a long history of domestic violence and of stalking two previous partners when their relationships ended. There were numerous domestic violence callouts against both partners and a child who was not his. He also attempted to strangle one of his partners. He used others to monitor both partners movements, had broken into their property or had been seen observing it and continued to send offensive letters from prison. He received a life sentence with a minimum tariff of 50 months. He did participate in a programme whilst in custody. The course was unsuccessful as it wasn't relevant to his offending behaviour and he was resistant to doing the work. He was thought to be highly manipulative whilst in prison. There is currently no restraining order in place. The police have received multiple complaints from both the previous partners. The second victim produced a victim personal statement for the Parole Board and the Parole Board responded by wanting to call her to give evidence where she would be cross examined by the perpetrator. The prosecution objected to this pointing out it would be a further act of harassment and would increase the risk. The Parole Board concurred.

4. South East

A 40 year old male was charged with wounding with intent, GBH, ABH and witness intimidation. All the offences were against a former partner and also a local sex worker. He had previously been convicted of possession of an offensive weapon, threats to kill and false imprisonment. His partner had ended the relationship because she felt concerned about his intense behaviour. Subsequently he started to call her repeatedly and when she changed her phone number he broke into her house with a knife and kicked her causing numerous fractures. He was interrupted and fled. Whilst on the run he continued to harass the victim by phone making more threats to kill her and her children. Associates of the offender also attended the victim's home and issued threats. The sex worker had been abducted whilst he demanded sex without payment. He received eight years. He participated in a domestic violence programme whilst in prison but in a relapse prevention course said he was still angry about the victim and was still thought to be a risk. Probation has stated they had to battle with the justice system to get the risks identified in this case and recognised and were concerned that he appeared to be making progress in prison but was still deemed to be high risk.

5. South East

A 29 year old male was charged with ABH. He had no previous convictions, however there was a long history of domestic violence during his relationship, with increasing violence and frequency. He controlled his partner, wouldn't let her out, he refused to let her have contact with her family, he controlled money and refused her medical attention after the birth of a child. She eventually left but child contact was agreed with social services. He used this to start arguments with her. He then continued to call, text, turn up at places she would go and made threats to kill her.

He did leave the country for a short while but then when he returned the behaviour continued resulting in a serious assault. He received a 15 month custodial sentence. He has not been on any community or custodial programmes. Although the offender has no connections with the area other than where the victim resides she has decided to move for own safety.

6. South East

A 19 year old male was charged with ABH which involved beating the victim, trying to burn her, forcing her to take medication and then attempting to set fire to the house. He had previous convictions for assault, which were all domestic violence related, on five separate occasions. She had tried on previous occasions to end the relationship but she was then harassed with calls, texts, appearing a locations where she would be and following her. He was sentenced to 14 months imprisonment, has not participated in any programmes and was eventually the subject of a deportation order. He continued to harass her through telephone calls from a deportation centre and has now been forcefully taken from the country. She has real fears that he may try and re-enter Britain through ports.

7. Yorkshire

A 40 year old male was charged with criminal damage, harassment and common assault. He had numerous previous convictions including driving matters, possession of an offensive weapon, criminal damage, arson and failure to provide samples. He separated from his wife and she pressed charges because of the violence. He continued to send text messages and left voicemails threatening to kill her and her new partner. He was serving a custodial sentence and was on licence and was then recalled after threatening one of his wife's friends in a public house. He phoned her mobile phone 30 times in one evening and was frequently found drunk outside her house making gun gestures with his hands. On this occasion he received an extended sentence of 45 months. He did participate in a community programme but stopped after being recalled to custody. He has had numerous conditions on community orders and licences not to contact the victim and there have been restraining orders in place but he has persistently breached them. The probation officer states that the case has taken up a vast amount of resources and continues to do so. Eventually the offender will be released again on licence and this is causing great stress to the victim.

8. Greater London

A 30 year old male had an index charge of arson. He has however eight previous convictions over a 10 year period including burglary, criminal damage and common assault, breach of community orders, further criminal damage and assault of his ex partner. According to his probation officer over a period of several years his current behaviour shows evidence of established patterns of violence and abusive behaviour not only towards his ex-partner but to her new partner. He received 18 months for domestic related violence but continued to make threats to the victim and also to the probation officer who was writing the report. He was told to live at a hostel, left the hostel in order to go to the victim's house and did not return. He received a 19 month custodial sentence for the index offence and has not participated in any programmes.

9. Yorkshire

A 30 year old male had an index offence of harassment. There had been previous convictions of criminal damage, shoplifting, violence against a child and three counts of domestic violence. He tended to follow the victim, a former partner, turning up at her home, her children's school and a friend's house. He received 15 months custody for the index offence. He had attended a community programme but the harassment continued. The current offence is the second against the victim. The first involved holding a knife to her throat in front of her child whilst they were on the way to school. The second offence involved persistent stalking and harassment. Probation staff believe it would have been helpful if the court had given him an indefinite restraining order for the second offence, but this did not happen.

10. South West

A 34 year old male was charged with breaching a restraining order and continued harassment. There had been two previous convictions for harassment, breaching a restraining order, sending offensive messages and a long history of acquisitive crime. He had been involved in significant harassment and threatening behaviour since the breakdown of the relationship in 2008. There had been numerous police callouts and convictions. He was regarded as one of the most dangerous men in the county with real risks of immediate likelihood of serious harm, even death, to his previous partner. He has already been on remand and subject to two suspended sentence orders with various requirements and is in breach of those. He was not deemed suitable for community programmes because of a significant alcohol problem. He was regarded as very high risk. Probation paid weekly home visits to try and ensure the victim was safe. He was offered a two week residential detox course but that proved extremely difficult. At one stage he confessed to the police that he had been waiting for his ex partner with the intention of killing her. He is currently awaiting sentence for the most recent charges and has been on remand for three months.

11. North West

A 34 year old man was charged with harassment. He had no previous convictions. The police recorded stalking behaviour over a nine month period. Not all was proved in court but the evidence was extensive and included text messages, letters, requesting cosmetic surgery material be sent to the victim by mail order, attacks on the victim's and the her family's cars at home and at work places. The offender actually flew to another country to send letters to the victim to make her believe they came from her current partner. There was an arson attack on the home of the victim's extended family whilst they were at home. The offender and victim were never actually in a relationship but the offender wanted to be. The victim was unaware of where the letters and texts were coming from for the first few months and the offender actually befriended her for some time. He received an eight week prison sentence suspended for 24 months with 12 months supervision and 200 hours unpaid work. He has not participated in any programmes. The man was described as high level of risk at MAPP, was difficult to work with and had narcissistic and psychopathic traits. The court report author requested a psychological assessment but the court refused and instead imposed a supervision order. There is concern that without specialist guidance the work probation did with him might be counterproductive and increase risk.

12. South East

A 37 year old male was charged with breach of a restraining order x 2. He had numbers previous convictions for harassment and breach of restraining orders. He had been stalking his victim for eight years, following her relentlessly, bombarding her with unwanted gifts, making silent phone calls and had broken into the her car. He also downloaded photographs of her wedding. He had also taken civil proceedings against her in an attempt to see her claiming her refusal to see him was a breach of his human rights. His victim lived in constant fear, is suffering from post traumatic stress disorder and has developed an eating disorder. She has moved house on numerous occasions to try to escape. He is currently waiting a court hearing. He has participated in no programmes in either the community or in prison. An indefinite restraining order is currently in place.

13. South East

A 30 year old male had been convicted of breach of a restraining order x 2. He has previous convictions for threats to kill, attempted murder, battery, scores of offences of harassment and beach of a restraining order. He served four prison sentences between 2008 and 2010. He was released on licence but recalled for breach of his bail conditions. He has waged a three year campaign of stalking against a former partner involving breaking into her home, threatening to kill her. There are over 90 instances of actual harassment recorded including texting and threatening phone calls. He has been the subject of proceedings under the Protection from Harassment Act on four occasions. He received a 6 month prison sentence for the index offence. He has not attended any programmes either in the community or in prison.

14. North West

A 25 year old male was charged with causing alarm and distress, making threats to kill and criminal damage over many months. He had previously been convicted of common assault, harassment and motoring matters. He received an Indeterminate Public Protection sentence with a 2 year tariff. Whilst in custody he did participate in a programme but although he completed it concerns were expressed regarding his attitude to women. He was charged under the Protection from Harassment Act with five counts of harassment and additionally there were seven assaults and a sexual assault. He had subjected the victim to a prolonged period of harassment and stalking including threats to kill and forcing the victim to partake in non consensual sex from which the victim had a child. The victim felt vulnerable and unprotected by the criminal justice system. The defence solicitor attempted to prove that the offender's human rights had been abused because of his right to family life. There were continued fears from the victim that the offender would press for contact with the child against her wishes.

15. North West

A 24 year old male was charged with common assault, harassment and two counts of breaching a restraining order. He had previous offences of common assault. The evidence of stalking first came to light after a relationship was discontinued and there was a charge of common assault. A restraining order was then put in place but it was breached and the offender became more obsessed. He was also said to have made up untruths about his previous life, fabricating a son, to the extent that the police charged him with wasting their time. Probation actually saw numerous texts that he had sent to the victim when there was an existing restraining order and these were used as evidence of breach. He was sentenced to a community order with a restraining order which was breached and then followed by a short period in custody. He was placed on a community programme to deal with anger management but was taken off programmes on four separate occasions because he was disruptive and sexually inappropriate comments. Probation was concerned about the so called low level of activity in the case which was escalating, but the victim was not telling the police because she thought she could deal with it.

16. South West

A 31 year old male was charged with breach of a restraining order. He had previous charges of harassment x 3, three breaches of a restraining order for which he had received two short custodial sentences of eight weeks followed by 12 months. He had met the victim in 2008 and pursued a continuous course of harassment for several years. He paid no regard to orders and persisted with behaviour despite two custodial sentences. A psychiatric assessment suggested he had an anti-social personality disorder and concern was expressed about the escalation of the risk. He received a further custodial sentence of 21 months for the offence. He has not participated in any programmes in custody. He had been released from his second custodial sentence but was recalled because he entered the exclusion zone.

17. South West

A 44 year old male was charged with harassment under the Protection from Harassment Act 1997. He had previous convictions for theft, driving with excess alcohol and criminal damage. He has been breaching restraining orders since 2003. He admitted that his relationship with the victim had been violent and received two cautions for assault during the course of that relationship. The victim says she was punched in the face and that he was continually verbally abusive towards her particularly following excess bouts of alcohol. He received a suspended sentence for nine months plus a two year community order with a condition that he participate in a domestic abuse programme.

18. South East

A 37 year old male had index offences of GBH and breach of a restraining order on two occasions. He has 29 convictions mainly acquisitive and driving matters but also previous for violence offences against partners. He is thought to be high risk. His victim had repeatedly tried to leave him because of his violent and controlling behaviour. He collects weapons and had made threats to kill her if she left. When she did leave he called her, texted her, followed her and threatened her.

He also harassed family and friends to try and prevent them from contacting her. From prison he sent continuous letters saying they would be together when he was released and how and where he would meet her on his release date. He received 18 months in prison for the index offence. He has not participated in any community or custodial programmes. A restraining order will be applied for when he is released on licence. The victim is now considering moving area in order to set up a new life, to protect herself.

19. North East

A 53 year old male was charged with harassment and burglary. He had one previous conviction for harassment. He has a history of making phone calls to his ex-partner, following her when she was visiting friends, sending text messages that he knew where she was. He broke into her home and stole notebooks and accessed her computer. He was then found hiding in her garden. This was all over a period of 12 months. He was given a 12 month community order with a condition that he take part in a domestic abuse programme. He did participate in the programme but it made little difference to his behaviour. He breached his order by phone but the victim refused to allow the police to confront him about his behaviour. Probation has experienced difficulty with her disclosures coupled with her refusal to make them formal.

20. Yorkshire

A 44 year old male was charged with breaching a restraining order. He had a lengthy history dating back 20 years of acquisitive crime used to fund substance abuse and also an early pattern of violent offences targeted against female members of his family and eventually his former partner. He breached a restraining order on two occasions and has been seen in the vicinity of shops that she visited and her residence and repeatedly asked to see his children. He becomes verbally abusive and threatens to harm the victim if she does not let him see the children. He was given a 12 month community order with a condition that he take alcohol treatment. He did participate in the programme and has completed. Unfortunately he then breached the order again and has spent two months in custody but did not engage with any programmes. A further restraining order has now been granted, not allowing him to contact her and also a geographical prohibition zone. The probation officer believes there is continued high risk of harm.

21 South West

A 32 year old male was charged with possession of cannabis, false representation, theft and criminal damage. He has a long pattern of failing to comply with community orders and of reoffending. His previous includes 27 months imprisonment for robbery, a suspended supervision order for possession of an offensive weapon, a conditional discharge for assault against a police officer, a 12 month conditional discharge for attempted arson and other offences involving domestic violence and burglary. He had been stalking his former partner who had moved to a different area to escape the domestic abuse and unwanted attention. He found out where she was and moved to the same area. Warrants were issued for his arrest and for breach of exclusion orders.

Much of his past offending behaviour is related to stalking his previous partner. The criminal damage related to breaking a door where she was residing. The molestation continued throughout periods when he was on bail despite continual re-remands in custody. He received a further nine month community order for the third breach of restraining orders. He has not participated in any programmes over an eight year period and staff think this will continue.

22. Yorkshire

A 51 year old male was charged with harassment. He has previous convictions for wounding the same victim and criminal damage in respect of smashing windows at his previous partner's house after an argument. He also has a conviction of GBH against a stranger. Earlier this year the offender's former partner was going to work and noticed his car parked nearby. This happened on repeated days over a six month period. The police attended and he was arrested for harassment. They had previously been in a relationship for seven years. The offence of wounding occurred in 2009 and he continues to cause the victim alarm and distress. He was sentenced to 52 weeks in prison, suspended for 18 months with exclusion requirements not to go near the victim's work or home. Despite the behaviour he did complete a domestic violence course with positive reviews. A restraining order has now been imposed.

23. South West

A 36 year old male was charged with ABH and criminal damage. There had been several police callouts for violence against his partner and also offences of burglary, fraud and drink driving. He has continued to try to contact his victim throughout the duration of a recent prison sentence despite blocks being put in place by the prison, banning letters or phone calls. He received 12 months custody for the index offence. He has not participated in any programmes either in the community or custody. He was recalled on the day of his release for breaching licence conditions. He failed to report to probation, went into a different county and attempted to contact the victim, being actually arrested outside her house. Despite the continued harassment and contacting his victim immediately his sentence expired he was taken back to court for harassment but was immediately bailed. The harassment continued and at the time of writing he is currently remanded awaiting sentencing on two breaches of restraining order and breach of bail.

24. Midlands

A 33 year old male was charged with assault and battery. He had a previous pattern of acquisitive offences, assaults, robberies, a history of domestic abuse towards two ex-partners and family members. The index offence included an attempt to stab the victim. For a period of months he sent threatening letters to the victim and victim's children whilst in prison following breakdown of the relationship. He also sent threatening text messages, attended her place of work in an attempt to get her fired and broke into her parents' residence and threatened them. Harassment threats and physical violence were also recorded against immediate family members. No-contact licence conditions have been put in place with regard to all ex-partners, children and immediate family members. He received a 16 month custodial sentence for the assault. Despite the continued harassment he completed three programmes whilst in custody, all with good reports.

25. North East

A 25 year old man was charged with a serious assault and breach of a community order. He had previously been convicted of affray and many public order offences, several assaults mainly against a previous partner. There was evidence that the offending behaviour was increasing in frequency and severity. He has completed a significant amount of offence focussed work aimed at reducing his risk of domestic violence. He nevertheless continued to commit further domestic violence against his former partner. For the current offence he received a 12 month custodial sentence plus three more months consecutive for breach of the order. He has taken part in domestic violence programmes in the community. He has been recalled to custody for breach of licence in relation to molestation of his former partner. Currently there is a restraining order which will be in place for three years. The victim believes that the persistent behaviour is not being punished rigorously enough.

26. Yorkshire

A 54 year old male was charged with breach of a restraining order. This was his first offence. He had been in the same relationship for 11 years. The relationship then ended and the harassment started when the ex-partner entered a new relationship. The harassment continued despite restraining orders and continued breaches. On this occasion he received a 12 month supervision order plus a 12 month exclusion order. He did not participate in any community programmes. Probation staff believe there has been a major breakdown in communications with the offender repeatedly breached and harassed the victim irrespective of the police apprehending him and presenting him before the courts. No effective action was taken. This continued to be the case until the victim made repeated complaints about how she was being treated. However it was too little, too late.

27. North Midlands

A 48 year old male was charged with breaching a restraining order. There had been previous convictions for assault in a domestic violence context and three previous breaches of restraining orders. There was a considerable period of stalking including living in the victim's shed, observing her movements consistently. For the index offence he received a 12 month suspended supervision order. He has not participated in any community programmes. He is known to have breached his restraining order three times. He has received two short custodial sentences in the past of less than 12 months. There is currently a restraining order in effect. Probation believes it is clear that short prison sentences do not make an impact on this type of offending. Sentences that address this type of behaviour need to be developed.

28. Lancashire

A 39 year old man was charged with harassment. He had a number of previous convictions including acquisitive crime, sexual abuse of a half-brother, threats to kill and domestic violence. The stalking behaviour has been going on for three years. He received a community order for two years. He is said to have been responding to supervision by focussing on his sexual abuse, his poor attachments and his addiction to drugs. Probation believe he may be suffering from post traumatic stress disorder.

The perpetrator comes from an professional background and was able to express feelings well compared with most others convicted of similar offences. The victim also came from a professional background and was able to put forward an articulate victim impact statement, which again is thought to be rare.

29. East Midlands

A 19 year old male was charged with harassment, actual bodily harm, grievous bodily harm and breach of an order. He has previous offences of burglary and fraud. His stalking behaviour varied from telephone calls to threatening to burn down his ex-partners flat with her young son inside. Text messages also contained threats and the victim was being pressured to meet up with the perpetrator. He received a two year community order with supervision. Because of an immediate breach this was varied to six months imprisonment. He has not participated in any programmes and was subsequently released on licence but again breached and was sent back to finish his sentence. Probation believe that more information needed to be shared from the police in order to protect the victim.

30. South West

A 43 year old male was charged with breaching a restraining order. He had already been convicted of harassing the same victim and received a conditional discharge. The harassment continued and was followed by a two year restraining order which was repeated two years later. He has also previous convictions for theft, driving with excess alcohol and criminal damage. He received a suspended sentence with supervision attached for nine months. He has not participated in any community programmes. Although the victim had to complain on a number of occasions it was eventually dealt with promptly by the police.

31. South West

A 44 year old male was charged with harassment. He had previous convictions for theft and criminal damage. He admitted at interview that he had been violent towards his partner from the beginning and had received a number of cautions. He subsequently admitted punching the victim in the face. There were a number of other incidents of domestic violence which again were dealt with by cautions. Eventually the partner left. He continued to be verbally abusive and played 'mind games' with her over a number of years. The behaviour has been ongoing for nearly 10 years. For the current offence he received a 24 month community order with a condition that he attended a domestic violence programme. He attended the programme but failed to complete.

32. South East

A 37 year old male was charged with grievous bodily harm and breach of a restraining order on two occasions. He has 29 previous convictions for over six offences, mainly acquisitive crime and violence against previous partners. Over the previous two years the victim had repeatedly tried to leave him because of violence and controlling behaviour. He collected weapons and made threats to kill her if she left. He completely isolated her during the relationship. When she did leave he called, texted, followed and threatened her. He also harassed her family and friends to prevent contact.

From prison he continued to send letters saying they would be together on his release and where and when he would meet her. He received 18 months for the index offence. He has not participated in any programmes, partly because of the time in prison and on remand. He was recalled to prison on the day of his release as he went to the area where the victim was living and was late back to his hostel. The victim has now been moved to a safer area and is attempting to set up a new life and receiving support from probation and the police.

X

A 48 year old male was charged with murder. He has no previous convictions. His relationship with his partner ended four months previously. He was unable to accept it. The victim endured months of threats, violence and harassment. The police were called out on numerous occasions. He was found spying on her at night, attempting to break into her home and photographing her. He cut the brake pipes of her car two weeks before the murder. Police did not follow up the complaint. He was also tried to involve her extended family in the campaign to try and get her back. He was also said to be very competent with IT. He received life with a minimum tariff of 14 years. He has not participated in any community or custodial programmes. In probation officers' opinion the police did not recognise the level of risk in this case.

X

A 45 year old man was charged with Section 18 wounding with intent and possession of a firearm. He had a previous history of drug possession, grievous bodily harm, possession of a weapon and breaking the arm of a child. He received an indeterminate public protection sentence with a minimum tariff of four years. He became convinced that his former partner had entered a new relationship and put them under surveillance. He even installed listening devices in their homes and followed them. He targeted his male victim when he arrived home one day, was dressed in army cloths, walked into his home holding a gun, tied him up and blindfolded him, interrogated him, poured hot water over his legs and refused to give him assistance. Threats to kill were issued if he went to the police. His former female partner said he was extremely controlling whilst in the relationship and after she left him he would call, text and email all the time. He asked to participate in a custodial programme but there was concern from staff about his manipulative behaviour. The offender was summarily discharged from the army.

East Midlands

A 44 year old male was charged with breach of restraining order x three all resulting in community sentences. For the index offence on this occasion he received a 12 month suspended supervision order. The stalking behaviour had been ongoing for five years. There had been sporadic periods of harassment. At one time the victim was reporting breaches daily. He was later convicted for assaults on a new partner who also suffered harassment for a period after the breakup. He has participated in a domestic violence course in the community but it was discontinued because of further breaches of restraining orders.

The probation officer believes that cases like this are looked on as low level domestic violence yet have the potential to escalate quickly to serious violence and even the death of women and children. She reports that in her area there is an increase in the number of men being convicted for breach of restraining orders but she doesn't think they are being dealt with effectively. Cases are not dealt with even within probation areas consistently. The harassment in this case has been going on sporadically for 20 years and has been very intense for the last six years.

X

A 50 year old male was charged with sending threatening messages. He had previous convictions of violence and theft and there was unreported domestic violence. Stalking behaviour had been ongoing for a number of months, taking the form of unwanted phone calls and visits to the property. He received a two year community sentence with a condition that he attend a domestic violence programme. He has attended that programme, which is ongoing. The unwanted behaviour was reported on several occasions to the police and the matter was eventually handled well by the local constabulary.

South West

A 26 year old male charged with actual bodily harm had previous offences of possession of an offensive weapon. He had along history of domestic abuse but no convictions and just one previous police call out. The behaviour happened after the partner became pregnant and there were concerns about the children if the partnership continued. After the break-up he pursued his victim on Facebook, made persistent phone calls and turned up at the where the victim worked and where she lived. He received a two year suspended supervision order with a condition of a domestic violence programme plus a two year restraining order. He has attended a community programme but didn't complete as the suspended sentence order was revoked because of a breach. However the magistrates court continued to bail the man despite representations from the Crown Prosecution Service and probation officer that the risk could not be managed in the community. He eventually pleaded guilty to two breaches of the restraining order but only after he had been remanded in custody over another assault. He then received a custodial sentence of three months – one month for each breach and for the assault. Staff believe that the failure to remand in custody sent a message to the offender that he could continue to break the conditions of his order. Had he been remanded the assault and risk to the child would have been avoided.

X

A 34 year old man was charged with outraging public decency involving exposure in front of the person he was stalking. He had previous convictions for burglary and theft. He was known to carry weapons but had not been convicted. Before the current conviction he had been stalking three women at the same time. Going to their homes, watching them through the windows and even watching one having a bath. This was when he exposed himself. He followed the victims down the street. One case was proceeded with, the one that was thought to be the strongest.

He received 16 months custody but because of time on remand he was released within weeks. He has not participated in any programmes. When he was released on licence he did not live at the designated address. He was subsequently picked up by the police, bailed and failed to turn up for further harassment. He was arrested again, given a suspended sentence for the new stalking offence, was again recalled and it has now been decided he will be deported when his sentence expires later this year. One victim so was concerned she moved out of the area rather than apply for a restraining order. The probation officer felt he was not given a sufficient sentence. The time spent on bail or remand meant he was released very quickly putting the victims at further risk. There was also concern that charges relating to the other victims were not proceeded with because they were not as strong. He was repeatedly given bail despite a history of non-compliance.

X

A 43 year old male was charged with actual bodily harm. He had previous convictions of threatening behaviour and assault against the same partner and many non recordable offences which were not actioned. He received 12 months custody for the current offence. He had a long history of domestic violence, violence, controlling and isolating behaviour, sexual assaults, attempted strangulation, threats to others including the victim's parents and has been said to have abused animals in the past. The victim has tried to leave on a number of occasions but relented because of fear. Once when she did leave he would break into her house and wait for her and abused her, made numerous telephone calls and followed her. He continued to write her abusive letters from prison as he would not accept that the relationship was over. He has participated in community programme but was not able to say what he had learned from it. The offence happened whilst he was on the programme. The probation officer believes the short sentence meant that no constructive work could be done with him. The prison was not blocking his letters to the victim. They did try and stop letters on one occasion but he was moved to another institution and started again. On release he was placed in a hostel out of the area with an exclusion zone and protective measures for the victim.

South East

A 23 year old man was charged with actual bodily harm, breach of a community order and criminal damage. He had previous convictions for common assault, driving offences, excess alcohol, robbery with a weapon and previous stalking offences for which he was not prosecuted. He received a 17 month custodial sentence for the index offence. He was said to be in a relationship which became increasingly violent and controlling. The female had tried to leave him but had gone back because she felt at risk. The relationship ended when he went to prison for robbery. After release he pursued the victim on Facebook. He went to her home, seriously assaulted her and threatened to kill her and her new partner. He had not attended any programmes either in custody or the community. An indefinite restraining order has now been put in place. The victim had not reported previous domestic violence which now admits to the police occurred. In the probation officers view the sentence was inadequate in order to deal with the offending.

Lancashire

A 28 year old male was charged with harassment. He had no previous convictions. The stalking behaviour involving following and phone calls had been going on for two months. He received a 24 month supervision order. He has not attended any programmes. The victim had made two previous complaints to the police before the matter was actioned.

Yorkshire

A 50 year old female was charged with criminal damage and harassment. She had previously been convicted of harassment and also theft. The victim was her ex-husband. She was convinced he was in another relationship, particularly whilst she was serving a custodial sentence. She admits to waiting outside his home, hoping he would speak to her and would follow him and send him texts begging him to come back. On occasions the texts became abusive. She would follow him to his place of work and his local pub. She found it impossible to deal with rejected advances. She was first issued with an harassment warning three years ago, was bailed and told not to have any contact with her ex-husband or new partner or go within a mile of their property. However she continued to make phone calls and send texts. She said she did not take the police warning seriously. The harassment continued and she was eventually sentenced to a 12 month community order with a condition of supervision. She did not take part in any programmes. She continued to contact the husband, the order was breached and she is now awaiting sentencing.

Age of perpetrators

Of the 80 case studies 43 of the men and one woman were aged 40 years or older. This represents 55% of the total. Four were aged 21 years or younger, a further 14 between 22 years and 29 years, and the remaining 19 were aged 30 years to 39 years.

The group therefore is significantly older than those normally known to probation. The latest statistics suggest that last year 20% of those on the Probation caseload were aged 40 years or older.⁴ The vast majority of those known to the Probation Service are aged under 30 years. The older age range of stalkers reflects the later onset of criminal behaviour. It may be related to the under reporting of domestic violence and the fact that cases tend not to be prosecuted by the police and CPS until a significant pattern emerges following the breakdown of a relationship.

Index Offence

The majority of men charged appeared before the court for several offences. The principal ones were:

Breach of restraining order	36
Harassment or fear of violence	25
Assault	18
Criminal Damage	15

Wounding	4
Murder	2
Offensive weapon	4
Assault on the police	3
Sexual offences	3
Attempted murder	2

The majority were charged under the Protection from Harassment Act 1997. The other charges where there was evidence of stalking or harassment behaviour involved serious violence, criminal damage or the carrying of weapons.

Previous offences

The study shows that 70 of the 79 men and one woman had previous convictions. Again the majority of previous convictions were stalking or harassment related, and were:

Assault	83
Harassment	24
Breach of restraining order	62
Drugs and alcohol offences	15
Theft	13
Criminal damage	10
Offensive weapons	8

Of the 80, eight had 10 or more convictions, a further 15 had between five and nine, 20 had three or four convictions, the remainder one or two and 10 had no previous convictions.

Sentence for index offence

In terms of outcome, 39 received a custodial sentence. The term varied from 21 days for breach of a restraining order to life for murder and three indeterminate public protection sentences for serious violence and wounding.

Custodial Disposals		
	Sentence	Principal Offence
1	Indeterminate Public Protection order (2 year tariff)	Threats to kill, criminal damage
2	21 months custody	Harassment, breach of restraining order
3	30 months custody	Breach of restraining order (5 year campaign)
4	Life	Murder
5	18 months custody	GBH, breach of restraining order

6	Life	Murder
7	Indeterminate Public Protection order (4 year tariff)	Wounding
8	16 months (14 on remand)	Sexual assault
9	Life	Wounding – serial offender
10	8 years	Wounding x 2
11	12 months	Assault
12	12 months	Assault
13	15 months	Assault
14	17 months	Assault and robbery
15	14 months	Assault
16	6 years	Threat to kill
17	Indeterminate Public Protection order (4 year tariff)	Breach of restraining order – bomb hoax
18	4 years	Harassment and sexual offences
19	12 months	ABH, criminal damage
20	6 months	Breach of restraining order – 5 previous
21	60 months	Serious assault
22	19 months	Arson
23	12 months	Wounding and breach of restraining order
24	15 months	Harassment – 3 previous
25	Indeterminate Public Protection order (5 year tariff)	Sexual offence
26	12 years	Attempted murder
27	54 months	Assault – 9 previous
28	2 years	Breach of restraining order – 3 previous
29	3 months	Breach of restraining order – 7 previous
30	120 days	Breach of restraining order – 4 previous
31	140 days	Breach of restraining order – 3 previous
32	210 days	Breach of restraining order – 3 previous
33	21 days	Breach of restraining order – 4 previous
34	84 days	Harassment – long campaign
35	3 months	Breach of restraining order – 7 previous
36	3 years	GBH
37	6 months	Breach of restraining order, assault on police
38	21 days	Breach of restraining order – 5 previous
39	84 days	Breach of restraining order – 3 previous

The range of sentences handed down reflects how serious stalking behaviour can become and why the courts must take previous offending into account. Virtually all those given three months or more involved serious violence, attempts to kill or even homicide. These cases show how offending behaviour can escalate and the absence of mental health treatment.

In every cast the pattern in stalking involved following, unwanted and unannounced visits, threats, texts, emails, unwanted gifts and attention over a period of many months or even years.

The remaining 41 perpetrators were given community sentences, although eight had not yet been sentenced or were on remand. The sentence for breach of a restraining order tended to be stated in days or week rather than months or years. They were usually for less than 12 months and involved at least three previous instances of breach of an order or harassment.

The community sentences tended to be a one or two year supervision orders or a suspended sentence with a supervision element. In 23 of the 41 cases there had been harassment or breach of a restraining order, 10 of whom had a condition of attendance at a domestic violence programme added to the supervision order and 3 either drugs or alcohol treatments. The remaining 18 cases involved charges of criminal damage or assault.

Many probation staff who have been trained in stalking behaviour expressed serious doubts as to whether IDAP (the intensive domestic abuse programme) was appropriate for stalkers who display obsessive and compulsive behaviour.

Programme conditions

Of the 39 jailed only five were placed on a programme, usually dealing with anger and related behaviour. Staff report in three cases the course was completed and in the other two the inmates were disruptive and therefore excluded.

Rather more took part in programmes as part of a community sentence. Twenty-three in the study were put on domestic violence programmes and three on programmes dealing with drugs or alcohol. Staff report that five completed successfully. The rest did not and were either disruptive and non-cooperative and were excluded or they failed to turn up. The remaining 18 either did not take part in a programme because it was not available, or it was not appropriate.

Domestic violence

In 59 of the 80 cases there was a history of domestic violence during previous relationships. In each case stalking and harassment behaviour occurred when the relationship was terminated by the female partner. This represents 74% of the cases, a factor which is in all probability representative of stalking behaviour generally.

Protection from Harassment Act

In all 54 of the 79 men and one woman were charged under the Protection from Harassment Act 1997. Section 2 charges 'Harassment' accounted for 18 people, three were charged with Section 4 'Fear of Violence' and the remaining 33 were for breach of restraining order'. The three charged under 'Fear of Violence' received a IPP (2 years), and IPP (4 years) and one was awaiting sentence. Of the 'Harassment' cases 15 received community sentences and three were jailed. The jail sentences were 21 months, 15 months and 84 days. For breach of a restraining order 17 were jailed for between 21 days and four years, with the four year sentence involving serious violence.

Breach of restraining order

Breach of a restraining order occurred in 34 cases either a stand alone or as part of the index charges.

The outcomes were as follows:

Breach of a Restraining Order	
Sentence	Previous
12 month supervision order	1 assault
2 year supervision order	2 stalking related previous
21 months custody	5 stalking related previous
9 months suspended for 12 months	2 stalking related previous
30 months custody	6 stalking related previous
18 months custody	6 plus stalking related previous
12 months suspended sentence	3 stalking related previous
12 months supervision order/alcohol condition	4 stalking related previous
4 years custody	1 stalking related previous involving firearm
2 years supervision plus IDAP	4 stalking related previous
1 year suspended sentence	2 stalking related previous
6 months custody	6 stalking related previous
12 months supervision order	No previous
12 months supervision order plus condition of unpaid work	3 stalking related previous
PR stage	4 stalking related previous
Awaiting sentence	3 stalking related previous
Awaiting sentence	No previous
2 months remand	7 stalking related previous
54 months custody	9 stalking related previous
2 years custody	4 stalking related previous
3 months custody	8 stalking related previous
12 months suspended supervision order	3 stalking related previous
Remanded in custody	5 stalking related previous
126 days custody	4 stalking related previous
140 days custody	3 stalking related previous
210 days custody	3 stalking related previous

21 days custody	6 stalking related previous
3 months custody	8 stalking related previous
3 years custody	4 stalking related previous
6 months custody	8 stalking related previous
21 days custody	4 stalking related previous
On remand	4 stalking related previous
On remand	3 stalking related previous
84 days custody	3 stalking related previous

Half of those breaching a restraining order were jailed. The range was 21 days and 6 stalking related previous incidence to four years for one stalking related previous incident but involving a firearm. The other 17 were either given suspended sentences, community orders or were awaiting trial. The range of previous stalking related incidents ranged from zero to nine. Two had no previous convictions and the rest between two and nine convictions.

Profile of one jail

One local jail in England and Wales who responded to the survey is typical of all local prisons. The prison population overall in England and Wales currently exceeds 87,000. There are approximately 1,000 in most local jails. The jail cited reports having at any one time between 30 and 40 men either on remand or under sentence who have been convicted of domestic violence with stalking or harassment behaviour. Most of the inmates are serving sentences of 12 months or less.

The local jails tend not to run programmes. The psychology department tends only to be involved with prisoners at the request of the parole board or multi agency public protection panels. The CPS appears reluctant to charge persons in jail of any further breaches of restraining orders, such as attempts to contact victims by phone or letter. There is a public protection manual in all prisons but it only allows for the monitoring of mail or phone calls if the individual is charged under the Protection from Harassment Act but not repeat criminal damage or other violence associated with domestic situations.

The Napo report cites 23 instances of charges of assault and a further 15 of criminal damage. Jails are increasingly now devising forms which enable victims to request no contact with harassers or stalkers whilst awaiting the imposition of a restraining order and the same conditions apply to those who are remanded in custody. Most of the sentences handed down by the courts are expressed in days or weeks and rarely stretch beyond nine months, which are described by staff as not helpful in trying to devise any kind of treatment or rehabilitation programme.

Need for change

Probation officers submitting the case histories were all asked whether they thought there were any gaps in the law or other areas that needed to change or improve in terms of preventing stalking and harassment. Most of the respondents expressed strong opinions. Detailed below are some of them.

North West – “The offences of harassment and breach of restraining order must be taken more seriously and perpetrators made exempt from taking any claim under the

Human Rights Act about contacting victims without rigorous testing and permission of the sentencing court”.

North West – “MARACs (Multi Agency Risk Assessment Conferences) often only have one initial meeting and no follow-up, meaning that staff can never be sure whether actions have been completed. I believe that MARACs should be reviewed more often. In addition restraining orders and copies of them should be forward to probation if the police know someone is the subject of an order. There should be full disclosure”.

North West – “Courts do not appreciate the fear and emotional distress caused by these offences. It cannot be photographed in the same way a physical injury can. If the offender does not look threatening they tend to be treated more leniently by the courts. Victim statements are often not updated so there is little information about ongoing fears. There is a need for solicitors representing victims to be more motivated”.

Midlands – “There needs to be more information shared by the police, more resources available to protect the victim and greater overall interagency communication between all parties”.

South West – “I do not think the police take incidents of stalking seriously enough. The frequency with which restraining orders are breached would suggest that they are largely meaningless for many offenders who are clearly obsessed with the victim”

South East – “Short sentences do nothing to protect victims. Often offenders are allowed IT access whilst in prison which allows them to keep detailed records on victim’s movements”.

Midlands – Staff training is essential to recognise stalking behaviour and the risk associated with it. Fast delivery reports are increasingly being used in stalking cases and are not picking up the risk issues. A stalking and harassment risk assessment tool would be helpful as serious harm in some cases is quite often predictable and preventable.

South West – “There should be an automatic remand into custody if restraining orders have been breached on more than two occasions. This sends a message to the offender that if he continues to break the conditions, then custody is inevitable. The offences are not treated seriously enough and more training is needed for magistrates”.

South East – “Offenders are not given sufficient sentences. The sentences are too short to allow treatment and programmes and counselling to take place”.

South East – “The parole board wanted to call a victim who had written a personal statement so she could be cross examined by the offender. Probation intervened to stop this happening. As a matter of course it should not occur. The victim must be informed if restraining orders are put in place”.

South East – “Short sentences mean no meaningful work can be done with offenders. Prisons are not blocking offensive letters to victims. There is a need for a national register to monitor the movements of stalkers and partners new and old

must have the right to know of their past offences. It is essential that persistent offenders are placed in Tier 4 and deemed of high risk”.

South West – “Magistrates clearly need educating as there is inconsistent practice between different benches on responses to harassment and breaches of restraining orders”.

Yorkshire – “Those that attend MAPPA meetings have limited knowledge or experience of stalking behaviour or of indicators and patterns and traits. This needs to be addressed without delay”.

South West – “There needs to be specific treatment for stalking offenders. They clearly do not meet the criteria for domestic abuse programmes so they need something else which addresses their obsessive behaviour and their perspectives”.

Yorkshire – “Restraining orders must be used more often but there should also be the power of arrest and reported. Incidents need to be acted upon swiftly with possible consideration for remand for any breaches”.

London – “The criminal justice system is limited when it comes to repeat harassment and stalking. More consideration should be given for mental health reviews and referrals”.

London – “There needs to be a specific intervention for deniers of domestic violence and offenders who struggle to accept the relationship is over”.

North West – “There should be automatic psychological reports where there is repeat behaviour particularly where MAPPA is involved. There is evidence that the courts don’t really understand the nature of the behaviour”.

North West – “Court reports need to contain social histories so that the magistrates and judges can place incidents in a proper context”.

Midlands – “It is quite clear that short term prison sentences are not making an impact on stalking offending. Sentences which address this type of behaviour need to be developed”

CONCLUSIONS

Parliamentary answers published during 2011 reveal that most cases of stalking and harassment don’t actually get to court and even fewer get custodial or community sentences. Hardly any convicted stalkers enter community programmes or get psychologically profiled. Of the 80 cases analysed by Napo only those perpetrators eventually charged with murder, attempted murder, GBH, wounding or serious sexual offences receive substantial custodial sentences. In each of those cases the stalking behaviour escalated from phone calls, unwanted and abusive texts, following victims to threats of violence and then actual violence, threats to kill and even homicide. However, those convicted under Sections 2 and 4 of the Protection from Harassment Act mainly receive non-custodial sentences with a requirement to participate in a domestic violence programme. It is rare for individuals to be convicted for putting people in fear of violence but those that do tend to get a short community sentence.

In some cases there is evidence that participation in a domestic violence programme actually had a negative impact because the behaviour and mindset of the perpetrator was obsessive and mental health treatment may have been more appropriate.

The majority of those sentenced in the study commenced stalking behaviour following the end of a relationship but in 75% of cases there is evidence that there was domestic violence in that relationship. It is evident that ongoing risk assessment is essential in order to monitor the degree to which behaviour escalates.

Many perpetrators were tried in court on the basis of recent evidence rather than a social history. However, those staff, mainly working in victim liaison units, who had been trained in stalking awareness did tend to ensure the court took into account previous behaviour and argued that psychological assessments and treatment were needed. Staff working in prisons in England and Wales reported consistently that stalkers were given short sentences, often expressed in days and weeks. They received no help with rehabilitation or treatment because they were not in jail long enough and there was evidence of significant repeat incarceration following the recommencement of stalking behaviour.

A number of clear recommendations came from probation staff who participated in the survey. They included:

- There is a need for regular risk assessment.
- There is a need for a programme intervention for domestic violence deniers who commence stalking behaviour at the end of a relationship.
- Restrictions should be put on access to IT whilst the perpetrator is in prison.
- There should be a bar on phone calls and letters to victims.
- Perpetrators should not have as a human right the ability to contact victims.
- There should be automatic mental health referral for persistent offenders.
- There should be regular follow-up if individuals are referred to Multi Agency Risk Assessment Conferences.
- There should be a duty on all criminal justice professionals to share information on perpetrators.
- There should be stronger sanctions for repeat breaches of restraining orders.
- Treatment should be available in both custody and the community.
- Staff should be trained on stalking behaviour and risks.
- Cases should be adjourned for full reports not same day reports in order to pick up on risk.
- There should be the development of a stalking and harassment risk assessment tool.
- People should be remanded in custody if they breach a restraining order on more than two occasions.
- Training should be available for judges and magistrates in order to try to erase inconsistency in sentencing.
- Victims should not be cross examined by perpetrators at any stage in the parole process.
- There should be a national register of stalkers and the police should be allowed to disclose information to potential new partners.

Parliamentary Recommendations

In July 2011, Napo and the charity Protection Against Stalking, established a unique parliamentary inquiry into the need for stalking law reform hosted by the All Party Justice Unions' Parliamentary Group. The group's terms of reference are:

- Whether the substantive law in England and Wales needs amending
- Whether any changes need to be made to sentencing practices and guidelines
- Whether treatment programmes should be available for perpetrators and, if so, what should be their content
- Whether there is any need for training for police, probation officers and others within the criminal justice system
- What the consequences are of real life and cyber stalking for victims
- Whether there is a need for an action plan which deals with victims' needs and services, training, investigation and prosecution, risk assessment and increased awareness publically of the consequences of stalking and harassment.

It was agreed that the group would take evidence from experts and victims over the period July to December 2011. Napo's principal recommendations to that group are:

- Stalking should be defined in law.
- Harassment and putting people in fear of violence should be triable in both the magistrates and crown court to emphasise the seriousness of the offending behaviour.
- The presentation of a social history to a court in cases of stalking and harassment should be mandatory.
- Resources should be made available to develop a mental health treatment programme for perpetrators.
- There should be mandatory stalking awareness training for all relevant criminal justice staff.
- There should be a duty on the court to obtain risk assessments in respect of victims.
- The court should have a duty to request psychiatric assessments on repeat perpetrators.
- The starting point for second breach of a restraining order should be custody, although custody would not be automatic in these cases.
- The sentence of the court must be related to risk to the victim.
- There should be an assumption that if an individual is charged with a serious sexual or violence offence that there should be a remand into custody except in exceptional circumstances and a risk assessment should be undertaken in respect of the victim.
- Civil proceedings should not be used as a means of continuing to harass a victim, for example in contact or adoption matters.
- A victim advocacy service should be established in all relevant cases.

Harry Fletcher
25 September 2011

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