

Response ID ANON-G6RF-FD7Z-G

Submitted to **Stalking - a Serious Concern**

Submitted on **2019-02-01 09:01:13**

Privacy Notice

1 Are you replying as a member of the public or an organisation?

Organisation

2 If you wish we will contact you when the final consultation report is published.

Yes please

3 What is your email address?

Email:

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4 Anonymised comments may be published on this site or on the Department of Justice website and in the resulting report on the consultation. If you are replying on behalf of an organisation, only the name of the organisation will feature in the report.

I Agree

Purpose of this consultation

Foreword

Introduction and background to the review

Stalking - what is it and who does it?

Northern Ireland Legal Framework

5 Do you think the offences of "harassment" and "putting people in fear of violence" in the current legislation provide sufficient protection to victims?

No, I think there are gaps in the Legislation

Do you have you any additional comments to make?:

As outlined above, there is a need for legislation which can capture the complex nature of stalking, and can distinguish between behaviours that are considered normal and ordinary from those that amount to stalking. Without a specific offence, stalking can become hidden behind other related offences, and the sinister behaviours can be conflated with nuisance crimes and disputes.

Stalking and the Criminal Justice System

6 Have you any direct experience of how stalking cases have been handled by the Criminal Justice System?

No

If Yes, how can we make the system be more effective in supporting victims of stalking and dealing with such offences? Please comment::

7 What do you consider to be the main challenges in identifying cases of stalking at an early stage (as opposed to harassment)?

Please provides comments in the box below::

Lack of definition of stalking is an issue currently.

Public understanding of what constitutes stalking

Specific training of PSNI officers in relation to stalking

8 Do you think more could be done to support the effective gathering of evidence to bring stalking charges?

Yes

If yes, please provide comments in the box below::

As per answer above, increased understanding of what constitutes stalking and specific training for PSNI officers in relation to stalking

Stalking Offences - what's available in other jurisdictions

9 If a new offence of stalking were to be introduced, are the behaviours listed in other jurisdictions above relevant and sufficient?

Option 1 - yes similar to Scotland

Please provide comments in the box below::

A Course of Conduct - what does it mean?

10 Should a new stalking offence require more than one incident to constitute an offence?

two incidents

If more than two incidents please tell us why?:

As outlined above, as stalking is generally considered to involve a long term pattern of unwanted persistent pursuit directed by one person against another, therefore, at least two occasions would appear to catch more than transitory, one-off incidents.

11 Should a further offence be considered if threatening or abusive behaviour is committed after a single act?

Yes

Any additional comments:

Yes, for the reason that this will capture intimidating / threatening one off acts that do not constitute stalking but are of significant concern to individuals

Penalties

12 Where should we set our levels of penalties?

Option 1 - similar to Scotland

Other - please provide comments:

Other Issues

13 Do you agree that stalking should not be treated solely as a criminal justice issue? What other agencies should be involved?

Yes

Please list the other agencies you think should be involved in the box below::

In addition to PSNI, PPS and PBNI, Mental Health services, addiction services, Women's Aid, MAP and case specific services should be involved i.e. Housing Executive, Social Services.

Improving the Safety of Stalking Victims

14 How can we ensure that any new offence of stalking will protect victims from the outset?

Please provide comments:

By ensuring there is full understanding of the offence - and by ensuring that victims report behaviour at the earliest opportunity for action to be taken. Victims need to know that when they report behaviour that it will be taken seriously and that action will be taken. They need to know what constitutes evidence and how they can evidence the behaviour they have been subject to.

15 Do you think there could be a role for using the problem solving justice approach to address stalking?

Yes

Please provide comments:

PSJ tackles the root cause of behaviour and intervenes at the earliest possible stage and can therefore be central to tackling stalking. For a problem solving approach to work there needs to be buy in from all parties involved in the Criminal Justice System, including defence solicitors.

16 Do we need to consider introducing a stalking protection order or make changes to an existing order?

Yes

If yes, please give further details:

Worth considering in line with SOPO and VOPO

Alternative Offence

17 Should the court be able to convict of an alternative offence?

Yes

Please enter additional comments in the box below::

As outlined above, enabling a court to convict for an alternative offence, where appropriate where the jury or court is not satisfied that the accused has committed the offence charged, but is satisfied that the alternative offence has been committed, could provide additional protection for victims.

Powers of entry and search

18 Do we need the power of entry provision to allow police to apply for a warrant to search premises for evidence?

Yes

Please enter comments in the box below::

This allows Police greater power and has the overall effect of providing victims with greater protection and therefore confidence in the criminal justice system. Previous responses indicated that NI legislation / offences / sentencing powers should follow that of Scotland. If this were to be implemented, this issue is moot as the offence of stalking and the offence of threatening and abusive behaviour are both indictable, therefore police officers have the power to enter and search.