



# Home Office consultation on introducing a Stalking Protection Order

## A response by Victim Support

January 2016

Victim Support is the independent charity for victims and witnesses of crime in England and Wales. Last year we offered support to 1.2 million victims and helped more than 150,000 people to cope and recover from crime. We also supported over 198,000 people as they gave evidence at criminal trials through our Witness Service, which we delivered up until April 2015. Victim Support also provides the Homicide Service and has supported 1,393 people bereaved by 417 murders or manslaughter in the past year. The charity has over 1,300 staff and 3,000 volunteers.

Victim Support welcomes the opportunity to respond to the Home Office consultation on the introduction of a new Stalking Protection Order. We agree that there is currently a gap in the range of interventions available to protect victims of 'stranger stalking' which may, unnecessarily, be placing them at further risk of harm. We believe that this necessitates the introduction of a new measure and that, if combined with appropriate training for front line staff, a Stalking Protection Order could offer victims greater protection than is currently available. However, we would be grateful for further details about the proposed Stalking Protection Order in order to fully evaluate whether it will address the current gap in protection measures for victims of stranger stalking.

Our response focusses on those areas of the consultation most relevant to the feedback we receive from Victim Support staff and volunteers who support victims of stalking.

**Question 2: What do you see as the restrictions or deficiencies in the use of the currently available measures?**

From our work with victims of stalking we know that one of their primary concerns is that the offender's behaviour will escalate and the impact this will have on their safety. While we recognise that stalking can be a relatively concealed offence, which may make it difficult to gather evidence, it is important that there are measures available to the police that can offer immediate protection to victims.

As the consultation document recognises, the current available measures may not provide this to all victims of stranger stalking. For example, restraining orders can only be applied for on conviction or acquittal of an offence and cannot therefore offer victims protection where there is insufficient evidence to charge someone. Similarly, out-of-court disposals require enough evidence to support the charge.

**Question 3: What do you see as the additional features of a new Stalking Protection Order might have in order to enhance the range of options available to protect victims?**

Domestic Violence Protection Notices (DVPNs) can offer victims immediate protection where there is insufficient evidence to charge someone. This is something we would want to see reflected in a new Stalking Protection Order.

As victims of stalking can suffer from severe anxiety, some may choose not to apply for available interventions, such as injunctions, for fear that it may put them at further risk. Victim Support believes that enabling police officers (as opposed to the victim) to apply for a Stalking Protection Order could provide more victims with early protection by helping to detach them from the management of the perpetrator.

**Question 5: What positive requirements, if any, could be placed on a perpetrator to help break the fixed nature of their offending at an early stage that could be included in a Stalking Protection Order?**

We agree that engaging a perpetrator in a mental health assessment, where appropriate, could be a beneficial early intervention.

In addition, in order to help break the fixed nature of their offending at an early stage, we believe there is significant value in helping the perpetrator to understand the impact of their crime on the victim, themselves and the wider community.

From our experience of delivering Victim Awareness Courses (VAC) in nine police force areas, we know how effective this can be. Our course, designed to educate and rehabilitate offenders, has helped 77% to look at the crime from the victim's perspective, resulted in 70% saying they would

definitely behave differently having taken the course and helped 88% to understand the impact of crime on victims.<sup>1</sup>

**Question 9: What are the main challenges in identifying cases of stalking at an early stage (as opposed to harassment)?**

Due to the similarities in the behaviours that can be present in early cases of stalking and harassment, we recognise that there may be a number of inherent challenges in distinguishing them at this stage. However, from our experience working with victims of stalking it is not necessarily the specific nature of the perpetrators behaviour that can prevent or delay these incidents from being identified, but the response they receive when reporting the incident.

Specifically, our front line staff have found that some victims of stalking feel as though they are not taken seriously or treated sensitively when they report their concerns to the police. Victims often believe that at least part of the reason for this response is a lack of police understanding of stalking and the potential effects on the victim, which can include feeling anxious, let down and unsafe. Our research has also shown that negative experiences with the police can have long term implications, most notably undermining the victims' confidence in the justice system and reducing their likelihood of reporting incidents in the future.<sup>2</sup> For victims of stalking this is particularly concerning as the nature of the offence means that they could be persistently harassed for a number of months or years.

In addition, we believe that gaps in the knowledge of police staff may be affecting whether cases of stalking are identified as such (or as other, lower level offences) at an early stage. As our work with victims suggests, this may be due to insufficient evidence being collected when the crime is first reported to the police. As the consultation document recognises, falsely labelling stalking as a different offence may put the victim at further risk of harm, particularly if it results in an insufficient intervention being used.

In order to provide all victims of 'stranger stalking' with the intended level of protection and support, it is therefore vital that a new stalking protection order is accompanied by the appropriate training for police staff. Specifically, it is important that all police staff who come into contact with victims are aware of the behaviours that can constitute stalking to make sure they are able to identify it early on and provide the suitable response. Without the necessary training, there is a risk that the full benefits of the new measure to victims may not be realised.

**Question 10: What more could be done to support the effective gathering of evidence to bring stalking charges?**

As above, our experience of working with victims of stalking has shown that in order for evidence to be gathered effectively it is essential that victims' concerns are listened to and treated seriously when they report their crime to the police. Police staff training is central to providing this and we believe it is important that all frontline staff who work with these victims have access to and undertake specialised training on stalking, including stranger stalking.

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<sup>1</sup> This evidence base was provided by an independent evaluation of Victim Support's 2013 pathfinder in Hampshire and the Isle of Wight.

<sup>2</sup> Victim Support (2011) *Left in the dark, why victims of crime need to be kept informed*.