

# Stalking

And other forms of harassment

An investigators guide

Hamish Brown

Metropolitan Police Service, 2000



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# Contents

<a href="#"><u>Foreword</u></a>	ii
<a href="#"><u>Introduction</u></a>	iii
1. <a href="#"><u>Initial response to a report of stalking</u></a>	1
2. <a href="#"><u>Handling the suspect or known stalker</u></a>	3
3. <a href="#"><u>Investigating the offence</u></a>	4
4. <a href="#"><u>If the suspect is prosecuted</u></a>	6
5. <a href="#"><u>Classifications</u></a>	8
6. <a href="#"><u>Overview of the Protection from Harassment Act, 1997</u></a>	9
7. <a href="#"><u>Summary of offences under the Act</u></a>	10
8. <a href="#"><u>Advice to victims</u></a>	13
9. <a href="#"><u>Organisations that can offer help and advice</u></a>	16
10. <a href="#"><u>Protecting people from harassment -alternative charges</u></a>	17

## Foreword

This small book, funded by the Home Office who commissioned Hamish Brown's research, deals with both the victims of stalkers and the perpetrators of their especial type of torture.

The book is designed to ensure that police investigators will be fully informed as to how to recognise a stalker -what they are likely to do, how they can destroy their victim and when stalking might become really dangerous.

There is advice for the police investigator, help for victims on how they can work with the police and good ideas for survival.

The police are undoubtedly the most important link to ensure the safety of the -far too many -victims of stalking. Now I am sure they not only have the information to take the problem seriously, they will also know how to take effective action.

It was with pleasure that I realised that Hamish Brown's masterly manuscript, based on his meticulous research, is just what has been missing. The one gap which needed to be filled, has been with this book.

Diana Lamplugh OBE

The Suzy Lamplugh Trust  
The National Charity for Personal Safety

# Introduction

Stalking, like shoplifting and mugging, is a description rather than a legal term. Before the creation of the Protection from Harassment Act, 1997, there was no specific offence of stalking, nor does the Act use the term 'stalking' as such. The Act refers to harassment which can take various forms; this guide deals with an aspect of harassment which has become commonly known as stalking. Some of the advice it contains could equally be used in other harassment cases.

Stalking can be described as a series of acts which are intended to, or in fact do, cause harassment to another person. Much of the conduct associated with stalking can be dealt with under existing legislation. Stalkers can have a devastating effect on the lives of their victims, who are subjected to constant harassment at home, in public places and at work, to the extent that they feel they are no longer in control of their lives. It is not unknown for a stalker to harass a victim for many years.

The motives for stalking are complex, but causes typically arise from situations where a stalker believes that they are loved by, or that a relationship exists with, the victim; or in which a stalker is trying to resurrect, or seek revenge for, a relationship with the victim which has broken off. There is often a feeling of power and control over the victim.

Sometimes the initial contact between stalker and victim may arise in the workplace. Occasionally, the activity is directed towards celebrities whom the stalker would like to befriend. Although a stalker's obsession is usually with one person, the behaviour can also be directed at the person's family and friends.

The methods employed by stalkers can take many forms. They can often harass a victim using actions which are in themselves unlawful, for example threatening, abusive or obscene phone calls; using abusive and threatening language; or committing acts of violence. In these cases, existing legislation can be used. Frequently, however, stalkers do not overtly threaten their victims, but use behaviour which appears routine and harmless and therefore is not caught by existing law. But even apparently harmless behaviour, such as following someone down the street or sending them flowers, can be intimidating if it is persistently inflicted on a victim against their will. This is one of the defining characteristics of stalking: irrespective of the nature of its component acts, stalking can be distressing and threatening to a victim because of its sheer, oppressive persistence.

Stalkers do not always confine themselves to ostensibly non-threatening behaviour, even if it is the way the pursuit of the victim may begin. Whilst in some cases the stalking remains at what might be termed a 'nuisance' level (although alarming enough for the victim), in many cases, as the obsession of the stalker grows, the methods employed will grow more overtly threatening. Acts can escalate into violence if the stalker's activities remain unchecked.

Research shows that the overwhelming majority of victims are women. It must be remembered, however, that men can also be stalked and their allegations must be taken equally seriously.

This guide is designed for police officers who are dealing with cases involving stalking-type behaviour. It is not definitive, but includes suggestions from police officers who have had experience in dealing with such cases on how to investigate them.

The guide also includes advice to victims and details of charities providing help and advice (these appear on pages 13-15, which you may want to copy and pass on to them). Details of relevant legislation are also included.

- **Remember that stalking has a traumatic effect on victims, who rightly expect police to take it seriously.**
- **Remember that stalking also includes behaviour that puts the victim in fear of violence. In some instances it has pre-empted the commission of more serious crimes.**

# 1. Initial response to a report of stalking

- Listen to the wishes of the victim and explain the law and police procedure.
- Explain that one option under the Protection from Harassment Act, 1997 for the court at the time of sentence, is to impose a restraining order which might give the victim peace of mind.
- One option, dependent on the type of stalker, may be to warn the suspect, which may stop such behaviour.
- Bear in mind the possibility of malicious allegations and counter-allegations.
- Ensure that you find out all the available facts of the case, including any previous incidents, however insignificant.
- Advise the victim of the advantages and disadvantages of police involvement. Just because the police are involved, it is no guarantee that the behaviour will stop. There is always a recourse through the civil courts although the victim should be advised about cost.
- Establish if there are any injunctions or restraining orders current, or expired.
- Establish if there are any outstanding criminal or civil cases involving the victim as a witness, or whether they have reported a similar allegation to the police previously.
- If there have been other allegations, establish what happened in the investigation.
- Establish whether there have been any previous incidents, no matter how small, that remain unaccounted for and could have been acts of harassment.
- If appropriate, ensure that a detailed statement is taken, and relevant exhibits seized.
- Tell the victim what they can do to help the police, for example gathering evidence.
- Doing something may help them feel more empowered and less victimised (see page 13).
- Offer the victim the services of the Victim Support scheme or other support organisations and arrange for crime prevention advice to be given.
- Inform the victim of the report reference number and advise them to quote it when calling the police in order that they do not have to keep repeating their story.
- Victims may be eligible for criminal injury compensation. The Victim Support scheme is trained in helping victims to complete such forms.
- Give victims details of local and national support and advice groups (see page 16).
- Consider giving advice about physical health or psychiatric problems. If the victim feels overtly distressed or frightened, or you suspect another psychiatric problem, advise them to see a doctor.

## **Contact with the victim during the investigation**

- Ensure the victim has details of the Investigating officer, including their name, warrant number, station and contact number.
- Try to keep the same investigating officer for the case, especially if the incidents are ongoing, as this helps reassure the victim; and prevents them having to describe traumatic events repeatedly.

- Some cases will attract media attention and the victim should be informed of this possibility:
  - any press release should be carefully worded to avoid giving the suspect additional information;
  - and
  - in cases involving a well-known person, business or establishment, think about contacting their public relations people. They may well wish to forestall publicity by issuing a statement.

#### **Following up the first contact**

- It is absolutely vital that the victim is informed immediately of significant developments at all times. This includes if the suspect:
  - has been released without charge;
  - is on bail (with conditions, if any);
  - is in custody; or
  - has appeared at court (together with the result).
- This is particularly important where a Restraining Order has been imposed:
  - a breach of a Restraining Order is a separate criminal offence and should be acted upon as soon as possible; and
  - remember it will be the victim who is most likely to report any breach to police.

#### **Recording of Restraining Orders and Injunctions**

- Comply with local force/CPS procedures.
- Know where Restraining Orders and Injunctions are kept and how to access them, especially out of office hours.
- A breach of a Restraining Order is a specific criminal offence under the Protection From Harassment Act and should be acted upon immediately.

#### **Contact with the victim if the stalker is prosecuted**

- Do not forget that stalking does not always stop after a prosecution. The victim should be advised to contact police with any concerns.
- Victims can obtain the date the suspect is to be released from prison from the Local Probation Service.
- Remember when contacting a victim again for any reason:
  - leave a message if you get an answering machine as an anonymous call could cause distress; and
  - discuss with the victim a safe way of communicating with them.

## 2. Handling the suspect or known stalker

- Protection from Harassment Act, 1997 explains 'a course of conduct' to be at least two occasions. Use your judgement:
- more instances of harassment (or fear of violence) would make a stronger prosecution; but
- circumstances (for example, the risk to the victim) might dictate otherwise.

### Warnings

- If the suspect is identified, a warning which refers to the provisions of the Protection from Harassment Act, 1997, might be appropriate; however this is not obligatory:
  - in minor cases this could 'nip' the harassment 'in the bud' and bring it to an end;
  - if it does not end the stalking, a warning will enhance a future prosecution -it will prove that the suspect 'knew or ought to have known' their conduct was causing harassment (or fear of violence);
  - it is important the accused is only warned about their behaviour;
  - any other action, such as a formal caution, could be taken to mean the matter is closed. Original acts might not then be allowed to support any future prosecution under the Act;
  - try to give the warning personally; this prevents the accused claiming a letter did not arrive, or it was not them who was spoken to on the telephone;
  - if a letter is sent, recorded delivery or registered post should be used;
  - when giving a warning, be mindful of local or
  - cultural issues that might dictate the manner of speech and what words are used;
  - do not forget that a warning could enhance the problem, so be careful to monitor the situation; and
  - a sufficient record should be made of the information given to the suspect.

### Written warnings

- Some form of documentation explaining that if the conduct persists a prosecution is likely to follow could be used:
  - this written form might also include a reminder that a copy of the document would be produced at any subsequent court proceedings. It would show an earlier warning had been given.
  - this could be handed to the accused at the time they are spoken to.

### Other sources of help

- In certain cases the suspect could be advised to seek help from a doctor or family:
  - we know that the behaviour of some stalkers is driven by psychiatric disorder; and
  - this positive advice might bring about an end to the harassment.

### 3. Investigating the offence

#### Collecting evidence

- Evidence is important and, in appropriate cases, technical support or surveillance should be used. Seek advice in those instances:
  - make use of closed circuit television or other security cameras in the vicinity;
  - consider the full use of the PNC and other indices, for example LOCATE TRACE and MARKER in respect of the suspect;
  - consider using the local intelligence system; - consider the personal safety of the victim;
  - do not forget there might be other victims, so check local records for similar crimes;
  - if the allegation is unusual in nature, the local media might be able to help trace victims in unreported cases; and
  - addresses of victims of stalking, and of their friends and relatives who may also have been targeted, should be flagged on message systems for priority calls. 'Restricted viewing' should be used in suitable cases.
- Take a statement, if appropriate, from the victim's family and neighbours:
  - remember confidentiality; seek permission from the victim before talking to others;
  - they might be able to give an independent account of what effect the stalking has had on the victim; and supply corroborative evidence as independent witnesses.
  - Get hold of all available evidence, for example written notes, diaries, videos, etc, and details of witnesses. Look for any other corroborative evidence.
  - Obtain medical and psychiatric evidence about the victim, even where no physical injury has been inflicted. Psychiatric injury has been held to be evidence in some cases (*R v Burstow*).

#### Searches

- As offences under this Act are arrestable, there are powers under Sections 17, 18 and 32 of PACE to enter and search premises:
  - searching the suspect's address (or motor vehicle) might produce corroborative evidence. This could be photographs and personal items of the victim, diaries or other written notes (including computer records) of the victim's movements;
  - look for taped telephone messages, material describing stalking techniques (for example, books or newspaper cuttings about well-known stalking crimes), and equipment such as binoculars and cameras;
  - check suspect's itemised telephone bill for telephone calls to the victim and preserve SIM-cards from mobile phones for downloading information and investigation.

### Collecting evidence of Internet stalking

- If a victim is being stalked through the Internet, it is often possible to trace the stalker:
  - do not delete the stalker's messages;
  - have the message hard copied and copied onto a disk;
  - contact the sender's Internet Service Provider as they might be able to tell you where the message was sent from;
  - act quickly: Internet Service Providers can archive (save) the message, but their records usually only remain for a very short time;
  - do not forget the provisions of the Data Protection Act. which regulates the release of information held on computer;
  - remember that stalking messages received by someone in the UK can be dealt with by our
  - Courts, whether they are sent from a UK address or an overseas one.

### Internet resources

- Many forces have departments specialising in the Internet who might be able to advise and help you.
- The Internet Watch Foundation (IWF) is the self - regulatory body for the UK Internet industry and has the support of the Government and Police. They can be contacted for advice on potentially illegal activity or content of the net. Their address is:

East View  
5 Coles Lane  
Oakington  
Cambridge  
CB4 5BA  
Tel' 01223237700  
Fax: 01223 235870  
Website: <http://www.iwf.org.uk>
- ACPO Computer Crime Working Group can be contacted for help through the ACPO Secretariat.

## 4. If the suspect is prosecuted

### Charging

- After the allegation has been investigated and a decision has been made to prosecute, consider a suitable charge.
- The charging of other offences, where appropriate, in conjunction with the Protection from Harassment Act, 1997 should be considered, as this might result in the imposition of a Restraining Order.
- It might not always be appropriate to proceed under the Protection from Harassment Act. It is important that the wide powers conferred by this Act are used properly:
  - the evidence could lead to another offence;
  - a list of some alternative offences appears in this booklet (pages 17-19); and
  - in cases of doubt or contention, experience shows that early liaison with the prosecutor is advisable.
- Where the suspect has previous convictions these should be researched. An earlier offence might be 'stalking-related' or similar to an offence under the Protection from Harassment Act.
- If the suspect has a psychiatric illness/mental health illness, advise the prosecutor, who could inform the court that reports need to be obtained:
  - be mindful of the requirement for an appropriate adult to be present during the investigation of any such case.

### Bail

- Where bail is appropriate, the use of conditions to prevent the offence continuing must be considered:
  - consult the victim as to what bail conditions would make them feel safe. Be specific about the wording, i.e. 'not to approach' is not as helpful as 'not to interfere or communicate by any means';

- breach of bail is a serious matter and should be acted upon quickly; and
- make the victim aware of the conditions of bail.

### Restraining Orders

- An important aspect of the Protection from Harassment Act is the power of the courts to impose a Restraining Order:

*The powers of this order can:*

- prohibit the accused (including any agents) directly or indirectly in any way whatsoever from contacting the victim and other named person(s) such as friends, relatives, etc.

*The following should be remembered:*

- methods of contact include in person, sending letters, electronic mail (e-mail), telephoning, etc.

- ***Prohibition can also be imposed on:***

- entering roads or specified areas where the victim (or other named person) lives, works or frequents. Having a map of the locality at court could help in making boundaries clear;
- retaining, recording or researching by any means private, confidential or personal facts relating to the named person(s); and
- using a different name without notifying the Court.

- ***A condition can also be imposed:***

- to notify the Court of change of address.

- ***Other conditions, as appropriate can be imposed.***

- In order for specific conditions to be considered and imposed at Court this information should be clearly marked in the case papers for the attention of the prosecutor, i.e. in both the Summary of Evidence and Form MG6C.

- Care should be taken not to reveal information that the suspect did not already know. This applies equally to background information about the victim Supplied in a statement.

### **Custody**

- Stalking from prison, by means of letter or telephone, is not unusual. While the prison service has a specific instruction to deal with this, it is still open to police officers to record any concerns on the Prisoner Escort Record.

### **Retention of case papers**

- Case papers should be retained for the duration of the Restraining Order or Injunction (this can be many years after a custodial sentence is discharged).

### **Victims**

- It is essential that victims should be notified by police of any application by the accused to vary the Restraining Order. The victim should be given the opportunity to attend Court and make representation.
- It should be noted that the Court can only make a Restraining Order at the time of sentence. It is not possible to make a retrospective application for one to be imposed.
- Where a Restraining Order has been imposed with a given time limit, it is not possible to return to the Court at a later date to have the limit extended.

## 5. Classifications

There are four specific recordable offences relating to the Protection from Harassment Act, 1997. These are:

- Section 2 **(Harassment)**  
HO Classification 195/94
- Section 3 **(Breach of a civil injunction)**  
HO Classification 8/29
- Section 4 **(Putting people in fear of violence)**  
HO Classification 8/30
- Section 5 **(Breach of a restraining order)**  
HO Classification 8/31.

## 6. Overview of the Protection from Harassment Act, 1997

This is only an overview of the Act. For in-depth knowledge refer to the appropriate legislative material.

### Key features

- Offence of harassment (ss 1 and 2)
- A civil remedy for harassment in cases of an anticipated breach of section 1 (s3)
- An offence of putting people in fear of violence (s4)
- A power to enable courts to make restraining orders upon conviction (s5)
- Breaches of non harassment injunctions (s3) and Restraining Orders (s5) is a criminal offence
- The offences and breaches of any injunctions or restraining orders are all arrestable under s24 PACE.

## 7. Summary of offences under the Act

### Causing harassment

#### Section 1(1)

A person must not pursue a course of conduct that amounts to harassment of another and which he knows or ought to know amounts to harassment of the other.

#### Section 2(1)

A person who pursues a course of conduct in breach of Section 1 is guilty of an offence.

This is an arrestable offence under Section 24(1) (c), Police and Criminal Evidence Act and carries a maximum sentence of six months' imprisonment and/or a fine of £5,000.

#### Points to prove:

- a) Harassment was caused.
- b) Caused by a course of conduct.
- c) Offender knows or ought to have known their conduct amounted to harassment. *Notes*
  - Harassing a person includes causing alarm or causing distress.
  - The person who is alarmed or distressed does not have to be the intended victim of the harassment. It is possible to be alarmed for the safety of another person or to be distressed by the way another person is treated.
  - A course of conduct must be on at least two occasions (this is the absolute minimum and experience has shown a prosecution is more likely to succeed with evidence of more than two acts).
  - 'Conduct' includes speech as well as actions.
  - No specific timescale, generally speaking. However, the longer the length of time between incidents, the less chance that they will constitute a course of conduct. Also be mindful that two acts with a short break in between, could be construed as only one act. Each case must be dealt with according to its particular facts (*Lau v DPP*, 2000).

- The six-month limit for charging summary offences does apply and the last incident alleged must be less than six months before the date of charge/summons.

### Putting people in fear of violence

#### Section 4

A person whose course of conduct causes another to fear, on at least two occasions, that violence will be used against him, is guilty of an offence if he knows or ought to know that this course of conduct would cause the other so to fear on each of these occasions.

This is an arrestable offence and carries a maximum penalty of six months' imprisonment and/or a fine of £5,000 on summary conviction. On indictment the maximum penalty is five years' imprisonment and/or a fine.

#### Points to prove:

- a) Fear of violence.
- b) Caused by a course of conduct.
- c) Offender knows or ought to know the other would fear violence (this is known as the 'Reasonable Person' Test).

#### Notes

- 'Course of conduct' has the meaning as for the offence of harassment.
- For the purposes of Sections 2 and 4 whether conduct amounts to harassment (52) or causing fear (54) is determined if a reasonable person in possession of the same information would think the course of conduct amounted to harassment or causing fear.
- No specific intent has to be proved and can be committed anywhere.

## Defences to prosecutions made under Sections 2 and 4

If the perpetrator can show that the course of conduct:

- was for the purpose of preventing or detecting crime (police officers, Customs and Excise, Social Security, etc) *{Sections 2 and 4}*; **or**
- was pursued under any enactment or rule of law or to comply with any condition or requirement imposed by any person under any enactment (utility services, gas, water, etc) *{Sections 2 and 4}*; **or**
- that it was reasonable in the particular circumstances to pursue that course of conduct *{Section 2 only}*; **or**
- that the course of conduct was reasonable for the protection of themselves or others or for the protection of their or others' property , *{Section 4 only}*.

## Breach of an injunction issued by the civil court

### Section 3

An actual or apprehended breach of section 1 may be the subject of a claim in civil proceedings.

#### Notes

- The person who is or may be the victim of this harassment may make a claim to a county court or to the High Court.
- The claim may be for damages and/or for the granting of an injunction.
- Breaching such an injunction will be a criminal offence carrying a penalty of five years (on conviction on indictment) and is therefore an arrestable offence.
- Alternatively the court may issue a warrant of arrest for the breach. The warrant will be to bring the offender before the Civil Courts to be dealt with for contempt of court.
- It is important to note that no actual harassment need have taken place. A person may make an application in respect of harassment which is feared or anticipated, but in practice a Court will need some evidence to justify an injunction.
- The victim may instead wish to make a civil claim for damages or take out an injunction. They should be aware that they would be responsible for costs (unless legally aided) for such claims.
- The burden of proof in the Civil Courts is on the balance of probability against the 'beyond reasonable doubt' test in the Criminal Courts.

## **Breach of a restraining order**

### **Section 5**

Under the provisions of this section the court at the time of sentence Of otherwise dealing with a person convicted of an offence under Section 2 or 4 may make a Restraining Order, in addition to any other sentence.

#### *Notes*

- The Order seeks to protect the victim or any person named in the Order from any future harassment or fear of violence for a specified period or until further notice.
- The prosecution, defendant or any person named in the Order may apply to the court to have it varied or discharged.
- If the Order is breached without reasonable excuse, it is an arrestable offence and carries up to five years' imprisonment and/or a fine.

### **Added penalties**

#### ***Racially Aggravated Offences***

The Crime and Disorder Act, 1998 applies to the Protection from Harassment Act.

- Section 2 harassment is increased to a maximum of 2 years' imprisonment; and
- Section 4 putting people in fear of violence increases to 7 years' imprisonment.

#### *Notes*

An offence is racially aggravated if:

- at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim's membership (or presumed membership) of a racial group; or
- the offence is motivated (wholly or partly) by hostility towards members of a racial group based on their membership of that group.

## **The law in Scotland**

Section 8-11 Protection from Harassment Act, 1997 applies to Scotland only.

Section 8(1) states -Every individual has a right to be free from harassment and, accordingly, a person must not pursue a course of conduct which amounts to harassment of another and:

- a) is intended to amount to harassment of that person; or
- b) occurs in circumstances where it would appear to a reasonable person that it would amount to harassment of that person.

The remedies for an actual or apprehended breach of section 8(1) are by way of claims in civil proceedings. The common law offence of breach of the peace is widely used in Scotland to deal with situations which in England and Wales would be dealt with under the Protection from Harassment Act.

### **The law in Northern Ireland**

The Protection from Harassment (Northern Ireland) Order 1997 is basically identical to the Act but the numbering of the Sections is different so that Sections 1 to 5 are Section 3 to 7 of the Order.

## 8. Advice to victims

(Pages 13-15 can be copied and passed on.)

- You don't have to be rich or famous for someone to follow you or spy on you or try to get more involved in your life than you want them to be.
- A total stranger or someone you know, or used to know, very well could be involved.
- If you think you are being stalked, report your concerns to police, no matter how trivial the harassment may seem to you.
- The police must treat it seriously and will investigate your complaint.
- If you are in fear of immediate danger, call 999.
- if you recognise the handwriting, you can keep the letter or parcel as evidence without having to open and read the contents;
- tape record telephone conversations if you can, and keep the tape;
- make sure you keep any stored messages (including text messages) or telephone numbers that you have received on your mobile telephone and caller ID units;
- use 1471 on your phone and write down details of calls -even if you didn't answer them;
- try to get a photograph or video evidence of your stalker (especially if they are someone who has already been warned by the police not to come near you);

### Help the police to help you

- **By gathering evidence:**
  - keep a record of what happened, where and when, every time you were followed, phoned, got post or e-mail messages;
  - if possible, download onto disk and print out a hard copy of e-mail messages, but do not delete the original -keep it for the police to examine;
  - if you have a mobile telephone, do not tamper with or dispose of it or its SIM-card without first consulting the Investigating Officer. It may contain valuable evidence;
  - the more details you have, the better: how the offender looked or sounded, what they were wearing, the make, number plate or colour of their car;
  - making notes in a diary is a good idea, this may be used in any later court proceedings. Write information down as soon as possible when events are still fresh in your mind. Include details of dates and times of the incidents, and people who may have witnessed them;
  - find out if any of your neighbours, etc, saw or heard what happened;
  - keep letters and parcels as evidence: even if they contain frightening or upsetting messages, do not throw them away, keep them in a box so you don't have to handle them;
- tell your neighbours, friends and work colleagues about what is happening; and
- keep notes of anything they see and hear (for example if others answer your phone at work). They can act as independent witnesses, and tell you of anything they may see when you're not there.

### How you can help yourself

- Take a mobile telephone when out and about.
- Carry a personal attack alarm and learn how to use it- but do not carry anything that is meant for use as a weapon.
- Think about improving your home's security - ask the police for advice.
- Try to alter your daily routines, ask friends to go with you whenever possible, and always try to let someone know what your plans are and if you have to change them while you're away from home or work.
- When out and about, if you feel insecure, look out for places such as 24-hour petrol stations and shops or police stations and other emergency services where you could go to for help.

- If the stalking is at college or university, think about telling a tutor or head of department who might be able to put a stop to it. In-house support groups are available.
- At banks, building societies and other cash outlets you are asked for your mother's maiden name as a security password. This name is available to anyone researching public records. It is okay to use something else.

#### **If you know or find out who your stalker is**

- Remember not to confront your stalker or even engage them in conversation:
- do not, **under any circumstances**, agree to a meeting to talk about how you feel about them constantly bothering you;
- do not respond in any way to calls, letters or conversations. If you ignore the phone nine times and pick it up on the tenth, you will send the message that persistence pays. Once they have your attention, they will be encouraged to carry on;
- ask friends or your solicitor to contact them if you want to get a message to them.

#### **Avoiding unwanted phone calls**

- If someone makes phone calls that are offensive, threatening or simply worryingly frequent:
- just say "hello" when you answer, not your name or number;
- try to keep calm and not show any emotion - many callers will give up if they don't think they're making any impression on you or your feelings;
- use an answer machine to 'screen out' calls and only talk to people you want to. Caller ID units are another way of ensuring you know who is calling before you answer the telephone;
- ask a friend to record the outgoing message on your answer machine, for example a man's voice might throw the caller off balance;

- make sure your message doesn't make it clear you're alone: "We can't come to the phone right now" rather than "I'm not at home";
- if the caller rings again, put the handset down on a table for a few minutes and walk away -the caller will think you are listening. After a few minutes replace the handset -you do not have to listen to what the caller has to say;
- dial 1471 and keep a note of the number that called, when and for how long;
- contact your telephone company -the operator will be able to tell you who to talk to;
- decide if you want to change to an ex-directory number.

#### **Avoid being stalked on the Internet**

- Always remember you are never totally anonymous on the Internet. Use your 'stranger -danger' instincts:
- use an on-screen nickname that doesn't make it easy to guess your real identity (or even whether you are a man or a woman);
- never give out your password, even to someone who claims to be from your Internet company;
- do not give personal information, such as a photograph of yourself or details of telephone numbers and credit cards, to people you talk to in chat rooms or newsgroups;
- be careful if you answer 'junk mail'; and
- log off (leave the 'room') if you are uncomfortable with what is being said in chat channels.
- It is safer not to meet people you have chatted to on-line. If you do decide to meet them, take a friend and meet in a public place where you feel safe.

### **If you are stalked on the Internet**

- If you get offensive or threatening e-mails or messages on-screen:
  - do not delete the messages -save them onto a disk or print out the screen;
  - keep all paper and hard copies, together with any other evidence, and call the police;
  - you can contact your Internet Service Provider, who may be able to block incoming e-mail from specified addresses; or
  - you can always change your e-mail address.

### **Internet safety for children**

- Schools and others monitoring children should be careful when giving out details of school trips, sports activities, etc.
- Families might want to keep computers in a shared space, rather than a child's bedroom. This will make informal control of what they see on screen easier.
- Make sure children know the dangers the Internet can pose. Explain about:
  - not supplying personal details; and
  - not getting into conversation or arranging to meet people.
- And encourage your children to tell you about anything they've seen that worries them.

## 9. Organisations that can offer help and advice

### **Victim Support**

PO Box 11431

London SW9 6ZH

Tel: 08453030900

This is the Victim Support National Office but referrals should be made through a local scheme where possible.

### **The Suzy Lamplugh Trust**

14 East Sheen Avenue London

SW14 8AS

Tel: 02083921839

Website: [suzylamplugh.org.uk](http://suzylamplugh.org.uk)

E-mail: [trust@suzylamplugh.org.uk](mailto:trust@suzylamplugh.org.uk)

This trust deals with people's safety in general and can be approached for advice.

### **S.O.S. – (Network for Surviving Stalking)**

PO Box 7836 Crowthorne

Berkshire RG45 7YA

An organisation that specialises in giving help and support to stalking victims. This includes the creation of a network of victims who have suffered similar experiences.

Remember that **your doctor** is always someone you can speak to for help and advice.

## 10. Protecting people from harassment - alternative charges

The Protection from Harassment Act may not always be the most suitable Act under which to prosecute a stalker. Each case needs to be looked at in its own right.

**Offence** *Sending letters or articles with intent to cause distress or anxiety*

**Act** S1 Malicious Communications Act 1998

**Power of arrest** S25 PACE

**Place** Anywhere

**Other conditions** -Indecent or grossly offensive letter/article  
-Intent to cause distress/anxiety

**Offence** *Improper use of telecommunications system*

**Act** S43 Telecommunications Act 1986

**Power of arrest** S25 PACE

**Place** Must be via public telecommunications

**Other conditions** Message or matter must be grossly offensive, indecent, obscene or menacing; or other false or persistent message for purpose of causing annoyance, inconvenience or needless anxiety

**Offence** *Fear or provocation of violence*

**Act** S4 Public Order Act 1986

**Power of arrest** Reasonably suspected to be committing (S4 (3))

**Place** No offence if both parties in dwelling

**Other conditions** -Threatening, abusive, insulting words, behaviour, signs, etc  
-Intent to cause person to believe immediate unlawful violence will be used or to provoke such violence or whereby violence is likely

<b>Offence</b>	<b><i>Intentional harassment, alarm or distress</i></b>
<b>Act</b>	S4A Public Order Act 1986
<b>Power of arrest</b>	Reasonably suspected to be committing (s4A(4))
<b>Place</b>	No offence if both parties in dwelling
<b>Other conditions</b>	-Threatening, abusive, insulting words, behaviour, disorderly behaviour, signs, etc -Within hearing or sight of person likely to be caused harassment, alarm or distress

<b>Offence</b>	<b><i>Common Assault</i></b>
<b>Act</b>	S39 Criminal Justice Act 1988
<b>Power of arrest</b>	S25 PACE
<b>Place</b>	Anywhere
<b>Other conditions</b>	Actual battery or threat of immediate force

<b>Offence</b>	<b><i>Threats to kill</i></b>
<b>Act</b>	S 16 Offences Against the Person Act 1861
<b>Power of arrest</b>	Arrestable
<b>Place</b>	Anywhere
<b>Other conditions</b>	Making a threat to another intending the other would fear it would be carried out to kill any person

<b>Offence</b>	<b><i>Actual or Grievous Bodily Harm</i></b>
<b>Act</b>	Ss 47 & 20 Offences Against the Person Act 1861
<b>Power of arrest</b>	Arrestable
<b>Place</b>	Anywhere
<b>Other conditions</b>	Need for bodily harm or good medical evidence of psychological injury

<b>Offence</b>	<b><i>Witness intimidation</i></b>
<b>Act</b>	S51 Criminal Justice and Public Order Act 1995
<b>Power of arrest</b>	Arrestable
<b>Place</b>	Anywhere
<b>Other conditions</b>	Can include: <ul style="list-style-type: none"> <li>-a witness or juror in any proceedings for an offence</li> <li>-a person who assisted in the investigation of an offence but was not a witness</li> <li>-persons who fall into both the above categories Note: certain time limits apply</li> </ul>

<b>Offence</b>	<b><i>Intimidation or annoyance by violence or otherwise</i></b>
<b>Act</b>	S241 Trade Union and Labour Relations Consolidation Act 1992
<b>Power of arrest</b>	Arrestable
<b>Place</b>	Anywhere
<b>Other conditions</b>	Includes compelling another person to abstain from work