



Stalking Law Reform Westminster 2011

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The Trade Union and
Professional Association
for Family Court and
Probation Staff

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Brave victims to give evidence

The second evidential session of the unique People's Inquiry into stalking law reform has been scheduled for 14th September 2011.

The Inquiry Panel will hear exclusively from a number of victims who have been stalked, along with families whose loved ones have been murdered by their stalkers.

Those giving evidence will also be asked by MPs what help and support they received from criminal justice agencies and what steps and measures should be taken to better safeguard future victims and avoid future tragedies.

The victim's experience and voice is a central tenet of the Parliamentary Inquiry.

Learning from Scotland

Ann Moulds was stalked for a number of years. Although she reported what happened to police and others it became apparent stalking was not readily understood, nor was it recognised along with the fact that there were very limited tools to tackle it. She voiced her concerns to key agencies, including the police, extrapolating lessons from her own experience. Sometime later this evolved into a campaign called Action Scotland Against Stalking which was launched in March 2009. The clear aims of the campaign were for stalking to be recognised as a criminal offence, for victims to be taken seriously and receive appropriate support.

There was initial resistance amongst some agencies and civil servants. However, Ann created a climate for change by meeting with key decision makers and opinion formers to describe her experience, the challenges she faced as well as potential solutions.

By the end of 2009 the campaign had won over the influential all party justice committee of the Scottish Parliament.



Laura Richards, James Clarke, Ann Moulds and Harry Fletcher – discuss Scottish Stalking Law Reform

In June 2010 Anti-Stalking legislation was introduced into the New Criminal Justice and Licensing (Scotland) Bill. The bill created an offence of threatening and abusive behaviour (Clause 38) and an offence of stalking (clause 39). The clause also lists a certain number of behaviours and conducts that amount to stalking. The measure came into force in Scottish law on 13 December 2010. By June 2011 over 130 individuals had been charged under the provision of clause 39 with the vast majority entering a guilty plea in one police force. In addition, 15,000 individuals have been charged under the terms of clause 38. Strathclyde Police have agreed to provide the Parliamentary Inquiry with comprehensive figures for the first ten months of prosecutions and charges under the legislation.

Ann Moulds and her colleague James Clark were asked by the inquiry what lessons they had learnt from the campaign. They said "never give up and keep it simple". They added that law and practice were poles apart and the offence of stalking until it was included in

legislation had been hidden and in essence they had campaigned to “name the crime”. A full report on the changes in Scotland will be submitted to the enquiry by advisors Laura Richards and Harry Fletcher in the autumn.

Police Federation on side

Police Federation of England and Wales which has over 120,000 serving members have indicated their support for the campaign.

Meetings took place last month with the Federation chair, Paul McKeever, and members of the law and legislation committee. Laura and Harry were invited to submit an article about stalking law reform for the next issue of Police Magazine, to be published in September.

The Federation have also requested PAS and NAPO undertake some stalking awareness training with serving police officers.

Perpetrators Survey

Napo is in the process of asking its members particularly those working in victim liaison units and in prisons to submit case studies about the treatment within the criminal justice system of the perpetrators of stalking and harassment.

So far over sixty cases have been submitted with the promise of more to come. A prison in the Midlands where there are thought to be over thirty individuals serving sentences for either threatening behaviour or breach of restraining order. Is cooperating with the evidence gathering exercise and all the data will be analysed and published as evidence to the inquiry over the next few months.

Inquiry into Stalking Law Reform

Terms of reference

- 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.

Call to action – we need your help

We are still collecting evidence of the victim's experience in the criminal justice system. Just over 100 victims have completed the victim's survey.

Please can you ask victims you may work with to complete this worthwhile questionnaire. We want their voice to count to inform change. It is anonymous and will be live from July 2011:

<https://www.surveymonkey.com/s/WK2TGVJ>