

Stalking and Harassment



Stalking and harassment both involve repeated behaviours that can cause alarm, distress or fear of violence in a victim. However, stalking is perpetrated by obsessive individuals whose behaviours disrupt a victim's life and may escalate to other crimes. This POSTnote describes the crimes of stalking and harassment. It presents evidence on the effectiveness of approaches to identifying, preventing and prosecuting stalking and harassment.

Background

Stalking and harassment are generally considered to include any behaviour by a perpetrator that would cause alarm, distress or fear of violence in a victim.^{1,2} Behaviours can include following a person, making unwanted phone calls, monitoring internet use, and interfering with property.² To be considered stalking or harassment, behaviours must occur on at least two occasions, forming a course of conduct.² Stalking and harassment are separate offences.² Legislation for these crimes differs across the UK as criminal law is a devolved matter (Box 1) and this POSTnote will focus on England and Wales. A 2017 police and Crown Prosecution Service (CPS) inspection found that stalking was often misidentified as harassment by police because of overlaps within the law.³ Recent developments in how stalking and harassment cases will be handled include a new joint CPS–police protocol and the proposed introduction of Stalking Protection Orders.^{4,5}

This POSTnote describes stalking and harassment before presenting evidence on effective approaches to identifying, preventing and prosecuting these crimes. There is limited evidence in some of these areas (such as effective approaches to preventing stalking) in part due to how recently stalking was made a distinct crime in the UK. This

Overview

- Stalking and harassment both involve repeated behaviours, such as unwanted contact online or in person, that can cause alarm, distress or fear of violence in a victim.
- These crimes are not clearly differentiated in UK law, which has led to police and victims misidentifying stalking as harassment.
- Harassment can include verbal abuse, online bullying and unwanted phone calls.
- Stalking is characterised by a perpetrator's fixation or obsession and may escalate to other crimes, such as assault or murder.
- Civil or criminal proceedings can be brought against perpetrators. However, stalking may not be stopped using these means alone.
- Interventions involving multiple agencies, including police, social care services and mental health services are currently being trialled in three UK police force areas.

briefing does not cover workplace harassment, sexual harassment or street harassment, which are addressed in separate legislation from stalking and harassment (Box 1).

Characterising Stalking or Harassment

Any behaviour can be considered stalking or harassment if it forms a course of conduct (occurs on at least two occasions) and if a perpetrator ought to know that it amounts to harassment or stalking.² Stalking is more likely to disrupt the victim's day-to-day life.² A 2017 Network for Surviving Stalking survey reports that the most common forms of stalking behaviour are a perpetrator turning up at a victim's work or home and watching, following or spying on a victim.⁶ Harassment includes any behaviour that makes a person feel distressed, humiliated or threatened.⁷

Differences Between Stalking and Harassment

Stalking and harassment are interrelated in UK legislation (Box 1). However, charities that provide support to victims consider stalking to be characterised by perpetrators' persistence, fixation and obsession.⁸⁻¹⁰ For example, stalking can persist over many months or years, with the 2017 Network for Surviving Stalking survey reporting that 37% of victims are stalked for more than two years.⁶

Box 1: Stalking and Harassment Legislation in the UK

England and Wales: Harassment was made a criminal offence under the Protection from Harassment Act (PfHA) 1997, which was subsequently amended by the Protection of Freedoms Act 2012 to include the crime of stalking.^{2,11} Perpetrators can be charged with either harassment or stalking under this Act.² Neither of these crimes are specifically defined. The Act prohibits a course of conduct (two or more incidents) of any behaviours amounting to harassment or stalking (though exact behaviours are not defined).² Stalking and harassment with fear of violence have maximum penalties of 10 years' imprisonment.^{2,12,13} Online stalking and harassment is covered by the PfHA and by other legislation (Box 2).

Northern Ireland: The Protection from Harassment Order (Northern Ireland) 1997 mirrors the wording of the PfHA relating to harassment but does not include amendments made by the 2012 Protections of Freedoms Act relating to stalking, meaning that stalking is not a distinct crime in Northern Ireland.¹⁴ Sentences for harassment with fear of violence carry a maximum penalty of 7 years' imprisonment.¹⁴

Scotland: The legislation criminalising harassment in Scotland is also found in the PfHA 1997, which enables the subject to bring a civil claim for a non-harassment order, obliging a perpetrator to refrain from the harassment behaviour.² Stalking was made a criminal offence through Section 39 (Criminal Law) of the Criminal Justice & Licensing Act 2010.^{2,15} Stalking and breaching a non-harassment order both have maximum sentences of 5 years' imprisonment.^{2,12}

Stalking is likely to continue even after prosecution, with studies of individuals charged with stalking indicating that up to 56% go on to reoffend.¹⁶⁻¹⁹ Studies have found that stalking reoffending is more likely when a perpetrator has a personality disorder or mental health condition.^{16,17} If stalking continues unchecked, it can also escalate to other offences, such as sexual assault and murder.^{3,20} A small-scale study of 358 cases of women murdered by men suggests prior monitoring, tracking or surveillance behaviour occurred in the vast majority of cases.²⁰ However, this finding is difficult to substantiate with official data because of police historically misidentifying stalking as harassment.³

Misidentifying Stalking as Harassment

Stalking was made a separate offence from harassment in 2012 in England and Wales (Box 1). However, the relative recency of this change and overlaps between stalking and harassment in legislation has led to stalking being recorded by police as harassment.^{2,3,21,22} This has led to more prosecutions being pursued for harassment than stalking. For example, between 2014 and 2015, harassment prosecutions outnumbered stalking prosecutions by 13 to 1.³ However, the Crown Prosecution Service (CPS) reports that there was a 69% increase in prosecutions started for stalking offences from 2016–17 to 2017–18 because of improvements in awareness following a police and CPS inspection.^{4,23} Recording stalking accurately is important because of the risks of reoffending and escalation.³

Victims of Stalking and Harassment

The Crime Survey for England and Wales (CSEW) estimates that 4.9 million adults in England and Wales have experienced stalking or harassment in their lifetime.²⁴ Some groups are more likely to experience these crimes. For example, women are twice as likely as men to experience stalking, with mixed-race women and those aged 20–24 years at greatest risk.²⁴ Other studies have indicated that

men may underreport their experiences because stalking is perceived as a crime that predominantly affects women.^{25,26}

Stalking can have psychological and social impacts on a victim. A 2017 survey of 321 self-reported stalking victims by the UK charity Network for Surviving Stalking reports that 31% of victims had taken sick leave from work because of their experiences and 25% were forced to move home.⁶ In a 2015 survey of 353 self-reported stalking victims by the National Centre for Cyberstalking Research, 45% reported symptoms of post-traumatic stress disorder and 51% reported symptoms of moderate to severe anxiety.^{27,28}

Perpetrators of Stalking and Harassment

Perpetrators of stalking and harassment may or may not be known to the victim and can include current/former partners, family members, colleagues, acquaintances or strangers.^{6,29} They may also harass other people in the victim's life, creating secondary victims.³⁰ The CSEW reports that of those stalked between 2016–2017, 43% of women and 29% of men were stalked by a current or former partner.^{24,31} Motivations for stalking range from fighting a perceived injustice to wishing to pursue a relationship with a victim and may be linked to personality disorders or mental health conditions. The Stalking Risk Profile (SRP) was created to help assess risk based on perpetrator types to inform more effective interventions by agencies (Box 3).³²

Tackling Stalking and Harassment

As the majority of victims of stalking and harassment are women, the CPS and police often use strategies and tools for preventing Violence Against Women and Girls (VAWG).^{21,33} The use of VAWG strategies can be applied to cases involving male victims, with the CPS stating their commitment to secure justice for all victims, regardless of gender.³⁴ This section will present evidence on approaches to dealing with stalking and harassment using the four strands of the UK Government's 2016 VAWG strategy: preventing violence and abuse, provision of services, pursuing perpetrators and partnership working.³⁵

Box 2: Digitally-Assisted and Online Stalking and Harassment

Stalking and harassment behaviour is varied and can include using internet-connected devices to follow a victim. For example, spyware apps are available that enable a perpetrator to view the contents of a victim's mobile phone.³⁶ Apps designed for legitimate purposes can also be misappropriated to enable a perpetrator to track a victim.³⁷ Smart devices, such as smart TVs, can be used to track or record a person without their knowledge.³⁸ The first UK conviction for stalking using a smart home device occurred in 2018.³⁹

The use of the internet in the perpetration of stalking and harassment has been increasing since 2005, with services such as social media allowing perpetrators to conceal or falsify their identity.⁴⁰ People can use the internet to target high-profile individuals (Box 4). For example, two individuals sent death and rape threats via Twitter to Stella Creasy MP and campaigner Caroline Criado-Perez.⁴¹ The perpetrators received short custodial sentences after being tried under the Communications Act 2003.⁴² One of the individuals subsequently reoffended and was sentenced to 2 years and 3 months in prison, under the Malicious Communications Act 1988, for racist abuse and death threats directed at Luciana Berger MP.⁴³

Box 3: The Stalking Risk Profile (SRP)

The SRP was developed by forensic psychologists and psychiatrists to aid risk assessment in stalking cases.³² It looks at factors associated with risk of future stalking and stalking-related violence, including a stalker's relationship with the victim and prior convictions.^{32,44} The SRP is used by charities that support stalking victims. For example, the risk assessment checklist used by the UK's National Stalking Helpline is informed by the SRP.^{32,45} The SRP outlines five stalker types. A study of 241 cases by authors of the SRP also indicates the prevalence of each in a clinical setting.⁴⁶

The Rejected Stalker (54% of studied cases) is the most common type, has the highest prevalence of violence and will pursue the victim, often a former partner, for either reconciliation or revenge.^{32,44} They may respond to a combination of legal and clinical interventions.^{32,44}

The Resentful Stalker (15% of studied cases) intends to cause fear and distress to a victim in response to perceived mistreatment.³² Legal sanctions, though often necessary, may exacerbate their behaviour, and they may require psychiatric treatment.^{32,44}

The Intimacy Seeking Stalker (10% of studied cases) wants an intimate relationship with their victim and may have delusions about their relationship with the victim due to mental illness.^{32,44} They are unlikely to respond to legal sanctions and often require psychiatric treatment to cease stalking behaviours.^{32,44}

The Incompetent Stalker (11% of studied cases) attempts to forge a relationship with the victim in socially inappropriate ways.³² Legal sanctions can be effective. However, to prevent stalking of new victims in the future, perpetrators may require psychological treatment to change their behaviour and build social skills.^{32,44}

The Predatory Stalker (10% of studied cases) stalks victims for sexual gratification or in preparation for a sexual assault.^{32,44} Their stalking behaviour is sexually motivated and may involve carrying out stalking and sex offences simultaneously.³² Sex offender treatment may be used as an intervention for this type.^{32,44}

Preventing Violence and Abuse

Prevention involves both stopping a person engaging in stalking or harassment and intervening early in these crimes to stop continuation or escalation.

Preventing Stalking and Harassment Developing

Prevention strategies can include interventions to change the behaviour of individuals who are likely to undertake stalking. These may include educational programmes on healthy relationships in schools ([POSTnote 576](#)) and early interventions, such as with perpetrators of domestic abuse, to prevent stalking or harassment behaviours developing.⁴⁷ Post-separation stalking and harassment by former intimate partners can be a continuation of coercive control, a form of domestic abuse.⁴⁸ As there is overlap between stalking and harassment and domestic abuse behaviours, Domestic Violence Perpetrator Programmes (DVPPs) may be effective in preventing post-separation stalking behaviours developing.^{31,49} An evaluation of the effectiveness of DVPPs found that it is possible to change abusive behaviour.⁵⁰ For example, in interviews of 100 participants before, during and after their partners attended DVPPs, participants reported that their partners stopped physical and sexual violence almost entirely after a year and reduced some forms of non-physical abuse, such as controlling behaviours.⁵⁰

Early Identification of Stalking and Harassment

Early identification of stalking and harassment is key to preventing these crimes escalating.²⁰ However, victims may not immediately recognise behaviours as crimes, with the

2005 Network for Surviving Stalking survey indicating that victims experience, on average, 100 incidents of stalking behaviour before going to the police.²⁹ A 2017 police and CPS inspection found that victims of stalking tended to contact the police because of an escalation or because the incidents were affecting other people in their lives.⁵¹

Early Police Intervention

Until recently, if victims reported stalking or harassment to the police, a Police Information Notice (PIN) could be issued. PINs, which have no legal effect, notify perpetrators that their actions could amount to a crime.⁵² An inspection that looked at use of PINs in 270 cases found that thorough police investigations did not take place at the time or after they were issued and little action was taken to protect victims.³ There was also concern that PINs could increase the likelihood of perpetrator behaviour escalating.^{3,53} Many police forces have subsequently stopped using them.³

Police may also use risk identification checklists to help identify when behaviours may escalate to other crimes. Most UK police forces use the Domestic Abuse, Stalking and Honour-Based Violence (DASH) checklist.⁵⁴ However, a 2016 evaluation of the use of the DASH found there was a lack of training in risk assessment and too great a focus on physical violence, with other abuse often being missed.⁵⁵ This means that cases were not recognised as high-risk and victims did not receive support and safeguarding measures.^{20,55} The CPS and police have developed a new joint protocol and checklist, in use from 2018, for police and prosecutors to complete when deciding whether to bring a stalking charge.⁵⁶ Police should check the Police National Computer for perpetrators' and victims' names to identify previous recorded incidents and check for a course of conduct.⁴ Its effectiveness will be evaluated in 2019.⁵⁷

Provision of Services

Victims of stalking or harassment may report their experiences directly to the police or to other service providers, such as the National Stalking Helpline.³ The joint police–CPS protocol states that at the beginning of any investigation the victim should be assigned a police single point of contact for stalking and referred to the relevant support services.⁴ These services include Paladin, a national stalking advocacy service that trains and accredits independent stalking advice caseworkers, who help victims navigate the criminal justice system.^{58,59}

Pursuing Perpetrators

Surveys indicate that the majority of victims who report stalking or harassment to the police simply want the perpetrators' behaviour to stop.⁵¹ However, victims may choose to pursue civil or criminal cases against perpetrators, either separately or concurrently.¹

Civil Proceedings

Victims can take action against a perpetrator of stalking or harassment in civil courts, usually at their own cost unless they qualify for legal aid.⁶⁰ Victims can apply to civil courts for injunctions that can prohibit an individual from carrying out certain behaviours (such as visiting the victim's home).⁶⁰

If the perpetrator is a former partner, the victim can apply through Family Courts for a non-molestation or occupation order, which prevent the perpetrator from contacting or coming near the victim or their home.^{1,61,62} Breaching an injunction is a criminal offence that can result in a fine or five years' imprisonment.²

A new way to pursue perpetrators has been proposed in the 2017–2019 Stalking Protection Bill, which lays out the introduction of Stalking Protection Orders (SPOs).^{5,63} SPOs would be civil orders that would not require individuals to apply for injunctions through civil courts themselves. Instead, police would apply to a Magistrates' Court for an SPO prior to criminal proceedings and would then administer it.⁵ SPOs could oblige a person to stop certain behaviours (such as contacting an individual) or to engage in certain behaviours (such as attending a perpetrator intervention programme).^{5,64} SPOs are supported by stakeholders for their ability to impose comprehensive restrictions on perpetrators.⁵ Non-compliance or breach of these orders would be a criminal offence and would carry a maximum penalty of five years' imprisonment.⁵

Criminal Proceedings

Perpetrators may be prosecuted for stalking or harassment under the Protection from Harassment Act (Box 1). A range of penalties and orders are available to protect the victim following a criminal trial. Restraining orders may be issued following a conviction or acquittal for stalking or harassment, and can prohibit an individual from contacting another person.² Breaching a restraining order is a criminal offence with a maximum penalty of five years' imprisonment.^{1,65} An individual found guilty of the most severe form of stalking or harassment under the Protection from Harassment Act faces a maximum penalty of ten years' imprisonment.¹² However, historically prosecution rates for the crimes have been low. For example, in 2013–14, only 1% of stalking and 16% of harassment cases recorded by the police resulted in prosecution.⁶⁶ In addition, high rates of reoffending, and cases where victims have been killed by their stalker while waiting for criminal justice, indicate that criminal proceedings alone may be ineffective if the fundamental problem of a stalker's fixation remains unresolved.^{47,67,68}

Partnership Working

Many stalking perpetrators require clinical services that provide interventions alongside, or instead of, criminal justice responses (Box 3). The Department of Health in 2012 and the World Health Organization suggest that prevention of sexual and violent crimes requires a public health approach where multiple agencies, such as healthcare, social care and criminal justice services, work together.^{69,70}

Paladin has campaigned for a register of serial stalkers, similar to registers of sex offenders, to allow information-sharing and inter-agency working.⁷¹ This recommendation was also made by the Home Affairs Committee following their 2018 Domestic Abuse inquiry.⁷² Multi-agency

Box 4: Stalking of High-Profile Individuals

High-profile individuals experience elevated levels of threat from stalkers, with a 2016 survey of 238 MPs reporting that 38% had experienced stalking.^{73,74} The UK Fixated Threat Assessment Centre (FTAC) was set up in 2006 to manage risks to prominent people, such as politicians and the Royal Family.⁷⁵ FTAC's risk assessments are informed by the Stalking Risk Profile (Box 3).³² FTAC receives about 1,000 referrals a year and works on around 150 cases each year.⁷⁶ Most perpetrators in these cases have mental health conditions.⁷⁷ As with other types of stalking, stalking of high-profile individuals can escalate and lead to physical attacks.

interventions focused around other registers, such as the sex offender register, have been effective at preventing reoffending.⁷⁸

In 2018, three police forces received funding from the Police Transformation Fund, with coordinating help from the Suzy Lamplugh Trust, to set up specialist stalking units.⁷⁹ These Multi-Agency Stalking Intervention Programmes (MASIPs) bring together police, mental health services, victim advocacy services and other stakeholders to create effective interventions. The MASIPs will receive funding until March 2020, and are being evaluated by the Jill Dando Institute of Security and Crime Science.⁸⁰⁻⁸²

■ **London Stalking Threat Assessment Centre (STAC).**

The London STAC was formed by bringing together the London Metropolitan Police and the National Stalking Clinic. Cases are reviewed daily by the forensic psychiatric experts who also advise the Fixated Threat Assessment Centre (Box 4).⁸³ Risk assessments are informed by the SRP (Box 3) and identify perpetrators who may be suitable for referral to local mental health, drug, alcohol and other support services.⁸⁴

■ **Hampshire Stalking Clinic.** The Hampshire Police, Southern Health Foundation NHS Trust and stalking victim advocacy service provider Aurora New Dawn have run a stalking clinic since 2012.⁸⁵ The clinic uses the SRP model (Box 3) to inform their work and meets regularly to discuss cases, working on around 1,000 referrals a year. Stalking Clinic partners deliver multi-agency training within the police, and to external partners, to promote early recognition of stalking in the reporting and recording process.⁵⁹

■ **Cheshire Police and the Integrated Anti-Stalking Clinic.** The Cheshire Police has been working with forensic psychology services since 2015. The clinic brings together police and mental health services to coordinate interventions. Their work is informed by the SRP (Box 3) and involves information-sharing and working between police, probation and social services. Focusing on stalking risk assessment and management, they work with mental health experts to provide risk management and intervention plans for stalkers.⁸⁶

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