



Stalking is a Crime



What is stalking?

There is no specific legal definition of stalking. The 'Statutory Guidance on Stalking Behaviour', issued by the Department of Justice, adopts the definition of stalking used by Suzy Lamplugh Trust: *"A pattern of fixated and obsessive behaviour which is repeated, persistent, intrusive and causes fear of violence or alarm or distress in the victim."*

Behaviours may amount to stalking depending on:

- the context of the behaviour;
- the motivations driving the behaviour; and
- the impact on the victim.

Stalkers may use a variety of different behaviours to stalk their victim. In some cases, a stalker may try to appear endearing and loving, as well as threatening or violent.

The key to understanding the behaviours as stalking are that they are **Fixated**, **Obsessive**, **Unwanted** by the victim and **Repetitive** (F.O.U.R)

Examples of stalking behaviour

- Following the victim.
- Contacting the victim's children, partner, other family members, friends, co-workers or other third parties.
- Sending unsolicited gifts or other items to the victim.
- Hacking the victim's social media accounts, email, phone or computer.
- Using multiple social media accounts, email addresses or phone numbers to contact the victim, which may include the use of aliases.
- Information gathering on the victim, such as by contacting third parties, searching public records, stealing private documents belonging to the victim or viewing them without the victim's knowledge.
- Impersonating the victim in order to gather information about them.
- Joining the same gym, church, medical practice, educational course, workplace, sports club or other group as the victim.
- Criminal damage or breaking into the victim's home, garden or vehicle.
- Creating social media posts or websites containing malicious or personal content relating to the victim or referencing things which would have meaning only to the victim.
- Threatening violence against the victim, or actually attacking them.
- Monitoring the victim by planting tracking or bugging devices, or by installing or activating a programme or application on the victim's personal devices.



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- Publishing or threatening to publish personal information or images relating to the victim (so called 'revenge porn').
- Threatening suicide or self-harm, or otherwise manipulating the victim to respond to contact.

There may be a combination of online and offline behaviours.

Motivations and behaviours driving stalking

Motivation is a defining factor in the identification of stalking, and what sets stalking apart from other harmful behaviours and crime types.

The **Rejected Stalker** – Rejected stalking arises in the context of the breakdown of a close relationship. Victims are usually former sexual intimates; however, family members, close friends, or others with a very close relationship to the stalker can also become targets of Rejected stalking.

The **Resentful Stalker** – Resentful stalking arises when the stalker feels as if they have been mistreated or feels that they are the victim of some form of injustice or humiliation. Victims are strangers or acquaintances who are seen to have mistreated the stalker.

The **Intimacy Seeking Stalker** – Intimacy seeking stalking arises out of a context of loneliness and a lack of a close confidante. Victims are usually strangers or acquaintances who become the target of the stalker's desire for a relationship.

The **Incompetent Suitor** - The Incompetent suitor stalks in the context of loneliness or lust and targets strangers and acquaintances. Unlike the Intimacy Seeker, however, their initial motivation is not to establish a loving relationship, but to get a date or a short term sexual relationship.

The **Predator Stalker** - Predatory stalking arises in the context of deviant sexual practices and interests. Perpetrators are usually male and victims are usually female strangers in whom the stalker develops a sexual interest. The stalking behaviour is usually initiated as a way of obtaining sexual gratification (e.g., voyeurism targeting a single victim over time), but can also be used as a way of obtaining information about the victim as a precursor to a sexual assault, the most dangerous leading to serious attack.



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Stalking tactics

Stalking perpetrators can be particularly adept at exploiting professionals, agencies and systems and may use a range of tactics in order to perpetuate contact with and control over the victim, including manipulating a person's mental health; causing or creating vexation or using the system against the victim by making vexatious complaints; making counter-allegations against the victim - for example calling in false reports or claiming to be a victim of the stalking behaviour of the actual victim; attempting to frustrate or interfere with the police investigation; and using threats in order to manipulate the victim - for example by telling the victim they will make a counter-allegation, they will inform social services, or they will inform immigration officials if the victim does not have permission to be in NI.

Who can be a victim?

There is no such thing as a 'typical' stalking perpetrator or a 'typical' stalking victim. This crime disproportionately affects women and girls. However, it is important to recognise that men and boys may be victims too. Stalking affects people of all ages and gender, and victims come from a wide range of backgrounds. While some victims are stalked by strangers, most stalking is committed by someone known to the victim such as an ex-partner, family member or acquaintance. Stalking is often a characteristic of domestic abuse, particularly once a relationship has ended.

According to the Suzy Lamplugh Trust, about 50% of people who contact the National Stalking Helpline are being stalked by ex-intimates (i.e. ex partners) and a further third have had some sort of prior acquaintance with their stalker.

Paladin National Stalking Advocacy Service has indicated that there has been an increase in referrals (20-25%) from young people since March 2020. This figure was previously below 5%. Young people also tend to endure more incidents, as high as 120, before reporting stalking.

Some risk factors include prior violence; property damage; access or affinity with weapons; approach behaviours; impulsivity/poor emotional control; substance/alcohol misuse; threats; refusal to conform to legal sanctions; awareness of victim location and accessibility /willingness to travel; thoughts of revenge; elevated anger levels; sending letters to the victim; and sense of entitlement.



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The Protection from Stalking Act (NI) 2022

The Offence of Stalking:

- A person (“A”) commits an offence of stalking where:
 - “A” engages in a course of conduct (two or more occasions) that causes another person (“B”) to suffer fear, alarm or substantial distress, or
 - is such that a reasonable person, or a reasonable person who has any particular knowledge of “B” that “A” has, would consider to be likely to cause “B” to suffer fear, alarm or substantial distress, and
 at least one of the further conditions applies:
 - that “A” engages in the course of conduct with the intention of causing “B” to suffer fear, alarm or substantial distress;
 - that “A” knows, or ought in all the circumstances to have known, that engaging in the course of conduct would be likely to cause B to suffer fear, alarm or substantial distress.
- If “A” is a UK National, or habitually resident in Northern Ireland, and their conduct consists of conduct occurring in a country outside the UK, the conduct is to be treated for the purpose of the stalking offence as if it occurred in Northern Ireland.
- A course of conduct involves conduct on two or more occasions.
- “Substantial distress” means distress that has a substantial adverse effect on “B”’s day to day activities.
- Even if the fear, alarm or substantial distress is not achieved the course of conduct may still amount to stalking provided the objective element of the test is met.
- A person guilty of an offence of stalking is liable:
 - on conviction on indictment to imprisonment for a term not exceeding 10 years and/or fine.
 - on conviction in summary proceedings to imprisonment for a term not exceeding 12 months and/or fine.
- In court proceedings in respect of a charge against a person of the offence of stalking, if the facts proved against the person do not amount to the offence of stalking, they can be charged with the alternative offence of threatening or abusive behaviour, if the facts are proven.



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The offence of threatening or abusive behaviour

- A person (“A”) commits an offence of threatening or abusive behaviour if:
 - “A” behaves in a threatening or abusive manner;
 - The behaviour would be likely to cause a reasonable person to suffer fear or alarm; and
 - “A” intends by the behaviour to cause fear or alarm or is reckless as to whether the behaviour causes fear or alarm.
- Behaviour is described as being of any kind including, in particular, things said or otherwise communicated, as well as things done.
- Behaviour can consist of a single act, or a course of conduct (2 or more occasions).
- A person guilty of an offence threatening or abusive behaviour is liable:
 - on conviction on indictment to imprisonment for a term not exceeding **5 years** and/or fine.
 - on conviction in summary proceedings to imprisonment for a term not exceeding **12 months** and/or fine.

Examples of threatening or abusive behaviour

- Threatening violence against the victim, or actually attacking them.
- Publishing or threatening to publish personal information or images relating to the victim.
- Leaving gifts or items that cause fear or alarm to the victim.
- Threatening suicide or self-harm, or otherwise manipulating the victim to respond to contact.
- Using multiple social media accounts, email addresses or phone numbers to contact the victim, which may include the use of aliases.
- Hacking the victim’s social media accounts, email, phone or computer.
- Monitoring the victim by planting tracking or bugging devices, or by installing or activating a programme or application on the victim’s personal devices.
- Criminal damage or breaking into the victim’s home, garden or vehicle.
- Creating social media posts or websites containing malicious or personal content relating to the victim, or referencing things which would have meaning only to the victim.



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Where to find support

Stalking is a crime and should be reported to the police. If someone is being stalked, they should gather evidence by keeping records or a diary of the stalking behaviours they are experiencing, and keep any emails, messages, texts, parcels and letters, even if they are distressing, as these can be used as evidence. They should not confront or engage with the stalker, or respond to calls, texts or emails. They could contact their telephone company to see if they can take action against unwanted calls. If they feel in danger, they should call the police – dial 999 in an emergency or 101 in a non-emergency [Contact Us | PSNI](#)

Help or advice is also available from the following organisations:

- ~ National Stalking Helpline Telephone: 0808 802 0300 Monday to Friday, 9:30am to 4pm (except Wednesday 9:30am to 8pm) <https://www.suzylamplugh.org/Pages/Category/national-stalking-helpline>
- ~ Suzy Lamplugh Trust <https://www.suzylamplugh.org/>
- ~ Womens' Aid NI - local groups [Local groups - Women's Aid Federation Northern Ireland \(womensaidni.org\)](http://www.womensaidni.org)
- ~ Men's Advisory Panel <https://mapni.co.uk/>
- ~ Victim Support NI <https://www.victimsupportni.com/>
- ~ What to do! | Protection Against Stalking [What to do! | Protection Against Stalking](#)
- ~ You can view the Department of Justice Statutory Guidance at <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/protection%20from%20stalking%20act%20ni%202022%20-%20statutory%20guidance%20on%20offences%20of%20stalking.pdf>