



HOUSE OF COMMONS

STALKING – THE CASE FOR EXTENDING THE MAXIMUM PENALTY

BY ALEX CHALK (MP FOR CHELTENHAM) &
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The reasons for this report in quotations:

“ *Stalking destroys lives. And yet the maximum sentence for this offence is just 5 years’ imprisonment - less than you can get for stealing a Mars Bar. It’s time for the punishment to fit the crime.* ”

- Alex Chalk, MP for Cheltenham

“ *When you hear the details of how individual lives have been damaged – in some cases destroyed – it is hard not to see the case for greater flexibility in sentencing.* ”

- Richard Graham, MP for Gloucester

“ *My Nan and the rest of my family have to live every day scared to leave their house because of [the stalker]... My family has been left so broken because of this one person who could easily go to prison, and then everyone could feel safer.* ”

- 15-year old Daughter of a Victim

“ *I have no doubt at all that you are dangerous in the sense that you pose a significant risk to her in future in terms of causing her serious harm. I feel it is wrong that I am not entitled to pass a consecutive sentence upon you. I am frustrated that the maximum sentence for harassment is five years. I would, if I could, give you longer.* ”

- His Honour Judge Tabor QC
(Sentencing judge in the case of R v Raymond Knight
– Gloucester Crown Court)

“ *I entirely agree that the present sentencing regime for this often very worrying offence is quite unsatisfactory. I consider that Parliament must revisit this matter soon... Stalkers can be dangerous and delusional, and their often unpredictable behaviour can easily escalate to serious or even fatal violence.* ”

- Charles Wade, Retired Circuit Judge
(Commenting on his experience of stalking)

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INTRODUCTION

One in five women and one in ten men will experience stalking in their adult lifetime, according to Home Office statistics. The Metropolitan Police Service found that 40% of the victims of domestic homicides had also been stalked (2003).¹

Dr Eleanor Aston, a Cheltenham GP practicing in Gloucester, was stalked for seven years by a former patient. He was jailed in 2013 after repeatedly violating a restraining order, and was released in 2014 only to continue to send threatening messages and stalk Dr Aston. HHJ Tabor QC sentenced the stalker to five years' imprisonment in March 2015, the maximum sentence for stalking. He stated that if he could have given a longer sentence he would have done, as he had no doubt that the stalker posed a "significant risk in future terms of causing her serious harm".

So began the joint campaign by the MPs for Cheltenham and Gloucester to review current legislation on stalking. Alex Chalk secured an adjournment debate in Parliament on the issue in September 2015 (Karen Bradley MP responded for the Government) following which he had meetings with ministers in the Justice Department including Andrew Selous MP and Rt Hon Michael Gove MP (Justice Secretary) to discuss the matter in further depth. Richard Graham, the MP for Gloucester, also questioned the Prime Minister on his support for this issue at Prime Minister's Questions during the last session of 2015, and has had discussions with Justice Ministers. The Prime Minister agreed that stalking is a "dreadful crime".

The Lord Chancellor encouraged the MPs to do more research into how widespread the problem is, and recommend whether there was a compelling case to which the Ministry of Justice should respond. This report is the output of that research, and makes the case for why stalking should be addressed again, with a specific proposal on sentencing.

¹ Register for Serial Perpetrators of Stalking and Domestic Violence Overall Briefing, Paladin, Jan 2016.

Section 4A (S4A) of the Protection from Harassment Act 1997 prohibits a course of conduct which amounts to stalking and causes either the victim to fear that violence will be used against them on at least two occasions or serious alarm or distress which has a substantial adverse effect on their day to day activities. It is designed to recognise the serious impact that stalking may have on victims even where an explicit fear of violence is not created by each incident of stalking². This maximum sentence is currently five years' imprisonment.

	Prosecuted 2014	Convicted 2014
S2A PHA Offences (Stalking with fear/alarm/distress)	509	348
S4A PHA Offences (Stalking involving fear of violence)	94	38
S4A PHA Offences (Stalking involving serious alarm or distress)	218	109

*Source: Ministry of Justice Data covering calendar year 2014
from CPS Violence against Women and Girls Crime Report³*

As of 1 April 2014, stalking is now a specific legal offence for the purposes of police recorded crime data. Prior to this, stalking would have been hidden within data for other offences, largely harassment. According to Ministry of Justice data, in 2014 only 147 people were convicted of Section 4A stalking offences. House of Commons Library statistics (below) suggest that custodial sentences in stalking cases (including section 2A which included 348 offenders in 2014) are the exception, not the rule.

**Outcomes for defendants in cases for stalking
offences involving serious alarm/distress and fear
of violence, England and Wales (number of
defendants)**

	2014
Cautions Issued	14
Total Proceeded Against	312
Total Found Guilty	147

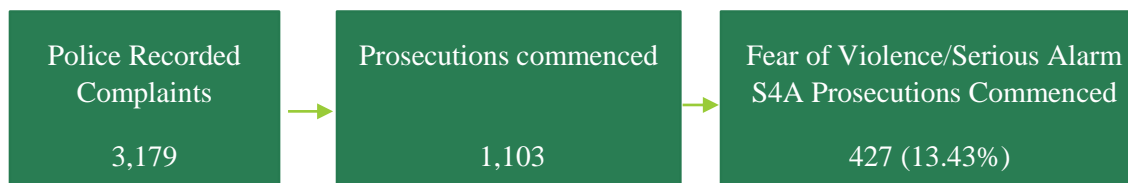
² Circular: A change to the Protection from Harassment Act 1997, Gov.uk.

³ The figures given on court proceedings relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

Total Sentenced	142
<i>Immediate Custody</i>	52
<i>Suspended Sentence</i>	52
<i>Community Sentence</i>	32
<i>Fine or Compensation</i>	-
<i>Absolute Discharge</i>	-
<i>Conditional Discharge</i>	2
<i>Otherwise Dealt With</i>	4
Average Custodial Sentence Length (months)	10.9

Source: House of Commons Library

Relatively few cases ever reach court. In the year ending June 2015, the police recorded 93,423 harassment complaints and 3,179 stalking complaints.⁴ Prosecutions were commenced for 12,122 harassment and stalking offences in 2014-15; this is a rise of 1,587 offences (15.1%) from 2013-14. Of these, there were 1,103 prosecutions commenced under the new stalking offences (nearly 50% rise compared to 2014). Of those, only 427 related to the more serious offence of stalking (section 4A) which carries a maximum 5 year sentence if convicted.⁵



Source: Violence Against Women and Girls Crime Report, 2014-15, CPS

By comparison, prosecutions commenced for 13,559 breaches of restraining order offences, a rise of 1,908 breaches (16.4%) from 11,651 in 2013-14. 7,013 breaches of non-molestation orders led to a prosecution, compared with 6,498 in the previous year, a rise of 7.9%. This shows a greater focus on prosecuting breaches of orders, instead of the substantive stalking offence.

The data also suggests that around 70% of stalking cases take place within a domestic violence and abuse context (763 cases), although victims' surveys suggest that the split between stalking within a relationship and 'stranger stalking' is nearer to 50%.⁶

⁴ Introducing a Stalking Protection Order – a Consultation, Dec 2015, Home Office.

⁵ Violence Against Women and Girls Crime Report, 2014-15, CPS.

⁶ Consultation on Stalking Protection Orders, Home Office, Jan 2016.

Official statistics on prison population figures from 2014 state that in December there were 84,093 prisoners (including those on authorised absence).⁷

STALKING – THE ISSUE

Paladin, a national stalking charity, published findings that 42% of those convicted and subject to a restraining order have gone on to re-offend. They also state that ‘stalking is about fixation and obsession, and therefore a piece of paper on its own is unlikely to stop the behaviour... Sentencing guidelines must be written to enable more robust sentences and allow for diagnosis, treatment and management.’⁸

Stalking can occur over an extended period of time, and often offenders are only prosecuted for breaching a restraining order. Allowing judges greater flexibility on sentences will acknowledge the repetitive nature of stalking which can span multiple offences and breaches. Furthermore, longer sentences will allow for a modern understanding of mental health to take precedence in rehabilitating stalkers who are often obsessed.

This will also help to protect victims who undergo the process of prosecuting their stalker and allow them to regain trust in the legal system. Many of those who we have contacted for case studies expressed an urgent need for reform, particularly as stalkers not only ruin the life of their victim(s), but frequently all those who are connected to them such as parents and children as well, as they attempt to reach the victim. Stalkers can be abusive and violent. Perpetrators harass their victims in all environments, from home, to work and even public spaces. Consequently, victims often suffer from Post-Traumatic Stress Disorder and anxiety conditions.

Extending sentences to allow judges greater flexibility would reflect a greater commitment to protecting victims in the worst cases, ensuring that the punishment fits the crime and increasing public confidence in justice.

SPECIFIC EXAMPLES OF WORST CASES

Dr Eleanor Aston

Dr Aston was stalked for eight years by former patient Raymond Knight. He attended her surgery over 100 times. He vandalised it – posting foul items through letterbox. He attended her home repeatedly, hacked into her water pipe and interfered with the gas supply.

Knight was jailed for 44 months in 2013 after violating a restraining order. He also slashed her husband’s tyres and appeared unannounced at her children’s birthday parties. He was released in 2014 and sent further threatening messages. In May 2015, Knight was sentenced to five years’ imprisonment. The Judge stated that he would have sentenced him to longer in prison if he could, as he realised that Knight was a serious risk to Dr Aston.

⁷ Prison Population Figures: 2014, Gov.uk, HM Prison Service and Ministry of Justice

⁸ Response to the Home Office Consultation on New Protective Orders, Paladin, Jan 2016

Katie Price

Katie Price ended a relationship of nearly two years after much abuse. Matthew Evans had an extensive history of domestic violence and bullying against at least three other women. He received a 12 month suspended jail sentence along with an order to attend a domestic abuse programme and complete 150 hours of unpaid work.

He then began to stalk Katie upon his release, when he appeared at the home of her friend she was visiting and assaulted her. Following extensive damage to her property and police vehicles, Evans went free and continued to bombard Katie and her parents with messages. Panic alarms were fitted at her parents' home. After a high-speed chase and helicopter search, Evans was apprehended in August 2015. Whilst in prison he used a phone to build a fake Facebook profile and continue to harass Katie. Shortly after release he continued to contravene his order, and was arrested in January 2016. He then broke his bail conditions, and was due back in court on the first week of March 2016. Katie has since been diagnosed with Post-Traumatic Stress Disorder and relocated to a safe house with her four-year old daughter.

Claire Waxman

Claire Waxman has been stalked for 12 years. The perpetrator received several jail sentences for breaching various orders in 2005, 2008, 2010, 2012 and finally 2015. In 2015, he received a 3 ½ year jail sentence for his fourth breach of a restraining order. Claire has campaigned to change the law and highlight the 'long term psychological damage' that stalking can have on a victim such as herself.

Rana Faruqui

Rana began her relationship with Stephen Griffiths in 2003 but it ended after he became controlling and obsessive. Griffiths stalked Rana for months, taking photos and spying on her. He cut the brakes on her car, and Rana reported it. The case was passed around internally but there was no action due to holidays and maternity leave. One month later Griffiths stabbed Rana 16 times, killing her.

Griffiths was jailed for life which in real terms ended up being 11 years and 54 days. Rana's mother, Carol, and her family relocated fearing his release. Griffiths groomed the prison librarian and his psychiatrist before forming a relationship with a prison warden. It emerged that Griffiths had also stalked previous partners, but had never been convicted of these offences.

Clare Bernal

Clare worked in Harvey Nichols as a beauty consultant where Michael Pech was a security guard. They dated briefly in 2005 and Pech began to stalk Clare by showing up at random events where she was present and sending many text messages but made a direct threat to kill Clare if she reported him.

Pech was on bail for harassment against Clare when he returned to his home country of Slovakia, purchased a gun, and drove back to the UK with the weapon. Upon his return, Pech killed Clare by shooting her in the head four times. He then killed himself. Pech had been previously arrested twice for stalking.

“ *I was in the morgue identifying her body on my fiftieth birthday. Too often stalkers are not prosecuted and then just move somewhere else, or if they are convicted sentences are far too lenient. Everything we do is in memory of Jane.* ”

- John Clough, father of murdered stalking victim

THE CASE FOR CHANGE

1. Short Sentences – More harm than good?

The Suzy Lamplugh Trust, a national stalking charity, state that they have received testimony from psychiatrists that short sentences can in some cases increase the risk of harm to the victim. ‘This is because offenders will be sent to prison, at which point they will probably lose their job, their social relationships may break down as people find out what they have done and the offender then has time in prison to think about what has happened and fixate further on the person they blame... They are then released without any treatment/rehabilitation and with less social constraints i.e. relationships to maintain and a job.’ A longer sentence, in appropriate cases, provides the prison system with greater opportunity to rehabilitate and treat stalkers.

2. Victim safety

The 2013/14 CSEW found that 28% of women and 15% of men had experienced some form of domestic abuse since the age of 16. These figures were equivalent to an estimated 4.6 million female victims and 2.4 million male victims. Stalking is one of the most common forms of intimate violence at 22%, second only to non-sexual partner abuse at 22%. This shows how frequent and damaging this form of domestic abuse can be.⁹

As is shown in the ‘Specific Examples of Worst Cases’ section of this report, it has been known for victims to be stalked and then murdered by their stalker. The Metropolitan Police Service found that 40% of the victims of domestic homicides had also been stalked (2003)¹⁰. Detaining these perpetrators for longer gives increases the chance of rehabilitation and can save victims from a dangerous cycle of abuse and stalking.

“ *The victims I hear from are saying the same things I was 15 years ago – what’s changed? We need to do more. This is about murder prevention.* ”

- Tracey Morgan, Campaigner and Advocate

3. Victim trust

The Network for Surviving Stalking post regular questionnaires to their website for survivors (scaredofsomeone.org). In July 2015 the charity published the latest responses; concluding that despite

⁹ ONS, Feb 2015, Chapter 4: Violent Crime and Sexual Offences - Intimate Personal Violence and Serious Sexual Assault

¹⁰ Register for Serial Perpetrators of Stalking and Domestic Violence Overall Briefing, Paladin, Jan 2016

Consultations, Reviews, Research and changes to the law much more needs to be done to effect meaningful change for victims and enable agencies to be more robust in their responses to stalking.

The questionnaire received 620 comments describing experiences. The final report details where respondents went for help (e.g. 61% to the police, 52% to family or friend). Extending sentencing shows the Ministry of Justice’s belief in the seriousness of stalking and would encourage other victims to confide in the police.

72% respondents reported very significant fear (35% being terrified). 82% reported very significant disruption to their lives – ie moving home/ changing jobs. **47% of all respondents reported not feeling safe now.** During our research, many victims and the parents of victims expressed an understanding that the stalker would be released and a belief that they would continue to stalk afterwards. Victims felt a need to conceal their location and to be aware of the stalker’s movements upon release so as to ensure their own safety. Due to the short sentence lengths, the victims were still deeply concerned for their safety even after supposedly rehabilitative sentences. This was also the case for victims’ parents, who often felt that the stalkers’ obsessive behavioural patterns would not have been corrected successfully during time in custody. Consequently trust often breaks down between victims and the police, frequently leaving victims feeling let down by the judicial system. It is therefore understandable that victims experience an average of 100 stalking incidents before reporting the activity.

4. Comparative sentences

Crime	Legislation	Maximum Sentence
<i>Stalking</i>	Protection Against Harassment Act 1997, s.2(a)	51 weeks, and up to £5,000 fine
	PHA 1997, s.4(a)	5 years imprisonment
<i>Theft</i>	Theft Act 1968, s.1(1)	7 years imprisonment
<i>Fraud</i>	Fraud Act 2006, s.2	10 years imprisonment
<i>Robbery (force/threat of force used in order to steal)</i>	Theft Act 1968, s.8(1)	Life imprisonment
<i>Burglary</i> ¹¹	Theft Act 1968, s.9(1)(a)	14 years imprisonment if in a dwelling, 10 years otherwise

It seems disproportionate that an individual can serve a longer sentence for theft, a non-violent crime, than for stalking, which as this report shows can cause so much long term damage across an entire family. To put this in context, the sentence for trespassing in a commercial warehouse intending to cause criminal damage, is ten years. This is double the maximum sentence for even the most prolonged stalking campaign, some of which span decades resulting in a calculated regime of terror for the victims and triggering psychological disorders such as Post-Traumatic Stress Disorder.

¹¹ (s.9(1)(a) to knowingly/recklessly enter a building as a trespasser with intent to commit theft/GBH/criminal damage s.9(1)(b) also carry out actus reus of theft/attempted theft or GBH/attempted GBH)

We believe that if the maximum sentence were extended that would more reflect the trauma that some innocent victims have to endure from their stalkers: the maximum sentence should be in line with the punishments imposed for the crimes listed above.

THE OPTIONS

Option One: Do Nothing

The problems with this are outlined in the above section “The case for change”. Victims’ lives will continue to deteriorate because of trauma, fear, and the lack of closure or being able to move on. Confidence in the law delivering real justice will not increase and victims will continue to feel that the law is not on their side.

Option Two: Allow Judges to Impose Consecutive Sentences

An alternative would be to repeal section 265 of the Criminal Justice Act 2003, which in effect means that a judge sentencing a defendant for an offence committed on licence must order the new sentence to run concurrently with the old one. That created particular injustice in the case of Dr Aston, as the defendant committed the fresh stalking offence shortly after being released on licence – yet the judge was precluded from imposing a consecutive sentence. We do not propose this course, as the knock-on implications for prison numbers could be significant.

Option Three: More Restraining Orders

With over 13,000 prosecutions commenced for breaches of restraining orders last year, it could be argued that due to the focus on prosecuting these breaches, more orders should be issued. This is clearly the preferred route for the court to prosecute offenders. However, we do not advocate this course. It has become apparent during this research that those acting obsessively frequently show themselves unwilling or unable to comply with current orders of the court. Restraining orders and bail conditions already exist that are not effective against stalkers as many of our cases show. If this option is chosen then we advise a new species of restraining order is considered that better focuses on the unique nature of stalking including the obsession that many stalkers demonstrate. Current restraining orders are not intended to correct this behaviour, and often merely offer a sticking plaster solution to a much more complex problem. Furthermore prosecuting for a breach offence does not appropriately inform the court of the stalker’s behaviour and allows for potentially rehabilitative measures to be overlooked.

Option Four: Real Change

We recommend that the maximum sentence be extended to allow judges greater flexibility in sentencing. Stalking can occur over a long period of time as the perpetrator often becomes obsessed with their victim, which cannot properly be addressed by short prison sentences.

In February 2012, the APPG on Stalking and Harassment produced the Independent Parliamentary Inquiry into Stalking Law Reform. They published 30 recommendations, the most significant of which included a review of the Protection from Harassment Act 1997. Only some of these recommendations were considered, but the others could go a long way to improving the lives of victims of stalking. Following our research we

also recommend that their points 10, 15, 16, 17, 18, and 20 should be considered (see ‘Formal Recommendations’ in the Appendix).

The maximum sentence for stalking contrary to Section 4A of the Prevention from Harassment Act 1997 should be extended beyond 5 years – in our view to 10 years (by way of comparison, this is the same as burglary of a non-dwelling property).

Sentencing guidelines should be written for stalking so that judges and magistrates take into account the impact on victims – including, where appropriate, the high rates of Post-Traumatic Stress Disorder. Courts should also take into account the need for real mental health treatment for obsessive offenders¹².

CONCLUSION

We believe that there is a strong case for increasing the maximum sentence for offences against Section 4A of the Protection from Harassment Act 1997. This would allow judges greater flexibility in sentencing and allow the sentence to fit the crime, whilst protecting victims.

We welcome the proposed introduction of a sentencing guideline on Stalking, and look forward to the publication of the consultation by the Sentencing Council in Spring 2017. We hope the new guidelines will better inform judges of the unique aspects of stalking, such as its psychologically obsessive aspects, and will reflect a modern understanding of mental health.

To support the extension of the maximum sentence for stalking offences would be to learn from tragedies of the past, and ensure that the terrible losses families and victims have may suffer will not be ignored; further that stalkers get the message that serious harm is met with a commensurate sentence.

We therefore invite the minister to consider our proposal for change in a Criminal Justice Bill that could form part of the Queen’s speech in May 2016.

“ *5 years later I am still scared of him and have moved houses several times. He went on do the same thing to another woman and I know she won't be the last.* ”

- Anonymous, Voice for Victim survey

“ *Offenders need to know that they will be brought to justice for making others’ lives a misery. We will do all we can to protect victims of stalking more effectively and to end this appalling crime.* ”

- Theresa May MP, Home Secretary

¹² The Sentencing Council will publish an official consultation on stalking sentence guidelines in Spring 2017.

MENTIONED CHARITIES:

- **Paladin National Stalking Advocacy Service**
Paladin National Stalking Advocacy Service is a national charity which was founded in 2013 after CEO Laura Richards and others campaigned to change the law to create a specific criminal offence of stalking. Paladin is the global leader on advocacy services for stalking and offers victim support as well as training on stalking laws and other crimes with a similar remit; such as domestic violence.
- **Suzy Lamplugh Trust**
In 1986 Suzy Lamplugh, a 25 year old estate agent, disappeared after she went to meet an unknown client. She has been presumed murdered and was legally declared dead in 1993. To date her body has not been found. Her parents, Paul and Diana Lamplugh, believed that Suzy, like most people at that time, was simply unaware of the possible dangers that individuals can face in society. Paul and Diana founded the Suzy Lamplugh Trust to highlight the risks people face and to offer advice, action and support to minimise those risks. Since it was established in 1986, Suzy Lamplugh Trust has grown and now employs a growing team of professional staff, backed by volunteers and Training Consultants. Working with partners in the public, private and voluntary sector, they work to support victims (including managing the National Stalking Helpline), educate the wider public and campaign on stalking related issues.
- **Network for Surviving Stalking**
Network for Surviving Stalking (NSS) is a charity offering advice and information to people affected by stalking; enabling early recognition and the opportunity to seek help. Their website is scaredofsomeone.org and - along with Protection Against Stalking and the Suzy Lamplugh Trust – established the National Stalking Helpline in 2010. NSS was founded by stalking survivor Tracey Morgan in 2000 although she is no longer involved with the organisation. NSS has worked on a number of high profile research projects and campaigns on stalking including #Trouble With An Ex - about ex-partner stalking in March 2016 and Stalking Communications Consultation in 2015.
- **Protection Against Stalking**
Protection Against Stalking (PAS) campaigns for early and effective risk identification, assessment and management to keep victims safe and hold perpetrators to account. Through sharing their own tragic experiences, their aim is to raise awareness and change attitudes towards stalking and harassment. They do this by providing training and specialist support to practitioners, as well as providing victims with the help and protection they need to rebuild their lives free of fear.

CASE DETAILS*Dr Eleanor Aston*

- Raymond Knight harassed Dr Aston over a period of seven years
- 2007 – became a patient

- 2009 – restraining order granted
- 2013 – jailed for 44 months after violating a restraining order, slashed husband’s tyres, showed up at birthday parties of her children
- 2014 – released and sent threatening messages
- 25th May 2015 – sentenced to term of five years’ imprisonment

Katie Price

- Matthew Evans and Kate were in an abusive relationship for close to two years.
- He had an extensive history of domestic violence and bullying against at least 3 other women.
- He received a 12 month suspended jail sentence along with an order to attend a domestic abuse programme and complete 150 hours of unpaid work by Gloucester Crown Court
- Evans had been previously imprisoned for 42 months in 2013 for membership in cocaine smuggling ring and was released on licence.
- On the 7th of August 2015, Kate contacted police to make a complaint after an inappropriate text and voicemail messages. Evans was arrested and bailed with the condition of his bail to not make contact or physically approach Kate.
- On the 16th of August 2015 he assaulted Kate at the home of her friend, Beth, in front of Kate and Beth’s children. The police were called. Evans then damaged cars outside property with a weapon. The police called for back up but Evans went free before they arrived. Kate’s parents had a panic alarm fitted in their home. Afterwards Evans bombarded parents and Beth with messages and phone calls. Beth had a police-issued panic alarm fitted 17th August.
- On the 18th of August 2015, a Police helicopter and squad cars were deployed in the search for Evans. Beth was terrorised by a suspicious white van outside her house. Officers arrived with no knowledge of case and dismissed the incident
- On the 19th of August 2015, Evans was apprehended after high speed chase and given an 18 week custodial sentence in Gloucester Magistrates court.
- The case was only heard at Magistrates due to damage involved in monetary terms (below £10,000).
- Whilst in Prison, Evan used a mobile phone to build a fake Facebook profile and contact Katie who was at that time in a safe house with her 4 year old daughter.
- Evans then sent messages to Kate’s brother-in-law and to her mother, Kathy, contravening his order.
- On the 25th of January 2016, he was arrested and pleaded guilty to 3 charges. On the 26th of January 2016, he broke his bail conditions and was remanded in custody several days later. On the 1st of March 2016 he was due back in court.

“We can all see Evans has no respect for the law it’s a game to him and he plays it well. He has no worries or respect for any court orders... This surely cannot be acceptable. He denies any wrong doing until he is caught red handed, as he has been this time with data that the police have obtained, otherwise it is his words against Kate’s. Statement after statement. I can see why victims give up. A perpetrator plans his actions way before a relationship goes wrong.” – Kathy Price, Katie’s mother

Claire Waxman

- 2003 – Stalking started
- 2005 – Found guilty of harassment after months of late night phone calls. Received community order, compensation order and indefinite restraining order after several harassment warnings.

- 2008 – Breached restraining order by waiting on the door step of Claire’s house when she drove home with her 10 month old baby in the car. Received 13 week jail sentence suspended for a year, with another compensation order.
- 2010 - Breached restraining order by sending letter outlining initials of ex-boyfriends and all the places where Claire had lived. It was discovered he had googled her 1000’s of times and visited Claire’s daughter’s nursery despite having no children of his own. Received 16 week jail sentence after a guilty plea was accepted for a single breach instead of several.
- 2012 - Breached restraining order by following Claire in his car as she walked out of work. Received 2 year jail sentence.
- 2015 – Found guilty of two breaches of restraining order after bringing a third set of vexatious claims against Claire through civil courts including a seventy page document detailing information about Claire’s life. Received 3 1/2 year jail sentence.

“My stalker continued his stalking campaign over the past decade and with each breach of the restraining order, the sentences have increased... The stalking started in 2003 and even after twelve years of relentless stalking, he only received 3 1/2 year jail sentence which doesn't really reflect the long term psychological damage that a sustained stalking campaign has on its victim. I would strongly recommend that Judges should give longer sentences to repeat offenders and that the longevity of the stalking should be taken into account when sentencing.” – Claire Waxman

Rana Faruqui

- In 2003 Stephen Griffiths met Rana at work and started a relationship. Controlling and obsessive incidents led to Rana breaking it off shortly after.
- Griffiths stalked her for several months, took photos and spied on her.
- In July 2003 he cut the brakes on her car and was reported to police. The case was passed around internally and there was no action due to holidays/maternity leave etc.
- In August 2003, Griffiths stabbed Rana 16 times. He was jailed for life, which ended up being 11 years and 54 days.
- Theresa May was MP for Carol, Rana’s mother, when it happened and got involved
- Both Rana’s mother and Griffiths appealed – finally received an additional 2 years, making him up for parole in 2017
- Carol and her family relocated fearing that he would find them upon release
- Griffiths groomed librarians and psychiatrist whilst in prison, ending up in a relationship with a prison warden who was then fired but allegedly still in a relationship with him
- Griffiths was involved with other women who he stalked but had never been sentenced before
- A previous victim was a teacher. He would move objects in her house when she wasn’t there to let her know he had visited.
- Carol campaigned and a misconduct investigation into Thames Valley police led to an admission that they should have acted on the first complaint

Clare Bernal

- Michael Pech was a former security guard at Harvey Nichols where Clare worked as beauty consultant.
- They dated briefly in Feb 2005 and Pech sent many texts. There were multiple random events where he showed up at her flat, work and in public.

- He was arrested twice before for stalking and made a direct threat to kill her if she reported him.
- On April 19 his case for Harassment was put off until August 31, and he was released on bail but neither Clare nor her mother, Tricia, were informed. No one confiscated his passport when he returned to Slovakia on April 25, where he underwent firearms training and obtained a gun certificate to buy a Luger.
- On July 20 he returned to London by coach, smuggling the gun through customs without being searched. 6 days later he kept his court date and pleaded guilty to harassment, though not to threatening to kill. Pech was then bailed for pre-sentence reports.
- Thirteen days later he killed Clare (Sept 13) by shooting her in the back of the head four times, and then he killed himself. He was let out on bail three times before he killed Clare.

Anonymous

- Another victim, who asked to remain anonymous for her own safety, was stalked by her ex-husband for six years. He would target her children and contact them in order to further harass her.

“The impact of stalking and harassment on the victims and their families is huge. To continually feel under threat from violence or fear of the unknown is a devastating for women, but the impact on children is massive. The only way to prevent men from continuing is by taking their liberty away. This is the only think that will protect women and children. Having followed all the professional and legal advice for the last 6 years, I now know that the courts, police and judges will not protect me or my children. The abuse will continue until eventually my ex will physically attack me or my children - I had hoped to prevent this from happening, but due to the current legal system that seems impossible.”

FORMAL RECOMMENDATIONS

Stalking Sentences

1. The maximum sentence for stalking contrary to section 4A of the Prevention from Harassment Act 1997 should be extended beyond 5 years – in our view to 10 years (by way of comparison, dwelling house burglary carries a maximum of 14 years; non-dwelling house burglary carries a maximum of 10 years).

Stalking Guidelines

2. Judges and magistrates need to take account of previous offences as serious aggravating features.
3. Sentencing guidelines should be issued that reflect the types of stalking behaviour and their relative seriousness.
4. Judges and magistrates should take into account the impact upon victims, including post-traumatic stress disorder where relevant.

Additional Measures to Consider

5. Consideration should be given to the production of a register of serial perpetrators which is now possible with the advent of the Police National Database.
6. Consideration should be given to devising a stalking treatment programme, to take effect in custody or in the community, as appropriate. This would also incorporate more appropriate hospitalisation orders to properly address the mental illnesses faced by many stalkers.

We, the undersigned, support the case made by the MPs of Cheltenham and Gloucester to increase the maximum sentence and give more flexibility to judges to decide with the most serious cases.

Signed:

- Rachel Griffin, Director, Suzy Lamplugh Trust
- Paladin National Stalking Advocacy Service
- Gill Wilkey, Chair, Network for Surviving Stalking
- Jane Harvey, Network for Surviving Stalking
- Eleanor Pitts, Network for Surviving Stalking
- Protection Against Stalking
- Nick Gazzard, Chairman, Hollie Gazzard Trust
- Claire Waxman, Director, Voice4Victims
- Charles Wade, Retired District Circuit Judge
- Tracey Morgan, Campaigner
- Dr Jane Monckton-Smith, Senior Lecturer in Criminology, University of Gloucestershire and Independent Chair, Domestic Homicide Reviews
- Katie Price, Victim
- Kathy and Tony Price, Parents of Victim