

Proposed Stalking Protection (Scotland) Bill

Introduction

A proposal for a Bill to increase protection of victims of stalking by giving police the power to apply for stalking protection orders on behalf of victims. The consultation runs from 29 April 2019 to 21 July 2019. All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document. Questions marked with an asterisk (*) require an answer. All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response. Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded. Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here: [Consultation document](#) [Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice attached to this consultation which explains how my personal data will be used

About you

Please choose whether you are responding as an individual or on behalf of an organisation. Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

an individual

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

Member of the public

Please select the category which best describes your organisation

No Response

Please choose one of the following:

I would like this response to be published anonymously

Please provide your name or the name of your organisation. (Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. We will not publish these details.

Aim and approach

Q1. Which of the following best expresses your view of increasing protections for victims of stalking by giving police the power to apply for Stalking Protection Orders on behalf of victims?

Partially supportive

Please explain the reasons for your response, including any advantages and/or disadvantages of the proposed Bill.

Protective Orders can escalate a stalker's behaviour. Police should be able to apply on behalf of victims, but they should understand the case and apply with the victim's consent.

Q2. Which of the following best expresses your view of limiting Stalking Protection Orders to a maximum duration of two years, with the possibility of renewal by the court?

Partially opposed

Please explain the reasons for your response.

24 months is not a very long time. A perpetrator can wait until the SPO ends, then offend. If there's a gap between the end of an SPO and having it renewed, then the victim is not protected.

Q3. Which of the following best expresses your view of making the breach of a Stalking Protection Order a criminal offence, with a maximum sentence of up to 6 months imprisonment and/or a fine on summary conviction, and up to 5 years imprisonment and/or a fine for conviction on indictment?

Partially supportive

Please explain the reason for your response.

The question could be more clear. "And/or a fine" - I can't answer the question because it's not answering for one or the other. It's answering for possibly both a fine and a sentence, or no sentence at all but a fine. I may support fining someone upon conviction, but what is the fine based on? Is it estimated on time lost by the victim? Is it means tested? It's not clear. I do, however, think up to 6 months imprisonment on summary conviction is fair. I think up to 5 years imprisonment for conviction on indictment is fair.

Q4. Which of the following best expresses your view of allowing a Stalking Protection Order to be made against a child (i.e. under the age of 16 and above the age of criminal responsibility in Scotland)?

Partially supportive

Please explain the reasons for this response.

An SPO should not appear on the child's records once they are adults and subject to background checks by employers, landlords, etc. Being under the age of 16 does not mean an individual is not a threat to a victim. However, putting children "in the system" can have negative effects on them. Children with SPOs against them should be able to work with a psychologist or counselor - they are vulnerable individuals and there's a reason why they've offended. It shouldn't be ignored and left alone, because if it is, they may carry this behaviour into adulthood.

Financial implications

Q5. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

	Significant increase in cost	Some increase in cost	Broadly cost-neutral	Some reduction in cost	Significant reduction in cost	Unsure
(a) Government and the public sector, including the police and courts		X				
(b) Businesses			X			
(c) Individuals				X		

Please explain the reasons for your response.

Maybe there would be increase in cost for the courts, because more cases will actually make it to court. I don't see it having significant increases in costs for the public sector - maybe for the third sector. Making the process easier for victims will save them time. Time is money. Obviously if offenders are fined (or imprisoned) - that's a cost to either the individual or their family. I'm not including that as a consideration in this answer, because it falls into another category: fair punishment.

Equalities

Q6. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, maternity and pregnancy, marriage and civil partnership, race, religion or belief, sex, sexual orientation?

Positive

Please explain the reasons for your response.

According to Crime Survey of England data, British Crime Survey data, and Office for National Statistics data, women are more likely than men to be stalked - twice as likely. Working toward equality means working against problems that do not affect people equally.

Q7. In what ways could any negative impact of the Bill on equality be minimised or avoided?

As stated in a previous answer, it's my belief that young offenders are vulnerable. If consultation responses lead to SPOs against children, it needs additional work. Calling a child a stalker is something they will live with for the rest of their life. I see it having two main outcomes: corrective, or disruptive. An individual aged 15 or younger can certainly harm another individual through stalking, and the consequences of that can be devastating (or fatal) to the victim. I agree with SPOs against children, but I believe they should have a psychologist to work with. The goal is to prevent reoffending.

Sustainability

Q8. Do you consider that the proposed Bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Yes

Please explain the reasons for your response.

I think the Scottish Government has planned for appropriate investment in mental health services, and our criminal justice system. The plans include advocacy for victims. I have faith that the proposed Bill can be delivered sustainably.

General

Q9. Do you have any other comments or suggestions on the proposal?

I strongly support the Proposed Stalking Protection (Scotland) Bill. Official crime statistics for England and Wales show that cyberstalking is prevalent. The Suzy Lamplugh Trust found that over a third of victims were stalked online - but, surveys and reports generally refer to social media and mobile apps. A stalker can be served an SPO even if they change names or addresses, and their addresses will be tied to their IP address and digital footprint in general. However, some stalkers are capable of "going rogue" and using VPNs, or cyberattacking victims in spaces where the server does not store information that can be accessed by police; or other methods that will be effectively without a trace. How can we help people whose stalkers can bypass conventional investigations? It's a minority of cases, but even if these cases are considered rare we should still raise the question.