

Stalking

**RAPE
CRISIS
SCOTLAND**



Scottish National
Stalking Group

www.rapecrisisscotland.org.uk

Rape Crisis Scotland is a charitable company limited by guarantee.
Registered in Scotland No 258568.
Recognised by the Inland Revenue as a Scottish Charity No SC025642

Rape Crisis Scotland

The **Rape Crisis Scotland Helpline** offers short term support and information on the phone and by email for anyone aged 13 or over who has been affected by sexual violence, no matter when or how it happened. It is free and confidential. The **helpline** supports survivors of stalking and can also put you in touch with local Rape Crisis Centres or other services for ongoing support. There is a minicom/text service (SMS) for deaf or hard of hearing access. We can arrange for language interpreters if your first language is not English.

Local Rape Crisis Centres

Aberdeen: **01224 620 772**

Argyll & Bute: women **0800 121 46 85**
men **0800 032 0399**

Central Scotland: men **07733 964 478**
women **01786 471 771**

Dumfries & Galloway: **01387 253 113**

Dundee: **01382 201 291**

East Ayrshire: **01563 541 769**

Edinburgh: **0131 556 9437**

Fife: **01592 642 336**

Glasgow: **0141 552 3200**

Lanarkshire: **01698 527 003**

Perth & Kinross: **01738 630 965**

Scottish Borders: **01896 661 070**

Western Isles: **01851 709 965**

What is stalking?

Stalking is unwanted, focused behaviours carried out by one person, or persons, against another, causing fear and alarm. Stalking is not a one off incident but taken together forms a course of conduct and can include some of the following:

- Following/surveillance
- Standing outside a home, school, place of work or anywhere the person being stalked frequents
- Verbal abuse or humiliating the person in public
- Unwanted, unsolicited or threatening contact including phone calls, letters, text messages or emails
- Sending unwanted/unsolicited gifts
- Threats against the person, members of her/his family, friends or pets
- Publishing material or comments, for example in an online setting
- Damage to property
- Physical and/or sexual assault

It may be that the acts themselves are not threatening or abusive, but the meaning and context may have a particular or hidden significance and are aimed at causing you fear and alarm.

Stalkers rarely employ one type of stalking behaviour and often employ several. It is also not uncommon for stalkers to have help from others, unwittingly or not.

Stalking is mainly a gendered crime, perpetrated by men against women, it can affect anyone and can be perpetrated by anyone. Stalking can be by someone you know, often part of ongoing domestic or sexual abuse, or by someone unknown to you. Children, family or others around you may also be threatened or targeted.

Whatever the situation your safety is paramount.

Impact

The absence of violence in a stalking case does not mean that you are unaffected. Living with stalking can be extremely frightening and can have a profound impact on a person's life.

Being stalked can leave you feeling alone and isolated. If the stalker is not violent or threatening, you may find that others do not take your concerns seriously or feel you are over-reacting. Do not ignore your concerns and trust your instincts. Get the support you need from those who take your concerns seriously.

If you are being stalked, it is common to feel anxious, depressed, hypersensitive, to be afraid to go out, afraid to stay in, afraid to answer the phone or afraid of what the post may bring. These feelings can remain even after the stalking behaviour stops.

It's important to recognise that stalking has a similar impact as other forms of sexual violence. The effects can include:

- Anxiety, nervousness and panic attacks
- Depression
- Resorting to medication for the psychological effects of the stalking
- Inability to sleep
- Fear/terror
- Eating difficulties
- Agoraphobia – fear of public places
- Nightmares
- Self harming behaviour
- Suicide ideation, suicide attempts or suicide
- Inability to trust
- Deterioration in physical health due to physical or sexual assaults
- Post traumatic stress disorder

Everyone is different in how they react. What is important is you get the support you need and deserve.

The law

On 13 December 2010, the new offence of Stalking came into force in Scotland under Section 39 of the *Criminal Justice and Licensing (Scotland) Act 2010*.

The Act states that a person commits the offence of stalking if they 'engage in a course of conduct (two or more incidents) that they know, or ought to have known in all circumstances would be likely to cause in another person to suffer fear or alarm'.

The legislation provides a broad list of the most common types of stalking behaviour and the above list is not exhaustive. The law recognises stalking as 'acting in any other way that a reasonable person would expect to suffer fear or alarm'.

If the stalking charge cannot be proven in court under Section 39, it may be considered under the alternative offence of 'Threatening and Abusive behaviour'.

**RAPE
CRISIS
SCOTLAND**



working to end sexual violence

How the law can help you

If you are in immediate danger call 999

If you are being stalked, you may be worried that if you take legal action, the perpetrator's behaviour will escalate. However ignoring the behaviour may leave you further at risk. Speak to the Police about any concerns you have and they will be able to advise you on additional measures you can take to improve your safety both at home and elsewhere.

You can report the perpetrator to the police or apply for an interdict through a civil court. An interdict is a civil order that is applied for through the Court by your solicitor. You may find it helpful to seek support and advice before doing this.

To contact the police, either go to your local police station or call the non-emergency number and make an appointment. It will help to take a written diary of events with you, as well as any questions you have, so you don't forget anything you want to include.

Even if you don't want to involve the police, you may wish to apply for a non-harassment order or an interdict through a civil court stipulating that the perpetrator is not to contact or approach you.

Breach of a non harassment order is a criminal offence, meaning the police can arrest the perpetrator immediately if the terms of the order are broken. Always ask the court to attach a 'Power of Arrest' to the interdict, allowing the police to arrest the perpetrator if the terms of the interdict are breached.

If you don't have a solicitor your local Rape Crisis Centre or Women's Aid should be able to recommend one who could do this for you.

If the perpetrator is arrested and subsequently released on bail, you can talk to the police about the bail conditions imposed. Bail conditions could specify that the perpetrator must not contact or approach you, or go to a certain place such as your home or workplace. Breach of bail is a criminal offence and you should contact the police if this happens.

If the case is prosecuted in court, there are a number of possible outcomes. Support is available for you through this process. Depending on the evidence the perpetrator may receive a prison sentence and you could be granted a non harassment order. Whatever the outcome it is important that you know there are people to support you.

Evidence

- It is important to try and gather evidence and document what is happening.
- Evidence can include a record of any communication such as telephone calls, including silent calls, text messages, letters and emails, screenshots of web pages or instant messaging conversations.
- If you receive any obscene materials in the post these could also be important for the police as the stalker could be committing an offence under Section 85 of the *Postal Services Act 2000*.
- If you receive a letter, package or parcel which you know is from the stalker, you should place it, unopened where possible, in a plastic bag and show it to the police if you have involved them. This is the best way to preserve any fingerprints, skin cells etc that may be on the contents.
- It is important to keep a diary and record all incidents you think are connected to the stalking behaviour, including silent phone calls.
- Ensure you include details such as the time, date, location, outline what happened, who did what, the impact on you and details of any potential witnesses.

- Photographic or video evidence can also be useful, but check with the Police if you plan on taking pictures of your stalker to ensure you stay within the law.
- When you show your evidence to the police ask that they look at all the incidents together as a course of conduct rather than viewing each incident individually.

Safety

Try not to engage with your stalker in any way.

If you are being contacted by phone this can be very difficult as you may want to answer the calls to tell them to leave you alone or to try to reason with them and let them know the impact their behaviour is having on you and your family.

However, the message they will take from any communication you have with them is that they can get a response from you; if they call, you will answer. Some other ways to deal with this are:

- You can use an answering machine to screen all your calls and let any friends or family members you can trust know what you are doing. This way you can respond to messages you choose.

You should try to keep a record of any abusive messages to pass on to the police if you have chosen to involve them.

- BT has a policy on nuisance calls and you can access information on this from their website or by calling them. If you have a different telephone service provider, contact them for information on how they can help you.
- You can ask your telephone line provider to change your telephone number and ensure that your new telephone number is ex-directory.
- Talk to neighbours, colleagues or your manager about the harassment if you feel comfortable doing so. They may be able to help by collecting further evidence on your behalf or by putting protective measures in place.
- Consider carrying a personal alarm and varying your daily routine eg taking different routes to and from work
- Plan leisure activities that involve other people
- Know where the nearest safe place is eg a police station, 24 hour supermarket or hospital with security guards

Above everything, trust your instincts

Cyber safety

- Limit the amount of information you share on social networking sites and check your privacy settings to ensure you are not sharing more information than intended
- Change your passwords often and don't use the same password for all websites you access
- Get your computer checked for malware and key-logging software
- For fuller guidance on digital stalking and improving your cyber safety see www.womensaid.org.uk

For more information about stalking see:
www.scotlandagainststalking.com
www.stalkinghelpline.org

Helpline

08088 01 03 02

minicom **0141 353 3091**

SMS text service for deaf access

07537 400 702

open daily 6pm – 12 midnight

For further deaf access services, see

www.rapecrisisscotland.org.uk

support@rapecrisisscotland.org.uk



Member of the
**Telephone
Helplines
Association**

Quality & confidence for callers to helplines



supported by the Scottish Government