

Information Booklet

Stalking

wire



Helping women
make the right
connections

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FOUNDATION



WIRE Women's Information Helping women make the right connections

Stalking

Stalking is a crime that affects 1 in 10 Australian adults with women making up 75% of stalking victims. Anyone can be a victim of stalking, regardless of age, occupation, ethnicity, or sexual orientation. The majority of those reporting stalking are pursued by someone they know – very often an ex-partner.

Stalkers, especially those whom you know, often want to exert their power over you – to 'punish' you for leaving a relationship or rejecting them, or simply to control your life.

If someone's behaviour makes you feel scared, unsafe and uncomfortable, even if it is someone you know like a boyfriend, ex-partner or family member, it is not OK and you have every right to seek help and support to stay safe and be free of harassment.

While stalking can often be a distressing and disruptive experience that leaves you feeling anxious, you can take steps to increase your sense of safety. There are services available that can offer you emotional support as well as practical advice and assistance. It is important to seek out the support you need as soon as possible.

MYTH: *It's my fault.*

REALITY: Women often feel guilty and blame themselves for the stalking. You are not to blame for the behaviour of the stalker, whatever your relationship is or was to them. Remember that the stalker is solely responsible for his behaviour, not you. You have every right to live free from fear.

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What is stalking?

Stalking is when a person repeatedly contacts, harasses or spies on you, and it causes you fear or distress. Stalkers may also threaten and harass your family members, pets, friends or workmates. If they are unable to harass you (e.g. due to a court order), stalkers may enlist their friends or family to do so on their behalf.

You can be stalked physically as well as through technology (cyber stalking), such as

- your mobile phone, computer or iPad,
- the internet on Facebook and other social networking sites,
- closed-circuit TV (CCTV) cameras and Global Positioning System (GPS) devices.

Stalking is a crime

Stalking is a crime in all Australian states and territories. Legal responses to stalking have improved in recent years – **it is no longer necessary to show that you have sustained actual harm as a result of the stalking in order to get legal or police assistance.** In Victoria, the law¹ now states that a stalker is someone who acts with the **intention** and/or **awareness** of

- causing you distress, physical or mental harm
- making you apprehensive or fearful for your safety and the safety of friends and family.

IMPORTANT

Remember that you need evidence to make use of these laws. So if you are being stalked, you need to collect evidence of stalking to show the police when seeking assistance and also for use in court, for example when you are seeking an intervention order. See p.9 about collecting evidence.



1. Crimes (Stalking) Act 2003 (Amendment 2011)

Physical stalking includes

- approaching or following you, loitering outside your home, workplace or public venues
- interfering with or damaging your property
- making direct or indirect threats to harm you or your family or friends
- leaving or sending letters, notes, faxes, 'gifts' or other unwanted material
- ordering or cancelling goods and services on your behalf
- starting false legal actions against you to maintain contact with you
- physically assaulting you or your family or friends (or attempting to)

Cyber stalking includes

- sending repeated emails, text messages, and voicemail messages
- using Global Positioning Systems (GPS) devices or tracking apps, such as phone-finder apps or Find My Friends apps, to track your physical location and follow you without your permission
- keeping you under surveillance using devices such as closed-circuit TV (CCTV) cameras
- harassing, humiliating or threatening you through social media sites such as Facebook or Myspace, or through other online networking sites including blogs, chat rooms, games or dating sites
- hacking into your email or internet accounts to impersonate you and send or post malicious or offensive content to your friends and family
- emailing or posting abusive, sexually explicit or humiliating comments, photos or videos about you on the internet
- emailing or posting private information or false accusations about you on the internet
- intercepting your emails, changing your passwords and permission settings without your knowledge or your permission
- tracking your internet use and email or installing spyware on your computer



IMPORTANT

Stalked for over 2 weeks? Contact the police immediately! If you are stalked for more than 2 weeks, chances are your stalker will persist for 6 to 12 months. Long-term stalkers typically become violent, so it is very important for you to be proactive and seek police advice and assistance.

Who stalks ...

You will most likely be stalked by someone you know – an ex-partner or boyfriend, casual friend, acquaintance, professional or work contact. If you are stalked by your ex-partner or boyfriend, you are likely to be harassed for longer periods, and are more likely to be threatened and physically assaulted.

MYTH: *Stalkers are usually strangers.*
REALITY: 66% of women who reported experiencing stalking knew their stalkers.²
In Australia, stalking happens to around 600,000 people a year; 80% to 85% of stalkers are male and are generally known to the victim, even if only as an acquaintance.³
While the majority of stalkers are male, women can also engage in this crime.

... and why?

Understanding the motivations of your stalker can help you to increase your safety. Sometimes stalkers may fit more than one profile, or begin with one approach and move to another.

2. Australian Bureau of Statistics (ABS), Personal Safety Survey, 2005

3. www.theage.com.au/lifestyle/life/when-facestalking-turns-scary-20120913-25ume.html

Rejected stalker

Usually ex-partners who won't let go. They often believe they own you and are entitled to control you. Others may be seeking revenge on you for having left them. The rejected stalker often stalks for long periods with a high chance of physical violence, and you may need restraining orders to manage the situation.

MYTH: *My ex-partner stalks me because he loves me.*

REALITY: Stalking is a crime and not a sign of love – the reality is he believes he owns you. You have a right to safety and privacy, and should not have to put up with feeling scared, unsafe or uncomfortable.

Intimacy seeker

Often delusional with fantasies of having a relationship with you (or believes one already exists). People who stalk celebrities usually fall into this category. They can be highly persistent.

Incompetent suitor

Usually seeking a partner or a date, but lack the necessary social skills. They feel they are building a relationship with you by stalking you and may stop after a brief period.

Resentful stalker

Angry and revengeful, they can be frightening and could become physically violent. They act from a sense of injustice and blame others for their own problems, such as the lawyer whom they felt has cheated them or the person who got the job (or promotion) they felt they deserved.

Predatory stalker

Usually a stranger to you and the least common type of stalker. Their stalking is sexual in nature and often leads to assault.

What to do if you're being stalked

It is important that you seek help and support to manage the stalking and its impact on your life. Family and friends can also be adversely affected, particularly children, and should be encouraged to seek help if needed.

You can take action:

1. **Avoid contact with the stalker**
2. **Increase your personal safety**
3. **Inform close family and friends**
4. **Collect evidence**
5. **Contact the police**
6. **Apply for an intervention order**

1. Avoid contact with the stalker

At the earliest stage give your stalker **a single clear message** that you don't want any of their attention or contact.

- Don't try to negotiate or reason with the stalker. Any contact only serves to prolong the stalking. For many stalkers any contact, however negative, is better than no contact at all.
- Don't respond to insults, verbal taunts or emails
- Don't return gifts or other materials (save these as potential evidence)
- Block unwanted numbers from your mobile phone
- Use an answering machine or voicemail to screen all calls
- Report and block all unwanted messages and posts on Facebook (see Facebook Help Centre) and other social networking sites
- Delete/block the stalker from your 'friends' or 'contacts' list, and update the privacy settings on your social networking accounts so that your account is not public.

2. Increase your personal safety

Increasing your safety will help you to feel stronger and give you some control of the situation. If possible, try to improve your home and work security. Free and confidential home security checks can be arranged through most police stations.

- **Take all threats seriously and contact the police immediately**
- **Screen all your calls** on your current phone using an answering machine or voicemail. Get a second unlisted phone number for only trusted family and friends – you can get a new mobile phone number by getting a new SIM card.
- **Always have a phone with you** – memorize emergency numbers and have close family and friends on speed dial. **Make a safety plan** including safe places you can go to in an emergency e.g. police station, homes of friends /family that the stalker doesn't know the addresses of, places of worship and public areas.
- **Keep your location private** – switch off the location feature on your mobile phone and remove any phone finder apps; don't share your location when you 'check in' on Facebook. Only give your home address to trusted people and businesses. Consider getting a lockable mailbox, or post office box.
- **Get a new social media account/free web-based email address** and only divulge to trusted individuals. Reset all your passwords and pins. Make sure your password is not automatically saved on your computer, and untick the box 'Remember my password for this site'. Always sign out of your email or social network sites.
- **Think your computer use is being monitored?** Use computers at safe public spaces such as WIRE's Women's Information Centre, public libraries, internet cafes or community centres.

KEEP YOU AND YOUR CHILDREN SAFE AT HOME, WORK AND SCHOOL

- Vary your routine to school, work, shops and other places; use different shops, bank branches or ATM machines and always try to stay in public areas
- Identify escape routes out of the house. Teach them to your children
- Install solid main doors with dead bolts and fix any broken windows or doors; change locks where needed
- Use a code word with your children that tells them they need to leave
- Pack a bag with important items in case you need to leave quickly, and keep it in a safe place or with a trusted friend
- Seek advice from your employer about ways to ensure your safety in the workplace. Ask a co-worker or security guard to walk you to your car or public transport.

3. Inform close family and friends

Make good use of your support networks. Tell trusted friends, family members, workmates, security guards, your children's school and, if appropriate, neighbours that you are being stalked. If they are unaware of what's going on they may accidentally give your information to the stalker.

Trusted family and friends can support you and help you to collect evidence of the stalking. It may also help to provide these people with a photograph or description of the stalker and their vehicle.

4. Collect evidence

Stalkers often leave physical or electronic evidence, for example, voice or text messages, emails, letters, cards or unwanted gifts, internet posts or comments. Do not delete, discard or return these items; they are needed for the purposes of investigation and prosecution.

- Keep and date all items or letters received from the stalker, and lock them in a secure place
- Keep all phone and text messages
- Save emails, online posts, comments and messages (take screen shots where necessary of online incidents of harassment) and save them on a separate USB
- Keep a log-book detailing any instances of unwanted approaches, contact, following or surveillance, with dates and times
- If a stalker is loitering near where there are CCTV cameras, you may be able to ask for footage from the owner of the camera.

5. Contact the police

Call your local police station and make an appointment to see a police officer as soon as possible, **especially if the stalking has persisted for more than two weeks**. You may request to meet with an officer experienced in stalking or harassment cases. Bring along any evidence as it will help establish your case. You can also bring a close friend or family member to the meeting for support.

Police may not be able to act immediately if there is a lack of evidence. An officer should be assigned to your case so that you can contact them directly and report each new incident. Obtain copies of any 'incident reports' you make and keep them in a secure place.

6. Consider applying for an intervention order

You can take legal action by applying for an intervention order. The magistrate makes a court order that forbids the stalker from contacting you or coming within a set distance of you, your home, your work and other places you go to regularly, or getting other people to harass you. If the stalker breaches the order they have committed a criminal offence and the police can arrest and charge them. These orders may serve to deter the stalker and thus protect you, but this is not always the case.

In Victoria, when you apply for an intervention order, you may be asked to first participate in mediation, especially if your stalker is a neighbour or an acquaintance. However if there is a history of violence or threats, the mediation may not have to take place.

Experts say that orders will usually **not** deter:

- delusional stalkers
- those with a history of violence
- those with a strong sense of entitlement or 'control' over you
- stalkers who have persisted for long periods.

For ex-partners, the intervention order may add to their sense of humiliation and rejection, occasionally with violent consequences.

It is important to have a safety plan in place when you apply for an intervention order. Call WIRE Women's information, a family violence service or see the WIRE information booklet *Family Violence* for advice about safety planning and more information on how intervention orders work.

Common reactions to being stalked

Stalking can be traumatic and cause considerable stress and anxiety. People react differently but most victims report being troubled by at least some of the following:

Emotional

- Heightened fear and anxiety
- Feeling powerless/helpless, depressed or a sense of hopelessness
- Mistrust and becoming suspicious or wary of others
- Anger or irritability

- Guilt or shame
- A desire to withdraw from others

Physical

- Sleep disturbance and nightmares
- Loss of appetite
- Nausea and vomiting
- Worsening of pre-existing conditions such as high blood pressure, ulcers, asthma and dermatitis

Lifestyle

- Changing usual arrangements
- Limiting social outings
- Increasing home and work security
- Changing phone numbers, email and other internet accounts
- Reducing mobile phone and/or internet use
- Reducing or ceasing work or school attendance
- Moving homes

Getting support

You are not alone and not to blame. Getting support is an important way to protect yourself and your sense of well-being. Talking to a counsellor or calling an anonymous service like WIRE Women's Information can help you deal with your emotions in a safe and totally confidential environment.

The Victims Support Agency can help you in several ways:

- provide information about reporting a crime, applying for an intervention order and the court process
- offer practical and financial assistance (if you are eligible), for example to help improve your security
- offer free short-term counselling through the Victims Assistance and Counselling Program (if you are eligible)

See the back page for a list of organisations you can contact for further information, support and referrals.



WHERE DO I GO FOR HELP

Police

If you are in immediate danger, you should always call the police on **000**. If it is not an emergency, you can call the police switchboard **(03) 9247 6666** or go to your local police station. www.police.vic.gov.au

- **WIRE Women's Information 1300 134 130** inforequests@wire.org.au
www.wire.org.au
- **Australian Stalking Information and Resource Centre**
www.stalkingresources.org.au
- **Cybersmart 1800 880 176** www.cybersmart.gov.au
- **Lifeline 13 11 14** www.lifeline.org.au
- **Magistrates' Court of Victoria 9628 7777** help@magistratescourt.vic.gov
www.magistratescourt.vic.gov.au
- **Stay Smart Online** www.staysmartonline.gov.au
- **Victims of Crime Helpline 1800 819 817** vsa@justice.vic.gov.au
www.victimsofcrime.vic.gov.au
- **Victoria Legal Aid 1300 792 387** (8.45am–5.15pm M–F) www.legalaid.vic.gov.au
- **Women's Family Violence Crisis Service of Victoria 1800 015 188 / 9322 3555**
(24 hours 7 days) wdvcs@wdvcs.org.au www.wdvcs.org.au
- **Women's Legal Service Victoria 9642 0877** (metro callers)
1800 133 302 (country callers) www.womenslegal.org.au

A LIST OF REFERENCES AND FURTHER READING IS AVAILABLE ONLINE AT www.wire.org.au



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**Women's
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Women's Information
and Referral Exchange Inc.
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Call WIRE 1300 134 130

for the cost of a local call (Telephone Interpreter Service available). Hearing-impaired women can use Livechat support www.wire.org.au or email inforequests@wire.org.au



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Drop in Women's Information Centre,
372 Spencer Street, West Melbourne



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