

[REDACTED]

From: Dianne [REDACTED]
Sent: Sunday, 15 August 2021 12:21 AM
To: Stalking (DJCS)
Subject: Submission - Stalking Law Reform

To whom it may concern,

My name is Dianne Russell [REDACTED]

I'm submitting my views on cyberstalking on behalf of my 24 year old daughter, who sadly passed away in March 2018 from breast cancer during her period of being cyberstalked over a matter of 3 or more years. At the time of her passing she was in the process of writing a statement for the detective in charge of handling her matter.

I assured my daughter I would see this through until the person engaged in cyberstalking was brought to justice. My daughter's cyberstalking experience began in 2015 through the Social Media platform. She was harassed on and off for 3 years with numerous obscene messages and threats. This person was unknown at the time to her as several fake identities were used to avoid tracing.

This was reported to the local police station, a written statement was given, however no further action was taken and she was asked to ignore the messages or delete her Facebook. This was not taken seriously and left her and myself very frustrated with the lack of support given by the Constable. He clearly had no interest in her concerns and she felt like this was her fault. This caused severe anxiety, trying to live each day in fear due to the lack of power the Victorian Police have in regards to stalking and protection.

Between Mid 2015 to Mid 2017, after her cancer diagnoses, the person engaged in stalking continued to harass and created more fake accounts, making it difficult to be traced. The enormous strain this put on her during her diagnoses was heartbreaking to watch. She was so frustrated by the lack of support she took it upon herself to research cybercrime and sent an online report. She was contacted not long after as they took an interest in her matter. They started to trace an IP address with Facebook and was informed this could take some time. By December the 4th 2017, with the help of my daughter's friend, who was also involved with this stalking experience, was able to get an admission of identity from the person involved. This was passed onto the detective in charge, however she went on maternity leave and another detective took over the case. They still couldn't do much as they were waiting on Facebook to come back with the name of the person that matched the IP address. Unfortunately during this long frustrating wait, and still continuing to be harassed, my daughter sadly passed away in March 2018, never to see this person brought to justice. I followed through with my promise to her and contacted the detective and asked why they need to wait on Facebook when we clearly know who the person was. Finally on the 25th March 2018, the person engaged in the cyberstalking was arrested and confessed to stalking my daughter.

From 2018 until February 2020, I attended at least six court hearings with some either adjourned, a psych assessment required, or some other report required by the Magistrate. The justice system was letting my daughter down and others by the long drawn out system that we have here in Victoria. When the sentencing was handed down by the Magistrate in September 2019, the punishment was 8 months imprisonment. This was a huge relief to myself and justice had finally been done.

Unbeknown to myself and my daughter's friend, who also attended on the day, the person appealed and was allowed back into the community.

Again, let down by the law and another risk to the public by allowing this person on the streets.

In February 2020 I attended the County court along with my daughter's friend and family members to witness the appeal of this person.

This was the most distressing day when I heard the Judge overturn the sentence that was given, in place of 300 hours of Community Service, due to him being Autistic.

Apparently the jail system is not the right setting for a person with Autism, as it could be detrimental to them.

I was fortunate enough on the day, outside the County Court to be interviewed by Channel Nine, expressing my disappointing with the justice system.

I was speaking out for all young girls on behalf of my daughter, knowing I did what I could but also felt like she and her friends had been let down and not heard.

Where is the justice for these perpetrators! These women suffer not only the harassment but the disappointment of the justice system.

I would like to see changes in the penalties handed out to prevent further victims of stalking taking place.

I believe the law needs to change for these people that engage in stalking, regardless of cyber or any other way from the time they are reported to the police to prevent further harm inflicted on them or even being murdered.

Why wait for another woman to be killed, for the sake of a man's sexual needs and being rejected from a female that clearly has no interest in them.

Why do our daughter's need to suffer this pain! Lock them up before it's too late.

My daughter wanted to get an IVO when she first reported this but was told she would need to apply for this through the Court.

The system was all too hard for such a useless result. Having an IVO does not protect the person's safety.

I would like to see the same law as Tasmania brought into Victorian with the use of ankle bracelets so these perpetrators can be tracked in their movements within the community.

This is the only way I can see how to prevent and protect these women.

Harsher penalties could deter stalking, saving lives and freeing up the courts from unnecessary IVO's being issued.

Please take my submission seriously and if you require any further information regarding my experience, please reach out as I feel very strongly about this new law reform.

Kind regards,

Dianne Russell

