

Victorian Law Reform Commission



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[www.lawreform.vic.gov.au](http://www.lawreform.vic.gov.au)

<https://engage.vic.gov.au/stalking-laws>

PLEASE KEEP MY NAME and all identifications CONFIDENTIAL as I have an ongoing case and do not want to be identified by the stalking perpetrator.

My SUBMISSION to Victorian Law Reform Commission Stalking:

Questions

1 What are the factors that influence whether people who experience stalking report their experiences to police? Are there barriers to reporting that need to be addressed?

ANS: Will they believe me? I am an older women, most police are men, there has been a long history of gender bias with the police eg: blaming the victims (women), women being not worth listening to, men banding together against women who complain, and I'm a Caucasian woman of English background, let alone CALD or Aboriginal etc. I also tertiary educated.

The police interviewed me for 2 hours on [REDACTED]/2021 but it became obvious that they didn't have good interview skills and dismissed everything I said with meaningless arguments. I had nearly 100 pages of hard evidence and they didn't want to accept any of it. The police who spoke to me were a young 'rooky' and old Sargent. The older sergeant was quite patronising.

1. I had a 50 page report I'd written of detailed accounts of all his stalking, threats and assaults and cross referenced to his emails stating the same.
2. I had 30 pages of his emails stating all of his stalking, assaults and threats. He used whitewashed and gas-lighted all my concerns and demands to stop, except for the straight out threats. All well stated in his emails.
3. I had 20 pages of all the genealogies he'd done on me, none of which I had asked for. I asked him to stop and he repeatedly refused. He said it was 'legal' to do all this.
4. I had some photos as evidence. The perpetrator said he had more photos of me but wouldn't show me or tell me what they were about, but he told me this in his emails.

All dismissed by the police on [REDACTED]/2021 who hardly even looked at my evidence. So if the [REDACTED] Police Station has had stalking and domestic violence training it must have been only 5 minutes worth, as they seem to not want to accept that this was a serious case worth looking into, and sent me away with no record that I had ever reported this to the police.

This only helps the respondent to get away with his crimes and the brashness to continue more.

He (the respondent) was an old boyfriend of 45 years ago (he is [REDACTED] years old in 2021) which had been stalking me for 20 years even though he lived interstate now, he would visit his family in [REDACTED] and did drive-bys of my house, secret photo-taking and long silent "check who was

living at my house” phone calls. He waited till my sons left home and I was living alone, then suddenly showed up, inviting himself, and quickly tried to force a sexual relationship on me, assaulting me twice. He also did genealogies on my 3 families (I’d been married [REDACTED] before). I was very confronted by his barrage of surveillance and secret agendas which he refused to stop and got angry when I told him to stop everything. I told him to stop, then he threatened me with many emails that he’ll keep visiting and assaulting me. I thought he would stop if I ignored it all but 10 months later he hand delivered another genealogy to my door while I was out, so he’d been watching my house again.

I finally obtained a Family Violence Intervention Order (IVO) in Victoria in 2018, for 2 years which the respondent vehemently objected to the point of bribing the Court duty lawyer I was allotted for helping me with the IVO and she bullied me to try to stop me going ahead with the IVO, but I went ahead anyway as it was serious stalking and assault. He was under the Interim IVO so it should have been recorded as a breach of the IVO but all authorities ignored it.

The Court and the relevant community legal centre all tried to deny that the bullying happened, despite my immediate 4 page detailed complaint and account of it. The police also ignored it and said “that’ll be hard to prove”. I felt it was a breach of the IVO but all authorities did nothing. Too hard basket??

Women’s support groups said that it was a common enough incident that violent respondents bribed court duty lawyers to bully their victims on the spot into backing off from obtaining an IVO against them.

Again its gender imbalance of society as men have a great deal more money and influence than women (and children). And the law allows and supports this in its very laws.

I later obtained an IVO extension which after the respondent repeatedly either didn’t appear in court so it was repeatedly adjourned (then it was over the phone due to Covid19 rules) but then he would repeatedly object to the IVO extension. He said he’d contest the IVO so I had to lodge evidence which I had a lot of, but he didn’t lodge anything as he had nothing, but still objected.

I was then finally only given a 6 months IVO extension till February 2022, with an undertaking to have the IVO reinstated if I reported that he ever showed up again. Given that he seems to be an expert stalker, he’ll dodge detection but may continue stalking me for a very long time. The courts and the police ignored all my concerns.

It seems both legally and socially that the protection of a predator is more important than the protection of the victim – which is usually women and children.

I intend to move house and hope he never finds me again.

I consider the respondent dangerous and a full sociopath. He ticks all 60 + behavioural issues boxes as a full sociopath. Its not a mental health issue, its just generational ingrained abuse of women being well accepted by society and the law.

2 Should a risk assessment framework be developed to help police and courts identify the course of conduct and manage risk of serious harm in the context of stalking? If so, how should it work?

ANS: There should be definite guidelines for every police to learn and go by when interviewing victims. A list of questions to ask, things to look out for, notes to be taken. Victims don't always realise till much later that they are being stalked so time shouldn't come into it. If it happened a few years ago.

3 What else might help agencies to identify the risk of serious harm in a stalking situation? For example, should there be special training or guidelines, or expert advice?

ANS: Absolutely, there should be extensive training for EVERY police member, old and new, on STALKING and DOMESTIC VIOLENCE, and also the connection between the two as they are often intertwined. Training should be given by EXPERTS face to face, and with reading matter to support the class. Online 'tick and flick' answer 'a) b) or c) are no good at all. I have experience in training and I know that face to face ongoing classes are the best for instilling and retaining information and training. Plus regular refreshers.

4 What approaches or techniques should be used by law enforcement agencies when investigating stalking complaints?

ANS: Every complaint of stalking should be taken seriously and RECORDED by the police, so that if charges are not made immediately, then there is a record for future incidents. At the moment there is no records kept of complaints to police.

5 In the family violence intervention order system, information sharing is allowed. Should there be a similar framework for information sharing between agencies providing services for stalking? If so, how should it work?

ANS: Stalking is serious and it should be recorded and shared with agencies. Consult with agencies as to how.

6 Should there be a specific police Code of Practice for reports of stalking? If so, what should it cover?

ANS: All complaints should be recorded at the police station even if not acting upon.

7 Should there be an option under the Personal Safety Intervention Orders Act 2010 (Vic) for police to be able to issue the equivalent of a Family Violence Safety Notice? Why/why not?

Ans: Yes

8 Should a person making an application for a personal safety intervention order be able to do so online? If yes, in what circumstances?

ANS: Safety and anonymity from having the perpetrator also turn up to court and see the complainant and possibly target them for further violence and revenge.

9 Should respondents be prevented from personally cross-examining the affected person in some personal safety intervention order matters? If so, in what circumstances?

ANS; Yes. Because it is usually gender based violence, the perpetrator can threaten and intimidate their victims. This could be dangerous for the victims.

10 Should courts be able to order respondents to personal safety intervention order applications to attend treatment programs? If so, what kinds of programs and in what circumstances?

ANS; Yes in most cases as it is often an attitude problem and this should at least be addressed but not seen as the final answer to all stalking. It's a societal problem.

11 Should there be additional offences in the Personal Safety Intervention Orders Act 2010 (Vic) to address more serious breaches? If so, what should they cover?

12 Should the restrictions on publication in the Personal Safety Intervention Orders Act 2010 (Vic) be expanded to cover adults?

13 Should there be free legal representation in some personal safety intervention order matters? If yes, what eligibility criteria should apply?

Ans: there should be free legal services available similar to domestic violence eligibility.

14 Should the appeals process for intervention orders be changed to improve the experience of victim survivors? If so, how?

ANS; as a victim of FV IVO case I had to appear in court many times because the respondent was able to drag me through the court many times in a 'cat and mouse' game of 'no shows' then rejections of the IVO (with no reason other than rejection violence), then (false) contests that he didn't even show for, then more 'no shows' then more objects that he didn't have. There needs to be a LIMIT on these endless false appeals that wasted my time and the courts time. And cause a great deal of stress for the victims.

15 Are there any other aspects of the Family Violence Protection Act 2008 (Vic) that should be replicated in the Personal Safety Intervention Orders Act 2010 (Vic)?

16 Can the criminal law response to stalking be improved?

ANS: Complaints should be followed up and not just dismissed at a 'woman's complaint' or whatever the police seem to frequently dismiss complaints before they are even recorded. Its gender bias by the police.

17 You might like to consider whether:

- (a) there are any challenges in identifying when a person has engaged in a course of conduct or in obtaining evidence to demonstrate a course of conduct
- (b) the list of conduct in section 21A(2) of the Crimes Act 1958 (Vic) covers all types of stalking behaviour
- (c) cyberstalking is adequately covered
- (d) the law presents any barriers to investigating, charging and prosecuting offenders for stalking conduct.

ANS; My experience is that the police were not interested in a serious case with substantial hard evidence so it is either lack of training or laziness on their part in not bothering in pursuing my case. My 100 pages of hard evidence was summarily dismissed without really even looking at it.

18 Should there be more protections for victim survivors in stalking prosecutions? If so, what kind?

ANS; Yes but not sure what that is as I couldn't even get to base one with the police.

19 Should the court be able to request specialist risk assessment reports for stalking? If yes, in what circumstances?

20 Should electronic monitoring be introduced to monitor people who have been assessed as posing a high risk of ongoing stalking behaviour? If yes, in what circumstances?

21 How can we improve victim services so that people who experience stalking have their needs met?

ANS; Train the police in all aspects of stalking to start with so that a case can be made.

22 How can the financial support scheme for victims of crime be improved so that it better meets the needs of victim survivors of stalking?

23 How can we better integrate victim services with relevant public and private services and systems so that people are supported while they are being stalked?

24 How responsive are rehabilitation and reintegration interventions to the diverse needs of people who commit stalking?

25 Could some specialist courts and programs help address some of the issues that may co-occur alongside stalking behaviour? If so, how?

26 How well are prison and post-prison rehabilitation or reintegration measures working for people who have committed stalking? How can they be improved?

27 Are there relevant learnings from the reforms to the family violence system that could be applied to the way the system responds to people who commit stalking?

28 What are the barriers that some victim survivors experience when seeking help for cyberstalking?

29 If a person suspects that they are being kept under surveillance using cyberstalking, what kind of help do they need to ensure that they are safe?

30 In what ways can apps and smart devices be used to facilitate stalking? What controls could be put in place to prevent apps and smart devices being used to facilitate stalking?