

## OVERVIEW STALKING

Stalking is defined in law. It has also been defined by psychiatrists in clinical settings, and forensic psychologists and criminologists in academic research. Stalking can include:

- Surveillance: a person who stalks may obsessively monitor the person they are stalking. They may follow the person they are stalking, track them using technology, or loiter around their home or workplace.

1 • Repetition: a person who stalks contacts the person they are stalking multiple times. Stalking can happen over the course of one day, for a few weeks, or many years.

2 • Degradation: a person who stalks may verbally abuse the person they are stalking, post degrading comments or images online about them, 3 or humiliate them in public.

- Intrusion: the person who stalks repeatedly approaches the person they are stalking, interferes with their property, or enters their home or workplace.<sup>4</sup> Stalking involves making 'one's presence felt where it would not otherwise exist'.<sup>5</sup> 1.6 Stalking can involve violence towards the person being stalked or damage to their property. 1.7 Not all stalking results in physical violence. Stalking can involve actions that would, in another context, be legal or even welcome. For example, gift-giving is usually legal. But if someone repeatedly gives another person unwanted gift and will not stop when asked, this can be stalking.<sup>6</sup> Even though it can involve seemingly everyday behaviour, it feels intrusive and can induce distress and fear.

Stalking can involve using (and misusing) legal and/or complaints processes (such as complaining to the Ombudsman) to maintain access to the person being stalked. This can result in a person being endlessly tied to the person who is stalking them. 1.9 As evidenced in other jurisdictions, stalking may also be facilitated by licensed private investigators.<sup>9</sup> Victoria has a statutory scheme for licensing private investigators.<sup>10</sup> We are interested to understand if and how these services are used in the context of non-family violence stalking. 1.10 Stalking is illegal. In Victoria, it is a criminal offence with a maximum penalty of ten years imprisonment. In Victorian legislation, a course of conduct constituting stalking is two or more acts or one single protracted act. Section 21A of the Crimes Act 1958 contains an extensive, but non-exhaustive, list of behaviours defining stalking. These include:

- following the person being stalked
- contacting the person being stalked by any means
- publishing material about or purporting to originate from the person being stalked

- tracking the person being stalked
- making threats
- keeping the person being stalked under surveillance
- technology-facilitated abuse.

1.11 Stalking can be grounds for an intervention order under the Personal Safety Intervention Orders Act 2010 (Vic) (PSIO Act).<sup>11</sup> Despite these laws, stalking can entrap victim survivors in a cycle of abuse that is difficult to identify, prove, and remove themselves from. 1.12 Because stalking has such a wide definition, these laws have been criticised as potentially capturing behaviour that is not 'true' stalking, drawing more people into the criminal justice system for relatively low-level offending.

**I copied this off your submission question listings. All of the above has happened to me over many many years. As a Victim-Survivor your journey into the nightmare of being stalked begins with calls to Police.**

## MY STORY

The first time I rang to report incidents to Police at Craigieburn, I was told to get an Intervention Order as they were unable to help me without one. I took the Officer's name then called him back after more incidences were happening. I hadn't been to the Courthouse to apply for an Order as I have never been to court in my life, and at 51 years old, I had no idea what to do. This Officer's first question was, had I applied for an Order yet. I was told to come in once I had one in place, alternatively, I could quit my job, move to a new house and buy a new car, and maybe then the incidences would go away. After weeks of being harassed, of having unwanted gifts and letters left at my workplace and home, it also included the offender turning up at my home, hanging around, I had used condoms left on my doorstep and in my mailbox. I finally left work early to go to Broadmeadows Courthouse as I couldn't take the harassment anymore.

I walked up to the counter and asked the Clerk what I needed to do to obtain an Intervention Order, I explained that Police refused to help me without one. She kindly gave me forms to fill out and said she would be available should I have any questions. I filled out the forms then went back to the counter, she looked over them and as it was after 3.30pm, the courthouse was really quiet, in fact I was one of only a couple of people in there, the clerk thought a Magistrate would see me straight away and asked me to take a seat. I was able to see the Magistrate, I told him what was happening and he issued an Interim Order and the person stalking and harassing me would be served to appear a month later to defend himself. This actually stressed me out even more, I thought the offender would be seriously angry and come after myself and my child even more.

The offender was served and yes, he was even angrier, I received word that a flyer had been left at 2 venues I would go to with friends, to see friends perform and to perform myself. This flyer was left a couple of nights before we were due in court on the 4<sup>th</sup> of July 2015. I raced over to Brighton after work to pick up the flyers to take to court with me the next day. I arrived in court and my nightmare was about to get worse. The Flyer was implying I was a prostitute and that although the person enjoyed the venue, couldn't stand my promiscuous ways and was basically making a complaint about me and my behaviour in trying to solicit men. Obviously, this was not true, but he was still trying to tarnish my reputation. These venues had my back and alerted me to these flyers.

I checked in and was told to go upstairs and a Duty Lawyer would help me. I had taken my Aunt with me for support. We were waiting for a while, and someone came out to tell me they were unable to help me as they were helping the respondent as they had history with him and that I should go downstairs to Legal Aid. My Aunt & I waited hours to speak to Legal Aid. I was concerned about being called into the Court room not having any advice on what I needed to do. The Lawyer for Legal Aid was extremely rude advising me they only help respondents, not applicants. I was so upset as no one would be helping me through this, I had never been inside a court before and had no idea what to do. My Aunt and I went upstairs to wait out front of our assigned court room. We go inside the courtroom when we were called. All I had with me was the flyer that was given to me the night before. The Offender had his Lawyer, she spoke first and then the Magistrate asked me what evidence I had to support my claim of being stalked and harassed. I handed the flyer to the Magistrate and he looked over it. The Offender's Lawyer wanted to know what it was as she hadn't seen it. She came over to me to look at the flyer once it had been handed back to me. She was

extremely rude advising that anyone could have written this. I did plead further to the Magistrate with what was happening. The Offender then spoke over the top of his lawyer disputing what I was saying. Magistrate Bentley, then advised the Offender to not insult his intelligence that he knew he had written the flyer and was granting me an Intervention Order for 12 months. The Offenders rage didn't work, thankfully Magistrate Bentley believed me. I at least felt vindicated and left thinking the Order was in place now and if anything, else happens, Police would help me.... How naïve was I....

More and more things kept happening, the Offender was going to other businesses in the Centre where I worked, he went to Centre Management to complain about me. I was Management at Big W, a position I had had for over 8 years. I had transferred to the Craigieburn store to build it from Big W Shepparton in 2013. I had moved back to Melbourne to look after my ailing parents. Sadly, my Father passed away in July 2014. I met the Offender in October 2014. I repeatedly contacted Police saying the offender was always around. One of my co-workers had even caught the offender watching me from outside the main doors, she had spoken to him about the weather. [REDACTED] (co-worker) actually came to the Police station with me to complete a statement. The offender was called in and nothing was done about him being there as it was not listed on my order that he had to be 200 metres from my workplace as it was his local shopping centre. They did advise the Offender not to sit at Gloria Jean's Coffee Shop all day watching me work. So, the slandering/defaming me continued with fellow retail store workers.

More and more things were happening to me, the flyers had continued calling me a whore, a bad mother, a drunk, a cheater, my car was receiving damage at my best friend's house, all of this I was reporting to police. The amount of calls to 000 while I was at [REDACTED] [REDACTED] (best friend) became the norm. Bayside Police attended so many times. I had by this time, put in a dashcam to record any wrong doings. What I didn't realise was the Offender had copied my keys, this became evident when the dash cam was taken down and left neatly rolled up on the driver's seat. Also, my neighbour had told me she had seen the Offender entering my home with keys. I did call a locksmith and he came out the next day to change all the locks. The Offender turned up. I asked him how he knew I was home as it wasn't my usual lunchbreak, he told me, my staff at Big W had told him I was home. I knew this to be a lie as they were always on the lookout for the Offender when I was at work, they were trying to keep me safe. In fact, the Offender walked straight into my home as the locksmith had taken all the tumblers out. A massive argument happened, and the Locksmith was going to call Police. The Offender did eventually leave but came back before I had a chance to lock up and go back to work, so my dog escaped, the locksmith had gone and I'm still dealing with the Offender. I did get my dog back inside and go back to work. I asked my staff if they had seen the Offender, they said they hadn't.

I was racking my brain as to how he always knew where I was, that day was so upsetting, that I started going through my phone. It took me ages and ages, but I did eventually find a tracker on my phone. I screen shot what I was seeing and showed my youngest daughter. She knew exactly what to do to get rid of it. My daughter told me off for not doing the updates that Apple send me to do, she did that, she saved my photos and contacts, and did a factory reset. When I went back into my phone to look for the tracker, it was gone... yay....

The next day the Offender walks upto me and hands me a letter. The letter was pleading with me to take him back, all I could think of was my phone, my phone and sure enough the tracker was back on. I called Police and again nothing happened. Remember he is allowed to be in the shopping centre, so it was just "coincidence" we were both there, regardless that he approached me, and I had the interm order in place at this stage. My daughter did another reset but sadly lost information. I then went into Telstra to get them to help remove it. The Tech guy was amazing but sadly even he had issues. He told me to buy a new phone and get a new phone number. This was an Apple phone that I had paid off, it was mine, so now I would have the expense of paying off another phone. I went home, then on the weekend I went back to Telstra, leaving the phone with the tracker at home, I bought a new phone and number then asked them to disconnect my current number the next day. All this so the Offender didn't know I had a new phone until the next day, when the phone was disconnected, my boss and another Manager were sitting in the carpark, they saw the Offender darting between cars looking for my car, he didn't know where I was, he stopped when he got to my car. My boss came in to tell me what had happened and what she saw. My boss did write a letter for the police as a witness and told our Regional Office in case any further complaints were made about me.

As the Offender now didn't have a tracker on my phone, the attacks were more random, he would still attack at my best friend's house, my parents' house, and even my daughter's boyfriends house as the boyfriends Mother actually told the Offender to leave us alone, so he then attacked their house. I went back to court to have the IVO varied to include all of these address', these addresses are still on my order to this day.

One afternoon I was with a friend, we went into Dick Smith looking for cameras to put up around my house. When we walked out of the shop we walked straight into the offender. Police had advised me to film him if anything was happening. So, I filmed him for 30 seconds or so. My friend [REDACTED] and I went straight back to my car, but the offender had called security on me telling them I was stalking and filming him. I know security as I work there, they could see I wasn't filming and advised me to leave, we did, we headed straight to Craigieburn Police and left the Offender with security. The Offender then followed me to the Police Station. He was in full rage, screaming at me to kill myself. The Policewoman actually charged him, and he was convicted of threats against my life. He was fined and given anger management classes. Really that's all my life is worth, a few hundred dollars.

When I went back to renew the order for another year, my best friend [REDACTED] came with me, I had been unable to find any lawyers to help me with any changes to my Order as all the Lawyers I called had a "conflict" even the Women's Legal Services had helped him in the past. All these Lawyers just hang up on you when they say "conflict". It is very demoralising. So again, I go in and represent myself. By now the Offender had changed his address to QLD, as the police had been calling him so often in regard to me. The Policewoman who tried to serve him, Raelene Conway from Craigieburn, knew he still lived in Craigieburn and went to serve him the renewal IVO papers, she felt his car was still warm, but he refused to answer the door. He was eventually served but failed to appear in court to dispute the Order. I had the same Magistrate who gave me the original order, Magistrate Bentley, I literally handed him 5 more flyers, told him what else was going on. Magistrate Bentley asked the clerk to check that the Offender had been served, then he handed down his judgement, he told us that he remembered my case, he then said 10 years, I asked if it meant a 10-year Intervention Order, Magistrate Bentley said yes and told me to wait outside and the clerk would be out with the

paperwork. Fantastic news, as it meant I didn't have to repeatedly go back into court for an IVO and all 4 addresses were still listed on the order. This was now July 2016.

The attacks on my car had intensified to the point I was unable to fix it anymore. This was a car that my Dad had given me, it had belonged to my Uncle. When I first got the Ford it had 29,000kms on it and was in pristine condition. I cherished this car as it was the last thing my Dad had given me before he passed away, even my Uncle had passed. After all the panel damage I decided to get a new car, as the panel beating account would have been too expensive to fix, plus I had already been taking out equity from my home to add things like cameras, roller shutters and a garage door as I had previously only had a carport. I felt a new car would be safe. So, I approached the bank for more money. The car from my Dad was a 2002 model and had a lot of kms on it now. It was incredibly sad to make this decision, but I thought if I had a new car, the Offender might not know straight away so I would be safe for a while. [REDACTED] and I went car shopping one weekend. Her ex-husband was a Dealer Principal so she said she could get me a good deal on a vehicle, sure enough one dealership we walked into the salesman knew [REDACTED] as her ex was once the Dealer Principal there. I still have this car, 5 years on and it has been safe, although I have changed the plates twice. Nothing has happened to it.

Even though I had a success with the 10-year IVO, I did leave my Management position at Big W as the incidences were too much for me, and Centre Management were really not happy with him going to speak to them all the time. So now I travel for hours a day to my new employment. I couldn't park my vehicle at Craigieburn Station as the offender had damaged my previous car there, he put strip nails across the two front tyres, these were new tyres as the other ones had been slashed in Berwick at my Cousin's 60<sup>th</sup>. So, I couldn't risk parking at Craigieburn. I would drive out the Hume Hwy to catch a country train to the city. I still worried about travelling in the morning, but I would keep an eye on my review mirror to see if anyone else turned the same as me, as I was usually the only person going that way as everyone else was heading to the city not away from the city when they were going to work. The country trains run twice an hour, so if I miss it, I'm then late, well actually I was normally late for work as the country trains were always held up. Same at night, I wouldn't get home until 7pm. My day now started at 5.30am and finished at 7pm, then I would have to get dinner and things ready for the next day. I am still at the same job, my 5-year anniversary has just passed, and I have told them I would like to retire soon as I am nearly 58, so I'm now trying to prepare for that. With Covid I have been driving into work rather than catching the train. [REDACTED] [REDACTED]. My current employer is amazing, they give me a lot of latitude when it comes to leaving work at a moment's notice because something has happened. Even offering to drive me home if I had caught the train into work. Only a few people were aware of my situation at work, but since the program on Australian Story, "To Catch a Stalker", a few more people have approached me and told me they commend me for going public. It is nice to know I have so much support and if I was in trouble at work, I have numerous people that will help me.

The most upsetting moment at work came in January 2017 when I received a message that my best friend [REDACTED] had passed away, I disputed this, but I was unable to get hold of her. I rang friends who were here from the USA, and they said they couldn't get hold of her either. I left work in a panic, jumped in a taxi to her place in Hampton as she had moved out of her Brighton home due to the attacks. I had called Bayside Police and asked for the officer who usually attended [REDACTED] after an

attack. He asked if I wanted a welfare check done as they didn't have a suicide report. I said yes, and that I was on my way and I had keys to her apartment. While I was in the Taxi, our USA friends called to advise ██████ was gone, don't go in her home. In fact, ██████ was screaming it at me. I rang another friend, ██████, who works near ██████ and he met me there. We sat on her stoop not knowing what to do. My friend drove me out to pick up my car out at the country station, then I went to ██████'s studio to hang with him for the day as I didn't want to be alone. Later we headed to Brighton to a little restaurant that ██████ loved. So, there were 4 of us, ██████ and his partner, my friend ██████ who met me at ██████'s that morning, we all sat there in total disbelief that ██████ had killed herself. The offender had been including ██████ in the flyers, using her photo and her full name and phone number. He had been doing this for a while. I tried to commit suicide in 2015 when things were really bad for me, I had my own family yelling and screaming at me to make it stop. Even ██████ was feeling it and was yelling and screaming as well, and now she was gone, but I had survived my attempt. I now knew I had to stop at nothing to make sure the offender was held accountable for everything he has done. Sadly, it was to take me years....

This is coercive control at its worst. The mind games the offender would play, it's a Cat & Mouse game to him. Catch me if you can. So, for years he was winning. After ██████'s passing the flyers were so despicable, accusing me of killing her, of having blood on my hands, where was I while she was dying. Also the weekend ██████ died, I had been over in Brighton and Elwood to pick up flyers, I had messaged ██████ to let her know I had to get them back to Craigieburn as the Officer was waiting for them. I never heard back from ██████, but when I arrived at the Police Station the officer had left. So, I had to go back the next day, this was Sunday 15<sup>th</sup> January 2017. I put petrol in my car then went into the police station at around 2.30pm. I was standing in the foyer waiting for someone to come out to the front counter. It was taking them ages, then I heard the doors open behind me and in the reflection of the glass on the counter I could see a male walking in. I turned around and it was the offender. He sat down and was staring intently at me. I was holding the flyers. I waved them at him from a distance as I had moved away from him, I told him that he had serious mental problems. I then got my phone out, I took a picture of him and called the Police station to send someone out. An officer came out and the offender raced to the counter screaming that I had serious mental problems, the poor officer just looked at me and I said I had a 10 year Intervention Order on this guy and I was going to leave and come back as I was suddenly worried about the new car, what if the offender had written down the rego number, I had already changed it twice, what if he had damaged the car. I drove around some back streets and my daughter came and picked me up and took me back to the police station. The offender was just leaving, he'd been in there nearly ½ hour. I went back in and the officer took me to a room to make a statement. I was there for 2 hours. I asked if he had footage of the offender. Turns out the cameras reached the street, he could see the offender was two cars behind me, when I turned in, he went straight ahead but turned around and came back. So, the offender already realised I had a new car. The Officer asked if I had a dashcam, which I do, and he advised to point it out the rear of my car to have evidence should he be behind me again. The offender was charged, but sadly it was struck out, even with police footage. Apparently, we are both allowed in the police station at the same time, as we are when we are in court. So again, things go his way, and I'm left devastated. All this happened as ██████ was being found dead by her children. It was hours later before I knew of her passing .....

In April 2017 I had a guy dressed in a balaclava out the front of my home throwing god knows what at my home. I had literally just gone to bed and was sleeping, when an all mighty bang woke me. I

went to the cameras to look and what I saw terrified me, there was a guy out there with no face and glowing eyes. I rang 000 and was screaming at the poor operator, she was wanting to know if he had a weapon, but I couldn't see as he was hiding behind the bushes. I ended up putting the footage up on a couple of community facebook pages asking for people to look out for this guy, and if they see him to contact 000, not to approach him. The offender saw one of these posts and took me to court saying I was inciting violence against him. To me he was confessing being in the balaclava. The offender had taken out the video footage and added in a photo of himself and all these other comments which were not on the original post. He used to work in IT so knew how to copy and paste. The Magistrate took his side, my lawyer had to ask the clerk for a copy of what was submitted as we were not given full disclosure, his lawyer actually refused to show us the evidence. As soon as I saw the evidence I knew it was fake. Had I had more time; I could have supplied the original post in the original format to prove what he submitted didn't exist. The Magistrate didn't want to hear that and advised that "my post" was very violent against the offender and that should I contest the order, he would be issuing one anyway. My lawyer went back to the counter to find out how long it would be before we could have a directions hearing. It was September 2017 and the next hearing would be February 2018, then the contested hearing in June/July 2018. Plus, I would need a barrister and I had already borrowed money off my Mother to pay for this lawyer let alone a barrister. It also meant the offender would have the interim order against me for 9 months, followed by the 12-month order the Magistrate made clear he was going to issue. So, I cut my losses and agreed to the order without admission. The Offender then screamed at the Magistrate that he wanted a 10-year order not just a one year order. Thankfully the Magistrate refused that request. I call these revenge orders.... the offender had done this to me before but he wasn't as successful and it was in front of the same Magistrate. The first time he took me to court in 2015, for an order he told the court my ex-husband told him I was vindictive and a violent person, that he had gotten my ex's phone number from my daughter. All of this was a complete lie, in fact my ex has never spoken to him on the phone and my daughter never spoke to the offender, she hated him from the start. My ex and I are actually really great friends. The Magistrate did make me take an Undertaking, which I had no clue at that time what that was. We were in court the whole day as I wouldn't agree to anything. I agreed in the end so I could leave... I had taken a work colleague with me, the same one who had seen the offender outside watching me work. So we both then had to wait in the court so the offender could leave, I was completely exhausted. We were held back to nearly 5pm, we walked back to Broadmeadows Shopping Centre and [REDACTED] went inside to the shops and I sat in my car going through all the messages. I then left, and stopped at the lights to leave the carpark, and I look in my mirror and the offender is sitting behind me. He had driven around and waited for me to leave. I did debate on staying there and calling 000 but as I said I was exhausted so once the lights turned green, I left, with him following me. Nightmare.....I felt completely alone and helpless....

Going back to 2017/2018, we were in court again for another breach. After [REDACTED] had died my friends from LA were heading back and invited my daughter and I over there for as long as we wanted to get away from everything, so in June we took them up on their offer. We stayed for 2 ½ weeks. On our return, I was driving home, and the Offender comes speeding up behind me in my street. I stopped and waited at the roundabout hoping my camera was filming him. He was charged, but stated it wasn't him driving. I had witnesses in my car plus footage, but he said it was a friend of his not him. The court case was adjourned, and he then went into Bug W Broadmeadows looking for my daughter. He was in there for 9 minutes asking everyone he could where she was. He was eventually charged with this; he was also convicted of the original breach in my street. He then went back looking for my daughter at Big W Broadmeadows. With this second stalking incident I had now

been assigned a Detective as I had gone to Edward O'Donohue for help. Lisa Neville stepped in and Detective Norris was assigned to my case. The offender received one month in jail, it was originally 7 months, then 3 and finally 1 month. Upon his release I decided we needed another break, so we went to Bali. While my daughter and I were in the lounge getting breakfast, a page came out over the intercom. The offenders name was called to reception. My daughter was in the bathroom and came out yelling did you hear that.... he's here.....I went to the reception area and no one was there. Not even anyone for me to ask about the overhead call we had heard. By this time the revenge order he had placed on me had expired as well. It meant I could now go back to shopping in my suburb as I had avoided Craigieburn for the whole year, I would go grocery shopping on my way home from visiting my Mother or if I needed milk quickly I would drive 15 minutes away to another suburb to get milk or whatever I had run out of. This was my life for a year. To say it took a toll was an understatement.

Also, after he came out of jail for stalking my daughter, he had to attend 20 group counselling sessions. All I could think of was great, he'll learn new ways to attack me and I was correct. Two times we had a drone fly over our house, try and fly into my house, this was late at night, people would say it must be children, but since he has moved away the drone has also, this was in February 2019. Coincidence.... yeah right. Also, he failed to attend some of these sessions and the Counsellor was ringing me to make sure I was ok, that he wasn't here or that I hadn't been hurt. So, what does that say about what he was saying about me, yet nothing was done to protect me.

In 2019 Detective Senior Constable Rebecca Norris was building a case against the offender. She was eventually granted permission to hire former FBI Agent James R. Fitzgerald who had used Forensic Linguistics, or Language Analysis to catch the Unabomber in the United States. He used the same method to catch my offender. James was sent copies of love bombing letters the offender had handed to me, copies of the flyers and also copies of court documents the offender had filed in his defence of previous convictions. James determined that all of the different letters were in fact written by the same person. Also, in 2019 Detective Norris served the offender with a search warrant of his home. It was there she found the Balaclava, gloves, sticky tape and flyers, all ready to attack again as they were in a bag on his kitchen counter. He was eventually arrested after all of the evidence had been collated and gone to forensics for analysis. This actually takes months and months, it's not like CSI a TV show where things are analysed quickly. Once Detective Norris had everything in place, she picked the offender up for questioning and charged him with 28 charges.

In October 2019 we were slotted in for a 2-day Committal Hearing. At the eleventh hour the offender put in a plea to plead guilty to one charge of Stalking. I wanted to refuse this, I wanted the trial and the whole 28 charges to be heard. Apparently, this is not the case, we had to counter plea. The Prosecutor didn't want to include the charges against my mental health. I fought to have the Recklessly Causing Serious Injury charge still included. It was not included, as he said the Magistrate wouldn't understand. I said I was willing to be a test case as I now have PTSD, anxiety, and depression as a result of years of abuse and attacks by the offender. Surely someone would be able to see that living in fear for years is incredibly distressing. To constantly worry about your children, your pets, your home, your car, looking over your shoulder waiting for the next attack, you know it's coming but you don't know when or how but you know it's coming. I had already lost my best



friends was something like this going to happen to me or my family. You live in constant fear, you have an enormous amount of guilt. You overthink everything and worry about all of the “what if’s” This is how your mind works so surely anyone can see that you would have these mental health issues.

But alas, this charge was not heard separately. I was told the maximum he was looking at was 15 years and 3 months. There was one charge of breaching bail, which I hadn’t realised that he had attacked me while being on bail for attacking my youngest daughter. He was then given bail and a new date in December 2019 was set. This ended up being adjourned so the offender could explore his mental health issues for a defence. We were now looking at February 2020.

In February 2020, my Mother was not very good, she had gone downhill quickly. We moved her out of one Aged Care facility to another, and finally another. My sister and I spent 2 days with Mum at the Austin Hospital, we had no sleep during this time, with them sending Mum back to the Palliative Care Facility we had moved her into six weeks earlier. I had finally gotten into bed when my sister was calling the facility was calling, my youngest daughter was trying to wake me to tell me to answer my phone. My sister called to advise Mum had passed away. When we left her, my last words to Mum were “you can go if you want to”. She had been whispering to someone at the end of her bed, we now think it was Dad there to get her. This was on the 11<sup>th</sup> February 2020. I was in court with the offender a week or so later. So, as I’m trying to organise my Mum’s funeral, I’m in court also. It was then adjourned again and the Magistrate wanted us back in on the 21<sup>st</sup> February, I had to quickly remind Detective Norris that this the day for my Mum’s funeral, so the Magistrate was advised I was unable to attend on that day so he adjourned to the day before being the 20<sup>th</sup> February 2020. This was for sentencing. So, the 20<sup>th</sup> February arrives, he is given 8 months and a 2-year Community Corrections Order as the Magistrate had read and reread my Victim Impact Statement and agreed that I would be vulnerable upon his release. It’s a shame that the Electronic Monitoring wasn’t in play in February, it came into play in April 2020. The offender was then granted Appeals Bail. All I could think of, is that he knows I have a funeral, will he show up. I was on edge the whole day of my Mother’s funeral looking around to see if he was there or waiting for something to happen, this day wasn’t hard enough I had to prepare for an attack as well.

The Appeals Hearing was heard in June 2020, the offender went in armed with many many psychological reports, one from a Forensic Psychologist, his own Psychologist and a Mental Health Group called Spectrum. His Barrister was advising the court that the offender told her he is now suffering from PTSD, anxiety and depression, but none of the reports showed this. Judge Martine Mariach disputed this and told the Barrister to take the offender outside and talk to him as she was looking to increase his sentence. Judge Mariach also asked me how I would like to be addressed. I stated Victim was fine as I thought it had more impact than complainant. When the Prosecutor read out all of the charges, he went into great detail on the effect of the offending each and every charge had on me, and the mental health issues this has caused me. I was very pleased with this Prosecutor and wished I had had him from the start. After the offender came back inside with his Barrister, they had decided to abandon the appeal. So, the original sentence of 8 months and the 2-year CCO still stood in place. We were then asked to leave the court room while the Prison Officers got the offender ready to leave the court to go to Prison. One of the Prison Officers came upto us asking us

to move on as the offender wouldn't leave while we were standing out there. Everyone except for Detective Norris and myself moved to an area that couldn't see him. Detective Norris watch him being led out shackled and masked to the lifts to go to Prison. Walk of shame we called it, and we needed to see that.....

I then need to register with the Victims Register so they can update me on the offender's release date. I was advised that he was receiving Emergency Management Days off his sentence due to lockdown. Well we were all in lockdown, I couldn't leave my house for more than an hour or travel outside of 5kms and we also had a curfew of 8pm-5am where we were not allowed to leave our homes. Yet he's in prison earning credits off his sentence. I contacted Edward O'Donohue to ask if he can stop this, have these days revoked as he only had an 8-month sentence anyway. The offender did not receive any more Emergency Management Days after the 22 he had already received. So, his new release date was the 10<sup>th</sup> January 2021. Which happened to be my old wedding anniversary and my eldest daughter's birthday is on the 11<sup>th</sup> January. I did manage to have a lovely Christmas free of the stresses I normally would have had with the offender out and about.

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The story continues....

## **Law Reform Questions – People who are Stalked.**

### **Barriers when reporting:-**

Police refused to help me when I first approached them, advising to obtain an Intervention Order then come back. I did eventually get this and thought I would then have help. But no, regardless of the Intervention Order, Police assistance was lacking.

Police need to be available, not dismissive, to believe what the victim is saying. Especially knowing that they knew the offender and knew he had an extensive record, but I was still dismissed. I was extremely stressed not knowing when or how the stalker was going to attack and having the Intervention Order was no help at all. I was repeatedly told it was coincidence that he was where I was. He could shop at my workplace. He was going to Centre Management complaining about me, trying to get me fired, but that's ok, it's his local shopping centre it was only my workplace. The courts had not given me the 200 metres for my workplace only my home.

### **Risk Assessment:-**

I definitely do believe I needed this and still do. The stalker had had several convictions against the order, only because one happened in the Police Station as apparently, he can be there when I am, he can follow me in which he did on several occasions. On one of these occasions, he threatened my life. He was convicted and fined, given anger management classes. So that's all my life was worth. \$800 and a course. Did Police not realise my life was in danger? A Risk Assessment probably would have helped, if Police had interviewed him and also me to determine the risk.

### **Services available:-**

I was referred to Merri Health. I had only one meeting at Sunbury Police Station. Sadly, any further advise ceased. Years later Berri Street helped me financially and replaced my camera's when the original ones stopped recording, they only had live feed. So, services need to be more consistent, victims need to know they are supported and not on their own. Assign a case manager with the Police and other services and have them interact with each other to maintain contact with you.

### **Police – Code of Conduct:-**

Police need to recognise the signs of Gaslighting, Coercive Control, Projecting and Smearing. These are all tools of a Stalker. He will do all these things, then say it wasn't him, that he wasn't there. You feel like you are going insane with everything that is happening to you. The constant fear you live in, wondering is this the day I'm going to die. Will I also hurt anyone with the repercussions of what he is doing to me? Domestic Violence is not just the physical, it's the mental as well, and so much training is needed for Police to recognise this. Not just wait for a Victim to say a specific word before they help you. I lived like this for years.

### **Treatment Programs:-**

In regard to Treatment Programs, my stalker has done them all over 30 years of treating women like this. Nothing has prevailed. He has a high sense of entitlement and will project and blame the victim for his actions. In fact, he never admitted to any of his actions, he would scream at police that it never happened, that I was setting him up. He would then explain other things in great detail trying to vindicate why he did some things. He blamed me. He is a recidivist and [REDACTED] and his record shows these treatment programs haven't helped him or his victims' situation. In fact, they have only made things worse as he attended 20 Group Sessions and he learnt new ways of attacking me. So, more calls to Police. This was in February 2019, he then moved at this time and thankfully nothing has happened at my home since, but then again he's been in Prison and we have had continued lockdowns due to Covid so he is unable to travel.

### **Criminal Laws into Stalking:-**

In response to Criminal Laws into Stalking, Police should attend when called, not just advise you to ask your neighbours to make a citizen's arrest, tackle him to the ground and rip off the balaclava, then call Police. I called my neighbours several times at all hours of the night, thankfully both males from two different houses, came outside to help me. When there are ongoing attacks, which police are aware of, they need to attend, it wasn't a one off it was many.

I have applied through the Attorney General Jill Hennessy, to the General Council to have the current Community Corrections Order varied to include Electronic Monitoring. After months of not hearing anything from Sam Porter at the General Council, I received a letter advising that this would impinge the offender's rights and should he reoffend, they would then look at implementing Electronic Monitoring. So instead of the criminal wearing a monitor, I do now. It's a safety watch which alerts 5 people that I am in danger, for them to call police. It gives my exact location and it records what is happening for 10 minutes. This is so I can feel safe knowing that if I'm attacked, I have help at hand, and hopefully Police will attend before I'm hurt. So even given his extensive history, the laws are still protecting him not me. I feel I don't have any rights to feel safe that the law is reactive not proactive. Electronic Monitoring on this offender would free up Police time, as there are currently 3 different police stations keeping an eye on him. [REDACTED]

[REDACTED] Family Violence Unit are keeping in touch with me. I have the mobile numbers of two Sergeants.

### **How Prison can help:-**

Prison sadly has not curbed his recidivist behaviours, in fact they enabled it. As soon as he was released from Prison, the first time in 2018 things started up again. The then went to Prison again in 2020 and from Prison, he was able to contact Lawyers and Police to attack. This is all about revenge. Prison Staff/Counsellors should be able to recognise this. They enabled this to happen given that he was using their facility to do this. Phone calls, meetings or whatever he needed to obtain the outcome he was looking for. Maybe a Prison Psych report would have seen it for what it is. Revenge, how dare you put me in prison, how dare you go public with what I was doing to you.

Revenge, pure and simple. Covid is delaying things within the Court System even more than normal, so my programs are off air until the legal matters are finalised. So again, I am silenced. He is winning...

### **Cyberstalking:-**

I had a tracker on my phone, when I asked Police to check years ago, I was dismissed. I went into Telstra and the technician found and removed it, alas it wasn't for long. The technician advised me to get a new phone and phone number. The Stalker had access to my home, so to this day, I'm not 100% sure on what he was doing inside my home. I don't know if there were bugs or cameras. Can you imagine knowing that he has been inside your safe place, the fear that equates to. My youngest daughter was 16, was he watching her, I actually didn't care about myself, but she's a child. My thoughts ate me up alive, I then paid for someone to do a sweep of my home. Thankfully nothing was found. I did get a new phone, and asked Telstra to disconnect the old phone a day later. I purposely left the phone at home, so he would know I was at Telstra getting a new set up. The next day my Boss and another Manager were sitting in the carpark at work with the Stalker frantically looking for my car as he had no idea where I was. He left after he found my car. Somehow, he still knew where I was, when I was assigned a Detective, she organised to have my car checked for a tracker. So, Police have the facilities to do this, even though they dismissed my request earlier.

### **Overview:-**

- Improve Police Training to include Coercive Control, Gaslighting, Projection and Smearing. For Police to show some compassion, as they are dealing with a very fragile person, who maybe completely upset and stressed and being dismissed only adds to this. They need to be able to calm the Victim down, so they feel safe, knowing Police are listening and trying to help.
- Make Services to Victims consistent, so they don't feel alone. Counselling and Financial help would help every Victim. Not everyone has someone they can talk too, to ask for money so they can have shelter or food or whatever they may need depending on their situation.
- Courts to improve the sentencing. When there is a decent maximum sentence, so don't implement a short sentence, the sentencing needs to reflect the severity of the crime, the impact it has on a victim. It's not always physical, but it is always mental.
- Courts can see the history of the offender and they need to take that into account. They can determine if he is recidivist and/or vexatious and vengeful. They need to act accordingly. Repeat offenders should receive a longer sentence as obviously things are not sinking in which is why they are back there again.
- Assign a Victim a Support person that will see them through all of the processes. Police, Victim Services and Court. They may not have anyone to be there for them, so their own personal support person, who deals with all the legal things would be a godsend, so the

Victim understands what is happening. They're not left in the dark and for their minds to be imploding with all of the what ifs....

- Changes need to start at the beginning. The Police Academy. They need to learn that not all Domestic Violence situations are that the Victim and the offender have a relationship, they may not know each other. But as soon as you obtain an Intervention Order you are put in that category. Celeste Manno knew her attacker from her workplace, and only briefly. I myself only dated my attacker for a few months. He never stayed overnight in my home, we never married, had children or lived together. Police need to recognise the difference.
- Stalking is a serious, callous and repeated crime against a victim, there's not just one offence, there will be several, they watch, they follow, they learn your movements, where you live, where you go, who your friends are. The devastation it causes is life long and it needs to be taken as seriously by the courts, by police as it is having serious effects on those that are stalked, and the families of those that are stalked. Ultimately some Victims pay with their life, then it comes under another banner of murder or manslaughter, but had Stalking been taken more seriously in the beginning the end result could be avoided....

I am available any time to discuss what I feel needs to happen. I am quite happy to present my submission in person, this will hopefully give everyone insight into the ongoing effects of a Stalking Victim. [REDACTED] has all my contact details should you require anything further.

Regards

Di McDonald.