

Stalking



Some sex workers may possibly encounter a stalker, or a client whose behaviour could escalate into stalking, during their time in the industry. There are many reasons why people may stalk you and many ways it may manifest. The purpose of this fact sheet is to provide:

- A definition of stalking
- Tips to prevent stalking
- Tips to assist if you think you are being stalked

People in the helping or 'caring' professions are particularly vulnerable to stalkers, and being a sex worker could be considered the ultimate in a 'caring' profession: the nature of the service is one where we are always kind, welcoming and personally and sexually interested in the client during their visit.

A client of someone in a 'caring' profession may mistake these skills we bring to our job with real intimacy.

Legal issues involved with stalking:

Stalking is a criminal offence, although it can be hard to prove. Sex workers also have to deal with another unpleasant, and related, issue, 'outing', where a client tells your family, neighbours or work colleagues (if you have a straight job as well) that you are a sex worker so as to cause you harm.

What constitutes illegal stalking in Queensland?:

Stalking may occur in a variety of ways and methods, such as SMS's and the Internet, for example. It does not have to be physical. The key thing to remember is that it is behaviour that causes you detriment.

Apprehension or fear of violence to, or against you or your property, serious mental, psychological or emotional harm or behaviour by another that prevents or hinders you from doing something you are lawfully entitled to do are all examples of unlawful stalking.

Specific examples of behaviour by another person that hinders or prevents you from doing something you are entitled to do include you not being able to answer your phone, walk outside your home or workplace or if you feel that you need to significantly change your route or form of transport that you would ordinarily use to travel to work or other places.

Stalking behaviours:

In Queensland, unlawful stalking is behaviour that is intentionally directed at a person, and although it can be just one event (if protracted) it is usually taken to mean behaviour of the following kind that has occurred more than once:

- following, loitering near, watching or approaching a person, or approaching or entering a place where that person lives, works or visits
- contacting a person in any way, including, for example, by telephone, mail, fax, email or through the use of any technology
- leaving offensive material where it will be found by, given to or brought to the attention of a person
- giving offensive material to a person, directly or indirectly
- an intimidating, harassing or threatening act against a person, whether or not involving violence or a threat of violence
- an act of violence, or a threat of violence, against, or against the property of, anyone (including the stalker).

AND that—

would cause the stalked person apprehension or fear, reasonably arising in all the circumstances, of violence to or against the property of the stalked person or another person, or that causes detriment, reasonably arising in all the circumstances, to the stalked person or another person.

So following or watching you, contacting you after you have asked them not to, taking or vandalizing your property or mail, threatening your pets, defaming you to co-workers, acquaintances or clients or hassling your neighbours, family, co-workers or friends are all stalking acts. (Section 33a, Criminal Code)

Tips to prevent stalking from occurring

Increase your awareness:

Do not overlook the signs of unwanted attention, for example, a client dropping off a box of chocolates in your letter box or a \$20 gift voucher.

They may send you a card in the mail addressed to your working name to say they are thinking of you and thanking you for the last booking.

These may be positive affirmations that you have done a good job and may not concern you, but just be aware that it is a sign your client is thinking about your relationship as something more than just a commercial transaction.

Harassment/stalking often begins with minor annoying encounters, so be attentive to early warning signs prior to the escalation of the stalking. This may include a client hanging around the area you live, going to a coffee shop they may know you have coffee in. Heed internal "red flags" (i.e. your intuition) alerting you to danger.

Tips to keep you safe if you think you are being stalked

Do not respond:

Any response at all is what they want. Tell the stalker 'No' once and only once, and then never give him/her the satisfaction of a reaction again.

The more you respond, the more you teach him/her that his actions will elicit a response. This only serves to reinforce the stalking. Withdraw gently. When confronted by them in person or on the phone, try to curb any actions or words that might provoke an angry response.

Speak gently and slowly and say only one sentence before excusing yourself completely and totally. A suggested response may be:

"Please find someone else to focus your attention on as I have no interest in you at all".

Let the stalker maintain their dignity, they have nothing left to lose once that is stripped away, which is dangerous for you. Never reason or bargain with a stalker, this is futile and is just paying him/her attention. Do not respond to the stalker's request to meet, even in the case of a crisis such as a suicide threat.

Report it to the police—they are here to protect you as well as everyone else. You have the same rights than anyone else.

Gather evidence and information:

- Save messages left on your mobile, answering machine, email, etc. (deleted the bit that said "record phone conversations")
- Document the stalking event(s) with as much detail as possible (time, date, what, how, any witnesses).
- Save evidence and take pictures of any damage caused by the stalker.
- Carry a digital camera and if you don't have it with you, use your mobile to take pictures.
- Keep all these incidents logged in a small diary that you always carry with you to document the time, location and events.
- Keep a copy of all emails you have sent as well as his responses.

As part of a Safety Strategy you may wish to carry a voice recorder. Under the Invasion of Privacy Act 1971 (Qld) A person who uses a listening device to record the conversation must not communicate or publish a record of this conversation. However there are exceptions to this rule:

- when the communication is made to another party to the private conversation or with the consent of all parties to the private conversation;
- when the communication is made in the course of legal proceedings, is in the public interest in the performance of a duty or for the protection of lawful interest;
- when the communication is made to a person who believes on reasonable grounds to have such an interest in the private conversation which makes the communication reasonable under the circumstances;
- where the person who used the listening device was an employee of the Commonwealth (customs or security) or a police officer

The definition of legal proceedings includes civil and criminal proceedings before any court, tribunal or person in which evidence may be given.

Therefore conversations may be recorded with or without the other party's consent. The victim is entitled to bring evidence of this conversation in the course of "legal proceedings" at the Queensland Civil and Administrative Tribunal (QCAT).

Seek support and assistance :

- Contact victim assistance programs in your area. Enlist the support of police, family, friends, neighbours, co-workers, therapists and other victims.
- Let people know about the situation and enlist them as allies. This is particularly important if you advertise on the Internet because clients share information about workers and see themselves as a 'community'. They routinely try to get gossip about other workers and from clients in chatrooms and via email. They sometimes 'troll' in chatrooms, pretending to be another worker, even using a known worker's name so you really don't know who you are talking to online.
- Pay attention to your emotional needs during and/or after a stalking.
- Consider getting professional counseling. Respect Inc can provide support and assist in referral details.

- Be sure to implement extra security precautions while working, such as checking in and out of each booking; call your own phone number of you need to and leave details on your own answering machine.

Decrease accessibility of information:

- Get an unlisted phone number and limit the number of people to whom you give it. Don't change your number should a stalker gain access to it. Instead, get a second one. Keep the old number hooked up to an answering machine, otherwise they will know you have changed numbers and set about finding the new one.
- Make sure your address isn't listed in the phone book or in the reverse directory, and never verify your home address or any other personal details over the phone.
- Never talk on a cordless phone (those conversations can be monitored). Scanners can also pick up conversations via baby monitors and hearing aids.
- Advise as many people you know that you're being stalked, from neighbours to co-workers, so that when the stalker approaches them for information about you, they will be alerted not to divulge anything and will let you know he's been around. This can provide useful witness evidence too.
- Use a private post office box for all mail. Send that address to friends, businesses and associations. Request that they remove the old one from their address books/mobile phones and computers. Advise your electricity company, phone company and creditors of the change. Notify any companies that send you catalogues of your new address and advise them that they cannot include your name on lists they rent or sell.
- Don't list your name on a list of tenants at the front of your apartment building.
- Contact the electoral commission and get a silent enrolment.
- Google for your name and any nicknames that you are known by, try to get any information that shows up changed or removed from the site in question. You'd be surprised what is online.

- Remove your home address and home phone number from personal cheques, letterhead and business cards.
- Make sure your name doesn't appear on any service or delivery orders to your house.
- Be careful with the information you put on MySpace, FaceBook, RSVP, etc. for both work life and your personal life. This is the first stop for all stalkers.
- Stop blogging if you blog.
- Vary the routes you take, whether in a car or on foot, as well as your routines and social habits. This may mean finding a new gym, restaurant or bar to frequent.
- Have co-workers and flat mates help to screen all calls and visitors.
- Don't accept packages unless they were personally ordered.
- Don't block your stalker's email address so that it bounces; they will just get a new one and may pretend to be a potential client.
- Stop posting on forums.

Increase security:

- Get a caller ID phone.
- Invest in an answering machine to screen your calls before picking up.
- Never be too embarrassed to react to your instincts, especially in public. If your body tells you to run, do it. If it tells you to scream, do it. If you're afraid in a store or shopping centre, ask one of the shop assistants to call security.
- Always keep your mobile phone charged, with credit and on you at all times. Carry a personal alarm with you. Use it if approached.
- If you work privately outside your home, try to rent a flat with secure entrances, video surveillance and an underground secure parking area so that it's harder to find out which car is yours when you leave.
- Let appropriate people around you know what's going on and enlist their help. Describe the threatening person (and any vehicles he drives) to family members, neighbours, household staff, co-workers, school officials, receptionists and police. Photographs work even better.
- Always park in well-lit areas close the shop or home you're visiting, and ask someone to accompany you to your car at night.
- Plan ahead. Know the locations of police stations, fire departments and busy shopping centres. If you think you are being followed, take four left or right turns in a row, and if the car is still there drive straight to a police station and blow the horn. Stay in your car until the police come out.
- Visually check the front and rear passenger compartments before entering your car. Keep the doors locked when not in use.
- Positively identify visitors before opening doors. Install a wide-angle viewer in all primary doors. Trim the shrubbery around your property. Install good outside lighting, including a porch light at a height that discourages removal and locks on gate fences.
- Install dead bolt locks in your residence. Don't hide emergency keys outside. If you have a deadbolt and can't account for all the keys, change your locks. Keep doors and windows locked, even when you are home, and do a quick check when you arrive home to make sure that they are undisturbed. Keep garage doors locked at all times. Use an electric garage-door opener.
- Make sure the area where the phone lines enter your home is inaccessible. Keep your home's fuse box locked.
- Invest in a family dog—one of the least expensive but most effective alarm systems. Keep your pets inside at night and when you're away. When you are away for the evening, place lights and the radio or TV on a timer.
- Maintain all-purpose fire extinguishers, and smoke detectors, in your home and garage. Post emergency numbers by each telephone. Prepare an evacuation plan and brief household members on the procedures.
- Take a self-defence class. A lot of security experts don't advise this, fearing that it gives victims a false sense of security, and it should not be relied upon solely. However, the best self-defence classes teach you how to become more aware of your surroundings and avoid confrontations, things that stalking victims would do well to learn.

Legal options:

Stalking is a crime carrying a maximum sentence of imprisonment for 5 years. However, it's a maximum of 7 years if, for any of the acts constituting the unlawful stalking, the person uses or intentionally threatens to use, violence against anyone or anyone's property or possesses a weapon or contravenes or intentionally threatens to contravene an injunction or order imposed or made by a court.

Restraining orders:

The court can issue a restraining order against a stalker, whether the person is found guilty or not; however, remember that is just a piece of paper and cannot protect you. It is just a tool police use to show intent by the perpetrator and obviously the police will not be there when the perpetrator violates it, only after.

From the stalker's point of view, restraining orders are humiliating; the victim has just announced to the world that he/she wants nothing to do with him: She has stepped-up the rejection. Because of this, many perpetrators feel they must step-up the pursuit. Or they just get mad and plan to get even.

Does this mean that a stalking victim should not obtain a restraining order? No, but it does mean that you have to be aware it is not the solution. It will not immediately stop the harassment. It is only the first step to having the problem dealt with by police. However, it is a good start. Stalking can sometimes go on for years and if you don't deal with it sooner, you may have to later when you are much more drained by the experience.

Getting a restraining order will help with getting official documentation of the problem. When the stalker violates the order, report it immediately to the police. The more evidence the police have that there is a problem, the better the case against them.

The tips are to assist you in preventing stalking occurring and to keep yourself safe. If you feel that you are in danger – it is advised to seek support and advice and report the incident to police where necessary.

Disclaimer:

All material in this fact sheet is provided for your information only and may not be construed as legal, medical or health advice or instruction.

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