

Stalking: when "course of conduct over a period of time" constitutes an offence



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In 2012, the offence of Stalking was added to the Statute of Protection of Harassment Act 1997. It gave rise to two different offences; simple Stalking under Section 2A of the act is a summary

only matter; and Stalking involving fear of violence and/or serious alarm or distress, under Section 4A of the act, is an either-way offence, meaning the case can be heard at the magistrates' or Crown Court.

Course of conduct is required to be found guilty of both offences. Essentially this means acting in a way over a period of time which would constitute the offence of Stalking, a type of Harassment.

As Stalking is a fairly recently added offence, the term "course of conduct over a period of time" has never been clearly defined other than to say it takes place on two or more occasions.

In the recent case of *R v Bahram Hekmat*, Mr Hekmat was found guilty and was sentenced to 9 months imprisonment for an offence of Stalking involving fear of violence and/or serious alarm or distress. His behaviour consisted of following a 13 year old child and blowing her kisses, which took place over a 15 minute period.

It is a popular view that as a society we have a misapprehension that Stalking is an offence which takes place over a number of months. Whilst that type of behaviour is seen as the "norm" when thinking about the offence of Stalking, what this recent case establishes is that the course of

conduct required can take place over a matter of minutes.

The Crown Prosecution Service will be relying on this conviction when considering charging individuals at the police station. Therefore, it can be assumed that the floodgates will inevitably widen as Stalking offenders continue to be prosecuted according to the newly narrowed period within which the course of conduct can take place.

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