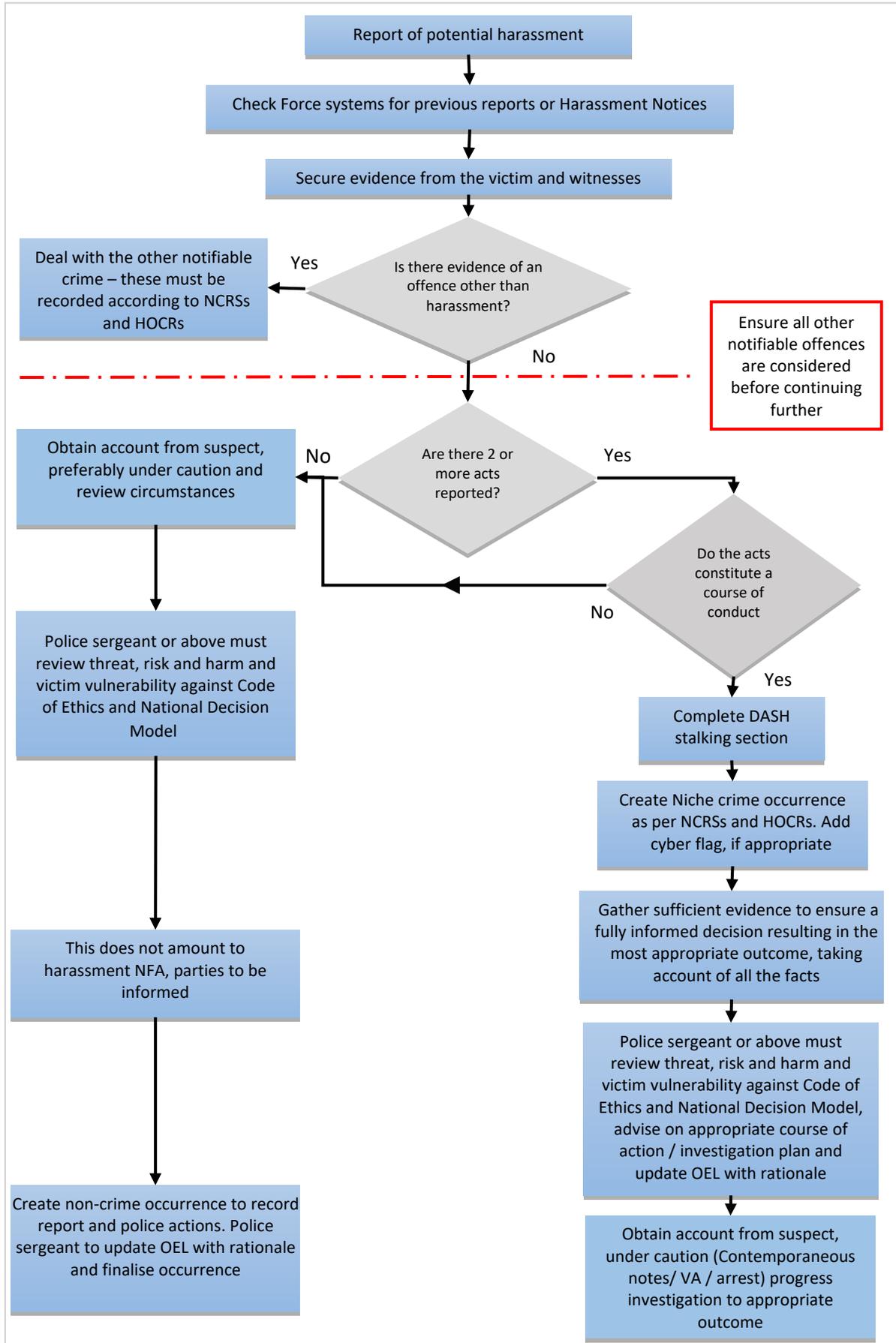


Stalking and harassment

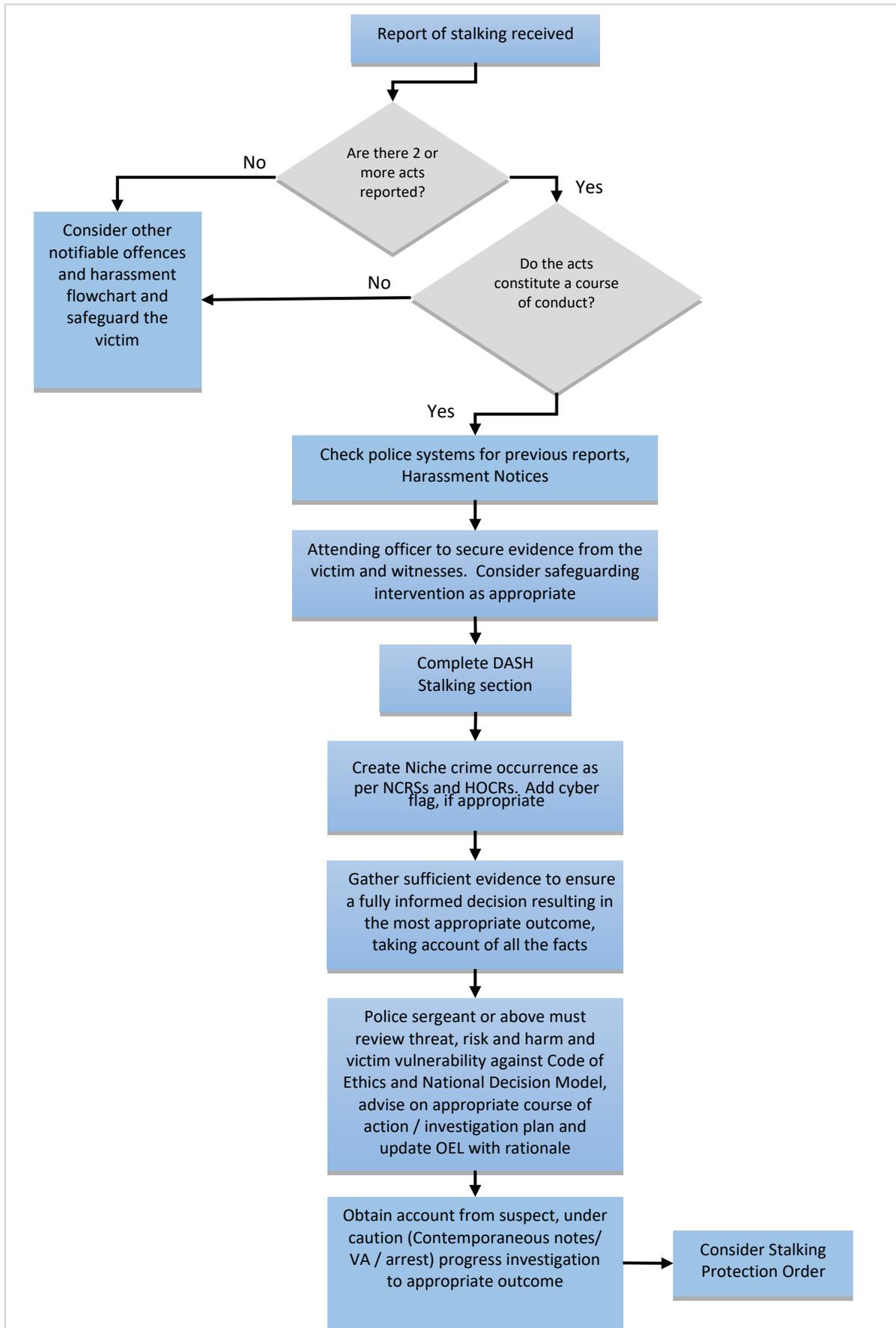
Contents

Flowchart for harassment	2
Flowchart for stalking	3
Policy statement.....	4
Principles	5
Responsibilities.....	5
Appeals process.....	9
Stalking Protection Orders (SPOs)	9
Responsibilities.....	9
Additional information	11

Flowchart for harassment



Flowchart for stalking



Policy statement

Summary

West Yorkshire Police has a duty to safeguard members of the public and ensure that they can live in an environment free of harassment.

Stalking is a form of harassing behaviour, whereby the perpetrator is fixated or obsessed with the victim. These cases are typified by the disproportionate investment of time and resource which the perpetrator undertakes in pursuit of their objective. There are a number of acts list in the current College of Policing APP associated with stalking which may appear harmless in isolation however when considered as a course of conduct their impact will have a substantial adverse effect on the victims life.

Harassment includes conduct directed at, or towards, an individual by another that causes a person to fear that violence may be used against them or another person, or causes them to feel alarmed or distressed.

Unlike harassment, where other notifiable crimes take precedence, stalking is considered to be the more serious offence and takes precedence over notifiable offences which make up the course of conduct.

In some cases a person's behaviour may appear innocent:

but where a	then
course of conduct, i.e. behaviour on at least two or more occasions causes alarm/distress;	this would amount to an offence of harassment under the Protection from Harassment Act 1997.
single occurrence causes alarm/distress;	although the incident, as reported, may be a single one, a check needs to be conducted to see if; a) There is already a Behavioural crime recorded, which this needs adding to and reviewing for investigation b) There are any previous incidents which, taken with this one, require a behavioural crime and reviewing for investigation

However, our priority will always be to ensure the safety of the victim, i.e. prevent them from coming to further harm.

The aims of this policy are to:

- outline the roles and responsibilities of individuals;
- explain the difference between stalking and harassment; and

- ensure the Force complies with National Crime Recording Standards (NCRSs) Home Office Counting Rules (HOCRs).
-

Scope The policy applies to all police officers or police staff who have direct or indirect contact with victims of harassment and or other people who may be at risk of harm.

Principles

General The Force will:

- Protect victims of stalking and harassment and prevent them, and any other people who may be at risk, from coming to further harm.
- Ensure that when a victim reports a series of incidents or crimes, the harassment or stalking crime will be recorded as well as the most serious principal crime within the series. In effect two crimes will be recorded and must be linked. See stalking and harassment recording guidance. See OFCR page.
- Ensure all notifiable offences are considered and, if evidence of an offence other than harassment is present, progress that offence rather than a harassment offence.
- Ensure that incidents are not considered in isolation and are looked at as a pattern of behaviour.
- Ensure that the investigative responsibility flowchart is followed in the allocation of stalking and harassment crimes.
- Ensure cases of stalking and harassment are properly investigated, encourage victims to preserve items of evidence to support prosecution and bring offenders to justice.
- When it is deemed appropriate to obtain a victim or witness statement by way of 'video interview' ensure it is conducted by an officer trained in Achieving Best Evidence.
- Adhere to the Protocol on the appropriate handling of stalking offences between the Crown Prosecution Service and ACPO which contains detailed guidance on the management of stalking and harassment case.
- Consider making a referral into the PDP process (Potentially Dangerous Persons) where a serial stalking offender who meets the criteria is identified.

Responsibilities

Communications staff Communications staff are responsible for:

- Grading calls for services appropriately based on threat, risk and harm. An emergency response must be provided where it is apparent that the caller

or victim is at risk of harm.

- Obtaining as much detail as possible (first account) about what has taken place in relation to a report or suspicion of stalking and harassment in order to support an effective investigation.
 - Obtaining all relevant information regarding the victim (or person making the report and the capacity in which they are doing so, e.g. victim, friend, support agency), any witnesses and the suspect.
 - Advising the victim or caller about preserving any potential evidence until the police arrive.
 - Informing the victim or caller that officers have been despatched or, if not urgent, when they will arrive.
 - Searching police systems and providing officers with any intelligence, e.g. warning markers or other factors that may affect the police response such as disability, mental health or cultural issues.
 - Creating Niche crimes, when appropriate.
-

Attending officers

Attending officers are responsible for:

- Considering the demeanour of the victim, or any other persons present, and taking these into account as aggravating factors when assessing the risks (updating the Niche OEL with the identified threats based on the information and evidence obtained).
- Considering whether this behaviour links to broader personal anti-social behaviour (ASB), in which case they must conduct vulnerability and ASB risk assessment and Partnership Working Area problem solving.
- Taking positive action to ensure the safety of all persons present by removing or reducing those risks, i.e. securing the safety of the victim in their home or, if this is not possible, consider taking them to a place of safety, e.g. the home of a friend or relative, a refuge or emergency accommodation.
- Advising the victim about protecting themselves from cybercrime, ensuring their privacy on social media sites and supplying the victim with the:
 - Stalking and Harassment Incident Log; and
 - Harassment Advice Booklet which contains information about keeping safe, guidance on securing and preserving evidence as well as details of support agencies.
- Not engaging in electronic communications with a suspect without authority as this may constitute a breach of the Regulation of Investigatory Powers Act 2000.
- Securing and preserving all available sources of evidence, including those on social media sites etc., and arrange to remove particularly offensive or distressing material promptly to minimise distress to the victim.
- Securing electronic evidence by switching off any electronic devices (further guidance can be obtained from the Digital Forensic Unit) also consider seeking advice of the Central Authorities Bureau in relation to lawfully capturing the data stored within.
- Consider obtaining advice from a police search advisor (POLSA) where it is suspected that there may be concealed listening devices, offensive, toxic

or hazardous materials introduced by the suspect at the premises.

- Completing a Domestic Abuse, Stalking, Harassment and Honour Based Violence (DASH) risk assessment and scanning it onto the appropriate Niche occurrence.
- Where the full offence is disclosed at first report, submitting a crime report. NB A previous Harassment Notice is not required to proceed against the offender.
- If the harassment has taken place within educational premises, referring to the school’s protocol and Home Office Counting Rules.
- Recording all incidents on Niche:

Where a	Then record a Niche
stalking or harassment crime is disclosed (two or more occasions causing alarm or distress);	stalking or harassment crime occurrence as well as the most serious principal crime within the series. In effect two crimes will be recorded and must be linked. See stalking and harassment recording guidance. If the offence involved the use of a computer or was via social media then add a cyber flag.
single act causes alarm/distress;	Although the incident as reported may be a single one, a check needs to be conducted to see if a) there is already a Behavioural crime recorded, which this needs adding to and reviewing for investigation b) there are any previous incidents which, taken with this one, require a behavioural crime and reviewing for investigation.
report does not amount to a harassment crime	non-crime occurrence to record the report and police rationale.

Investigating officers

Investigating officers are responsible for:

- Downloading the recordings of calls which may provide valuable evidence to support a criminal prosecution.
- Considering all potential lines of enquiry.
- Keeping the victim, and others considered at risk, fully informed of any risk assessments undertaken and actions taken to address these risks.
- Considering the vulnerability of the victims and witnesses to decide if special measures may be necessary and, if so, identifying these on the file and liaising early with the CPS.

- Searching for evidence under the Protection from Harassment Act:
 - s2 of the act – Harassment is a summary offence and no power of entry exists to search for evidence; and
 - s2B of the act – Stalking creates a power of entry to search for evidence only for offences contrary to s2A.
 - Where elements of the offence are apparent at the time of first report (i.e. two or more occasions causing alarm/distress), submitting a crime report and dealing with the suspect appropriately.
 - Deciding on the most appropriate offence to use based on the individual case, including some common offences.
 - Promptly informing the victim if the suspect is arrested, released or otherwise processed, given a restraining order or released from prison.
 - If bailing the suspect, consulting the victim before making the decision so that they have the opportunity to provide information that might assist the custody officer or the courts in the imposition of bail conditions.
 - Ensuring that the charges preferred reflect the:
 - seriousness and persistence of the suspect's behaviour;
 - provable intent; and
 - severity of the injury and harm suffered by the victim.
 - Where there is insufficient evidence to charge a suspect, consider releasing them under:
 - S37 (2) of PACE 1984 with bail conditions (conditional bail); or
 - S34 (5) of PACE 1984 to enable further enquiries to be completed (unconditional bail).
 - In cases of stalking, considering seeking authorisation for a Stalking Protection Order (SPO).
 - Where a victim withdraws a complaint, obtaining a full statement giving the reasons, e.g. whether the:
 - original allegation was true;
 - victim has been pressurised;
 - victim is pursuing civil action.
-

**Safeguarding
Unit Detective
Sergeant**

Safeguarding Unit Detective Sergeants are responsible for:

- Triaging stalking crimes for allocation for investigation in line with the investigative responsibility flowchart.
 - Ensuring that their decision is reviewed against threat, risk and harm and is documented on the OEL.
-

**All Supervisory
officers**

All supervisory officers are responsible for:

- Overseeing the investigation and regularly reassessing the risks to the victim or other persons present.
- Applying appropriate safeguarding measures to protect the victim or other person's welfare.
- In cases of stalking, considering seeking authorisation for a Stalking Protection Order (SPO).

Appeals process

- Information** Where a member of the public appeals against a previous Harassment Notice, the issuing officer's inspector will:
- review the circumstances and the appropriateness of this course of action;
 - update the Niche OEL with their rationale for supporting or rescinding the Harassment Notice;
 - if appropriate, authorise the Data Management Unit to update their records; and
 - ensure the victim is notified about the outcome as soon as possible after the review has been completed.
-

Stalking Protection Orders (SPOs)

Information The Stalking Protection Act 2019 introduced a Stalking Protection Order (SPO). A SPO is intended to protect any person of any age experiencing stalking. They allow early police intervention, pre-conviction, the addressing of stalking behaviours before they become entrenched or escalate and the protection of victims from more serious harm.

The police should consider applying for an order where it appears that:

- The respondent has carried out acts associated with stalking;
- The respondent poses a risk of stalking to a person; and,
- There is reasonable cause to believe the order is necessary to protect the other person from that risk.

The process for making a SPO application can be found.

Responsibilities

- Investigating Officers** Investigating Officers are responsible for:
- Considering seeking authorisation for a SPO.
 - Following the application process map for SPOs.
 - Completing the SPO1 application form for Superintendent authorisation.
 - If the SPO1 is authorised, liaising with Legal Services, completing the SPO checklist and preparing the paperwork for the application to be made in court by Legal Services.
 - Ensuring that the relevant Niche occurrences are recorded and updated at every stage of the process.

- If a SPO is granted, updating PNC, the victim and IOM teams of the order.
- Continuously reviewing the risk and considering safeguarding options.

Please note – where the respondent and the victim reside in different Force areas, the respondent’s local Force should liaise with the victim’s local Force to understand the details of the case to ensure that the most appropriate prohibitions and requirements are requested. It is also essential that, if an order is granted, the Force which made the application passes full information about the order to the Force where the victim resides.

Authorising Officers

Authorising Officers are responsible for:

- Considering where a SPO is necessary, proportionate and justified to protect the person from harm, whilst also considering the Human Rights of both the victim and the suspect. See Authorising Officer Process Map.
-

Breaches

A breach of a SPO is a criminal offence. When a breach occurs, officers are responsible for:

- Being proactive – making an urgent arrest should be the standard response.
- Fully investigating the breach considering whether further stalking offences have occurred.
- Recording a ‘Breach of Stalking Order’ crime on Niche, **each time** the suspect breaches the order. Where any other offences are disclosed, these must be recorded in addition to the breach and in accordance with the provisions of the Home Office Counting Rules. Further guidance can be found.

Please note – an application for a SPO may also be a trigger for escalation by the stalker, therefore the risk must be understood and urgent action must be taken when orders are breached.

A breach is punishable on summary conviction with imprisonment for a term not exceeding 12 months, or a fine, or both, or on indictment with imprisonment for a term not exceeding 5 years, or a fine, or both.

Additional information

Compliance	<p>This policy complies with the following legislation, policy and explanatory notes:</p> <p>Protection from Harassment Act 1997</p> <p>Home Office Circular (HOC) 018/2012 - Introduction of two new specific offences of stalking</p> <p>Home Office Counting Rules</p> <p>APP Major investigation and public protection – Stalking and harassment</p> <p>NPIA Practice advice on investigating stalking and harassment</p> <p>Protocol on the appropriate handling of stalking offences between the Crown Prosecution Service and ACPO</p> <p>Information sharing agreement between ACPO, the police service and Paladin National Stalking Advocacy Service</p> <p>College of Policing guidance – Stalking or harassment: Advice for investigators on effective investigation</p> <p>Stalking Protection Act 2019</p> <p>Statutory Guidance on SPOs</p> <p>Justices’ Clerks’ Society Guidance</p> <p>College of Policing – Briefing sheet</p> <p>College of Policing – Briefing presentation for authorising officers</p>
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Related policies	<p>This document should be read in conjunction with policies on:</p> <ul style="list-style-type: none">• anti-social behaviour;• crime recording and finalisation - crime recording in schools;• domestic abuse;• forced marriage;• hate crime;• honour based abuse; and• working with educational institutions.
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Supporting information	<p>The supporting information for this policy can be accessed.</p>
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