

Stalking and Harassment

Contents

Policy Statement	2
Principles	2
Legislation	3
‘Harassment’ under Protection from Harassment Act 1997	3
Section 2.....	4
Section 4.....	4
‘Stalking’ under Protection from Harassment Act 1997	4
Section 2A	4
Section 4A	4
Responsibilities.....	4
Communications staff	5
Stalking Coordination Unit	5
Attending officers.....	5
Triaging supervisor	7
All supervisory officers	7
Investigating officers	7
District Intelligence Units (DIUs)	9
Stalking Protection Orders (SPOs)	9
Responsibilities	9
Breaches.....	11
Allocation and Finalisation	12
Review.....	12
Investigation	12
Finalisation	12
Additional Information	14

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 stalking and harassment. The Force will robustly investigate and prosecute offences, and manage offenders.

The aims of this policy are to:

- Explain the difference between stalking and harassment;
 - Ensure the Force complies with National Crime Recording Standards (NCRS) and Home Office Counting Rules (HOCR); and
 - Outline the roles and responsibilities of individuals who are responding to reports of stalking and harassment, investigating offences and managing perpetrators.
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Scope

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

Principles

General

West Yorkshire Police will:

- Correctly identify whether an incident is stalking or harassment. Stalking behaviours are identified through the use of the mnemonic FOUR (fixated, obsessive, unwanted, repeated).
- 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 crimes are recorded in line with current crime recording standards. When dealing with a report of any behavioural crime that encompasses other criminal offences, only the principal crime (most serious crime) needs to be recorded. In most cases this is likely to be the stalking and harassment, or controlling and coercive behaviour. All ex-partner harassment should still be recorded as stalking in the first instance.
- Ensure that incidents are not considered in isolation and are always looked at as a pattern of behaviour, taking into account cumulative risk.
- Ensure that the allocation policy is followed in the allocation of stalking and harassment crimes.
- Ensure cases of stalking and harassment are properly investigated, consider all reasonable lines of enquiry, encourage victims to preserve items of evidence to support prosecution and bring offenders to justice.
- Remain alert to threat, harm, risk and vulnerability throughout an investigation.

- Provide the highest quality of service to victims throughout the investigation and any subsequent criminal proceedings. This must be consistent with our duties under the Victims' Code of Practice. Victims of stalking are entitled to an enhanced service under this code.
 - When it is deemed appropriate to obtain a victim or witness statement by way of VRI, ensure it is conducted by an officer trained in Achieving Best Evidence.
 - Ensure crimes are finalised in line with the stalking allocation and finalisation policy.
 - Adhere to the Protocol on the Appropriate Handling of Stalking Offences between the NPCC and CPS which contains detailed guidance on the management of stalking and harassment cases.
 - Take a robust and ethical approach to suspect management. Wherever possible, the suspect's account must be obtained under caution through arrest or, if appropriate, voluntary attendance interview.
 - Ensure that words of advice, written warnings and mediation are not given in stalking cases as an alternative to interviewing or formally speaking to a suspect.
 - Consider adding a 'notify if' flag and tasking to the Stalking Coordination Unit in these circumstances.
 - Flags will be reviewed within 1 month prior to their expiry. If no further stalking incidents have been recorded on local and national systems, the flag will be removed. If further stalking incidents have occurred, the flag will be extended for the appropriate duration as per the table above.
 - Consider civil orders, such as Stalking Protection Orders.
 - Consider making a referral into the Potentially Dangerous Persons (PDP) process where a serial stalking offender who meets the criteria is identified.
 - Consider making a referral to MAPPA in all cases where the criteria is met.
 - Ensure that any reports of stalking or harassment involving members of the WYP workforce are dealt with in line with the relevant section of the Domestic Abuse policy.
 - Ensure that all individuals complete the mandatory e-learning package on stalking or harassment.
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Legislation

'Harassment' under Protection from Harassment Act 1997

- Harassment includes conduct directed at, or towards, an individual by another, that causes a person to feel alarmed or distressed, or in more serious cases to fear that violence may be used against them or another person.
 - See Protection from Harassment Act 1997 and below for further information.
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- Section 2**
- A person must not pursue a course of conduct which amounts to harassment or other and which they know, or ought to know, amounts to harassment.
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- Section 4**
- A person whose course of conduct causes another to fear, on at least two occasions, that violence will be used against them is guilty of an offence if they know, or ought to know, that their course of conduct will cause the other so to fear on each of those occasions.
 - The person whose course of conduct is in question ought to know that it will cause another to fear that violence will be used against them on any occasion if a reasonable person would think the course of conduct would cause the other so to fear on that occasion.
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- 'Stalking' under Protection from Harassment Act 1997**
- Stalking is a form of harassing behaviour whereby the perpetrator is fixated or obsessed with the victim and the behaviours are unwanted and repeated.
 - The offences of stalking were added to the Protection from Harassment Act 1997 by the Protection of Freedoms Act 2012.
 - Stalking cases are typified by the disproportionate investment of time and resource which the perpetrator uses in pursuit of their objective.
 - There are a number of acts listed in the current College of Policing APP that are associated with stalking. They may appear harmless in isolation, however when considered as a course of conduct their impact will have a substantial adverse effect on the victim's life.
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- Section 2A**
- The person pursues a course of conduct and the course of conduct amounts to stalking. A person's course of conduct amounts to stalking of another person if it amounts to harassment of that person, the acts or omissions involved are ones associated with stalking, and the person whose course of conduct it is knows, or ought to know, that the course of conduct amounts to harassment of the person.
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- Section 4A**
- A person whose course of conduct causes another to fear, on at least two occasions, that violence will be used against them is guilty of an offence if they know, or ought to know, that their course of conduct will cause the other so to fear on each of those occasions. The person whose course of conduct is in question ought to know that it will cause another to fear that violence will be used against them on any occasion if a reasonable person in possession of the same information would think the course of conduct would cause the other so to fear on that occasion.
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Responsibilities

Communications staff

Communications staff are responsible for:

- Grading calls for service 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 immediate 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 deployment is 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; and
 - Creating Niche crimes in line with Force processes and National Crime Recording Standards.
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Stalking Coordination Unit

Individuals in the Stalking Coordination Unit (SCU) are responsible for:

- Providing strategic and tactical support in relation to stalking and assisting and supporting districts in the operational delivery;
 - Improving the quality of response and investigations through bespoke reviews of stalking crimes, also ensuring appropriate focus is given to digital lines of enquiry;
 - Undertaking a daily triage of non-domestic stalking and liaise with district Safeguarding Teams on the highest risk domestic related stalking;
 - Increasing the consideration and use of Stalking Protection Orders;
 - Promoting the use of appropriate specialist stalking support services to provide safety planning and advice for victims, add value to investigations and improve the victim's journey through the criminal justice system; and
 - Supporting learning and development across the Force in relation to stalking.
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Attending officers

Attending officers are responsible for:

- Completing a robust primary investigation and being alive to fast-track and time-critical evidential opportunities;
- Completing a Domestic Abuse, Stalking, Harassment and Honour Based Violence (DASH) risk assessment, including for reports on non-DA related stalking. If the victim is unwilling to engage, the DASH must be completed using the information available on police systems and officer's own observations;
- 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 in conjunction with the Anti-Social Behaviour policy;

- 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, considering taking them to a place of safety, e.g. the home of a friend or relative, a refuge or emergency accommodation. Individuals must consider referring the victim to the Force Crime Prevention Team for further assessment and advice;
- Liaising with District Hub and specialist units (e.g. CSI) accordingly;
- Obtaining a detailed written account from the victim and any witnesses. If the victim is unwilling or unable to provide a full CJA at the time, obtaining a pocket notebook entry;
- Advising the victim on how to protect themselves online;
- Signposting victims and witnesses to the Keeping Records section of the WYP external website for advice on how to log further incidents during the course of the investigation;
- Securing and preserving all available sources of evidence (including physical scenes if necessary), including those on social media sites etc., and signposting/assisting victims to arrange for removal of particularly offensive or distressing material promptly to minimise their distress. Liaison with the District Hub and specialist units should take place when required;
- Securing electronic evidence (further guidance can be obtained from the Digital Forensic Unit) and considering seeking advice from the Central Authorities Bureau in relation to lawfully capturing the data stored within;
- If there is a threat to life, referring to the Threats to Life policy and obtaining and properly recording all available information and notifying the duty inspector immediately;
- Recording all incidents in line with the HOCR. If the offence involved the use of digital equipment or was via social media, officers and staff must add a cyber flag;
- Submitting intelligence when they encounter stalking nominals, particularly those who have an active Niche Flag regarding stalking. Useful intelligence may include:
 - Subject description;
 - Subject vehicle;
 - Time/date/location of sighting; and
- When a victim does not want or support prosecution:
 - Sensitively exploring and recording the victim's reasons for not supporting prosecution;
 - Offering a referral to a specialist stalking victim support service or providing details for self-referral and signposting to the WYP external website's Stalking and Harassment page;
 - Advising the victim that WYP will continue to investigate the crime and will consider an evidence-led prosecution where the evidential threshold is met. WYP will also consider civil orders and may re-contact the victim in the future;

- Reminding the victim that WYP policy is not to give words of advice/ harassment warnings to stalking suspects, as they are known to be ineffective and often increase a suspect's confidence to offend; and
 - Continuing to identify reasonable lines of enquiry and secure evidence to support an evidence-led prosecution.
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Triaging supervisor

Detective sergeants are responsible for:

- Triaging stalking crimes for allocation for investigation in line with the allocation policy;
 - Ensuring that their decision is reviewed against threat, risk, harm and complexity and is documented on the OEL;
 - Ensuring that stalking crimes are not filed until a proportionate investigation has been completed. Words of advice, written warnings and mediation are not suitable actions or outcomes in stalking cases; and
 - Liaising with the Stalking Coordination Unit where the risk is assessed as high.
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All supervisory officers

All supervisory officers are responsible for:

- Applying a bespoke investigation and allocation plan, considering appropriate tactics and strategies to progress the investigation;
 - Ensuring the DASH risk assessment has been completed in all cases and endorsing the risk grading;
 - Overseeing the investigation and regularly reassessing the risks to the victim or other persons present, including ensuring onward support referrals have been made and the OIC maintains regular contact with the victim and support agency;
 - Applying appropriate safeguarding measures to protect the victim, or other person's, welfare;
 - In cases of stalking, considering seeking guidance and authorisation for a Stalking Protection Order (SPO) at an early stage; and
 - Ensuring that stalking crimes are not filed unless a proportionate investigation has been undertaken. Words of advice, written warnings and mediation are not suitable in stalking cases.
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Investigating officers

Investigating officers are responsible for:

- Considering all potential lines of enquiry, including evidence led prosecutions when a victim does not support;
- Reviewing the existing risk assessment (DASH) and ensure an effective safety plan is in place;
- Considering the use of specialist units and resources where required;
- Downloading the recordings of calls which may provide valuable evidence to support a criminal prosecution;
- Considering any third-party material that may assist the investigation;
- Searching PND, particularly where the suspect is known to have committed offences outside of WYP or otherwise has links outside of WYP;

- Keeping the victim, and others considered at risk, fully informed of any risk assessments undertaken and actions taken to address these risks.
Individuals must remember that the victim making the initial report to the police and positive action being taken against the suspect may increase risk to the victim. Keeping the victim informed helps them to safety plan;
- 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;
- Not using no action or informal action (e.g. words of advice) in stalking cases, even at the victim's request. These options will rarely change the suspect's behaviour and are more likely to reinforce it. Arrest must be the preferred suspect management option, also considering police bail as a means to further safeguard the victim, and otherwise voluntary attendance interview where there is insufficient necessity for arrest;
- Considering conducting searches 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;
- 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, considering releasing them under S37 (2) of PACE 1984 with bail conditions (conditional bail) to enable further enquiries to be completed;
- Where the decision of the evidential review officer is to refer the case to CPS for a charging decision (Stalking 2A, Stalking 4A cases and domestic Stalking Cases), considering releasing the suspect under S37(7) of PACE 1984 with bail conditions (conditional bail);
- In cases of stalking, considering seeking guidance and authorisation for a Stalking Protection Order (SPO) at an early stage;
- Considering schemes to share information to protect individuals from further harm, such as the Domestic Violence Disclosure Scheme, Child Sex Offender Disclosure scheme or common law powers of disclosure; and
- Where a victim withdraws a complaint, documenting the victim's rationale clearly, ensuring the victim is provided with contact details for specialist support, obtaining a full statement giving the full reasons and, if possible, agreeing to contact the victim in the near future to see if they have accessed support or if they have experienced any further stalking incidents and wish to support a prosecution.

- If it is known that a victim is engaging in support from either statutory or non-statutory support services, efforts must be made by the OIC to update these services, particularly when a case is NFA, to ensure that all appropriate measures to safeguard victims are in place.
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District Intelligence Units (DIUs)

District Intelligence Units (DIUs) are responsible for:

- Regularly interrogating intelligence to identify any emerging stalking threats; and
 - Where an emerging threat is identified, communicating this to the appropriate District Senior Leadership Team and the Stalking Coordination Unit.
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Stalking Protection Orders (SPOs)

Principles

- 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 the police to address stalking behaviours early before they become entrenched or escalate to protect victims from further harm.
 - The police must 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.
 - See process for making a SPO application.
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Responsibilities

Investigating officers

Investigating officers are responsible for:

- Considering a SPO in all stalking cases and following the application process map;
- Completing a SPO Referral Form (SPOR1) and emailing the form to the Stalking Coordination Unit;
- If the SPOR1 is approved, completing the overarching statement and application form (SPO1) for superintendent authority;
- Ensuring that the relevant Niche occurrences are recorded and updated at every stage of the process;
- If a SPO is granted, updating the victim and DA Offender Management teams of the order and creating a Niche Court Order – SPO occurrence with all necessary details and updating PNC; and
- Continuously reviewing the risk and considering safeguarding options.

Please note – in cases where the respondent and the victim reside in different Force areas, consultation must take place with Legal Services and

the victim's local Force to fully 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 superintendent

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.
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District Domestic Abuse Offender Management Unit - management of SPOs

District DA Offender Management Units are responsible for:

- Ensuring that stalking perpetrators (both DA and non-DA) subject to Stalking Protection Orders (interim and full) are managed appropriately, paying particular attention to the fact that they will likely be fixated and obsessed with their victims, therefore professional curiosity, investigative mindset, and robust challenge will be important;
- Ensuring that a Niche flag has been applied to the subject and PNC updated regarding the SPO;
- Recording the notification requirements on the SPO Subject Management Pack and ensuring that this is uploaded onto the Niche court order occurrence. If there are changes to the subject's name or address or specific order requirements, officers must complete the appropriate sections of a new Subject Management Pack;
- Considering submitting key information, such as vehicle details, social media accounts, as intelligence;
- Formulating a subject management plan based on the requirements/prohibitions of the SPO and recording this on the SPO occurrence;
- Completing an initial visit to the subject within seven days of the SPO being granted. Subsequent visits must be completed as per the Subject Management Plan and recorded on Corvus; and
- Seeking variations and renewals of existing full SPOs if required. A renewal must be submitted in writing to the SCU at the earliest opportunity and no later than three months before the SPO expires unless there is a valid operational reason so that legal advice can be sought. This must be supported by evidence that covers:
 - Any new acts of stalking that have occurred since the original order was made;
 - The risk of stalking posed by the subject to someone; and
 - The continued necessity for an order.

District DA Offender Manager supervisors are responsible for:

- Regularly reviewing the Suspect Management Pack to ensure that it remains fit for purpose. The review frequency may vary based on the duration of the SPO and level of risk posed by the subject.

The review must be clearly recorded on the OEL of the SPO occurrence and cover:

- Any factors that increase or decrease risk posed to the victim/wider public (consider checks on PNC/PND);
 - Any positive changes made since last review;
 - Compliance with current order;
 - Any additional officer observations/professional judgement regarding risk; and
 - Any recommended changes to the Suspect Management Plan.
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District Domestic Abuse Offender Management Unit - cross border management of SPOs

- When a SPO subject moves out of the WYP area, the DA Offender Manager must notify the new Force as soon as practicable that the subject is now in their area. The following documentation must be provided:
 - Statement of service;
 - SPO Subject Management Plan; and
 - Any additional information pertinent to risk management.
 - Where a SPO subject moves into the WYP area, a DA Offender Manager must be allocated within seven days. An initial visit must be completed within 14 days and then subsequently managed as above.
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Discharge of Stalking Protection Order

- An application by the subject to discharge an existing SPO will be forwarded from Legal Services to SCU for initial review.
 - SCU will compile a report in conjunction with the Offender Manager which will take into account:
 - Reason(s) cited by the subject for the application to discharge;
 - When the SPO was granted and the reasons for this;
 - Any relevant intelligence or crime occurrences;
 - Factors that increase or mitigate risk; and
 - Initial recommendation on regarding the application to discharge.
 - The report will be submitted to Legal Services for legal advice with the final decision being made by the Detective Superintendent, Safeguarding Central Governance Unit.
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Breaches

Principles

- A breach of a SPO is a criminal offence. When a breach occurs, officers are responsible for:
 - Being proactive – making an urgent arrest must be the standard response;
 - Fully investigating the breach and considering whether the breach provides evidence of further stalking; and
 - 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.

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. It is also important to be aware of the 8-stage timeline of domestic homicide.

- 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 five years, or a fine, or both. SPOs are obtained to the criminal standard of proof, therefore breaches are required to meet evidential standards.
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Allocation and Finalisation

Review

- All DA stalking (s2A or s4A) will be reviewed by a detective sergeant from the DA team, or equivalent.
 - All non-DA stalking (s2A or s4A) will be reviewed by a detective sergeant from CID.
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Investigation

- S4A offences will only be investigated by Safeguarding or CID officers.
 - DA s4A offences will be investigated by DA teams or equivalent.
 - Non-DA s4A offences involving adults at risk (AAR) or cases with honour-based abuse (HBA) concerns will be investigated by Adult Safeguarding officers. All other non-DA s4A offences will be investigated by CID.
 - S2A offences involving intimate/ex-intimate partner, HBA concerns or coercive and controlling behaviour between other personally connected persons will only be investigated by DA teams or equivalent.
 - S2A offences involving AAR or cases with non-DA HBA concerns will only be investigated by Adult Safeguarding officers.
 - Any other s2A offences may be investigated by non-specialist investigation teams (but not by patrol/NPT officers) unless there is emerging evidence of a prolonged course of conduct, significant cumulative impact on the victim or factors that show perpetrator escalation, in which case the potential must be considered to reclassify the offence(s) as a s4A crime and allocate as above.
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Finalisation

- No stalking crime will be finalised as No Further Action (NFA) without further investigation, or a thorough rationale as to why no further investigation will take place.
- All crime supervisors must be aware that words of advice are not a suitable outcome for any stalking crime.
- Any stalking crime not investigated within specialist crime units (i.e. DAT, Adult Safeguarding or CID) must be finalised by a detective sergeant.

Additional Information

Compliance

This policy complies with the following legislation, policy and guidance:

- Protection from Harassment Act 1997
 - Home Office Counting Rules
 - APP Major investigation and public protection – Stalking or harassment
 - Protocol on the appropriate handling of stalking or harassment offences between the NPCC and CPS
 - College of Policing guidance – Stalking or harassment: Advice for investigators on effective investigation
 - Stalking Protection Act 2019
 - Statutory Guidance on SPOs
 - Justices' Clerks' Society Guidance
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Related policies

This document should be read in conjunction with policies on:

- Anti Social Behaviour
 - Crime Recording and Finalisation
 - Domestic Abuse
 - Honour Based Abuse and Forced Marriages
 - Hate Crimes and Non-Crimes
 - Investigations
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Supporting information

The supporting information for this policy can be accessed online.
