Flowchart for stalking

1. Report of stalking received
   - Are there 2 or more acts reported?
     - No
       - Consider other notifiable offences and harassment flowchart and safeguard the victim
     - Yes
       - Do the acts constitute a course of conduct?
         - No
           - Check police systems for previous reports, Harassment Notices
         - Yes
           - Attending officer to secure evidence from the victim and witnesses. Consider safeguarding intervention as appropriate

2. Complete DASH Stalking section
   - Create Niche crime occurrence as per NCRSs and HOCRs. Add cyber flag, if appropriate
   - Gather sufficient evidence to ensure a fully informed decision resulting in the most appropriate outcome, taking account of all the facts
   - Police sergeant or above must review threat, risk and harm and victim vulnerability against Code of Ethics and National Decision Model, advise on appropriate course of action / investigation plan and update OEL with rationale
   - Obtain account from suspect, under caution (Contemporaneous notes/VA/arrest) progress investigation to appropriate outcome

Are there 2 or more acts reported?
- No
  - Consider other notifiable offences and harassment flowchart and safeguard the victim
- Yes
  - Do the acts constitute a course of conduct?
    - No
      - Check police systems for previous reports, Harassment Notices
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Check police systems for previous reports, Harassment Notices

Attending officer to secure evidence from the victim and witnesses. Consider safeguarding intervention as appropriate
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:

<table>
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<tr>
<th>but where a</th>
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<tbody>
<tr>
<td>course of conduct, i.e. behaviour on at least two or more occasions causes alarm/distress;</td>
<td>this would amount to an offence of harassment under the Protection from Harassment Act 1997.</td>
</tr>
<tr>
<td>single occurrence causes alarm/distress;</td>
<td>a CID 10 Harassment Notice may be considered.</td>
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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 the appropriate use of harassment notices; and
• ensure the Force complies with National Crime Recording Rules (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 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 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.

**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 finalised with a Harassment Notice, ensuring this is scanned onto the appropriate occurrence.
- If the harassment has taken place within educational premises, referring to the school’s protocol and Home Office Counting Rules.
- If there is a threat to life, referring to the threats to life policy and obtaining and properly record all available information and notifying and inspector immediately.
- Recording all incidents on Niche:

<table>
<thead>
<tr>
<th>Where a stalking or harassment crime is disclosed (two or more occasions causing alarm or distress);</th>
<th>Then record a Niche stalking or harassment crime occurrence. If the offence involved</th>
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</table>

NOT PROTECTIVELY MARKED
<table>
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<tr>
<th>the use of a computer or was via social media then add a cyber flag.</th>
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<tbody>
<tr>
<td>single act causes alarm/distress and a supervisor has been consulted who supports this course of action;</td>
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<tr>
<td>Harassment Notice occurrence.</td>
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<tr>
<td>report does not amount to a harassment crime and does not meet the threshold to issue a harassment notice;</td>
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<td>non-crime occurrence to record the report and police rationale.</td>
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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.
- Issuing a Harassment Notice where evidence supports that a single act has caused alarm/distress and the supervisor supports this course of action and scanning the Allegation of harassment form (CID10) and any other relevant documents onto Niche and including their digitally signed electronic pocket notebook entry.
- 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. In these cases, a Harassment Notice does not have to be issued in order to proceed against the offender.
- 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).

• Where a victim withdraws a complaint, obtaining a full statement giving the reasons, e.g. whether the:
  o original allegation was true;
  o victim has been pressurised;
  o victim is pursuing civil action.

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**Supervisory officers**

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.
• Assessing the appropriate use of the Harassment Notice.

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**Harassment Notice**

**Protection from Harassment Act 1997**

Sometimes a suspect may be unaware that their actions are unwelcome to the victim or that they are criminally liable for their actions. However, Section 1(2) of the Protection from Harassment Act states:

"the person whose course of conduct is in question ought to know that it amounts to or involves harassment of another if a reasonable person in possession of the same information would think the course of conduct amounted to or involved harassment of the other."

If they are genuinely unaware and the behaviour amounts to a single act which caused alarm/distress, then early intervention by use of a Harassment Notice could be sufficient to prevent further incidents. In these cases, the serving of a Harassment Notice will be discussed with a supervisor for their approval before it is delivered.

If suspects subsequently use ignorance as an excuse for their behaviour and there is evidence to support the allegation, the delivery of the Harassment Notice is relevant evidence to prove that they were aware that any further conduct amounted to harassment and would amount to a criminal offence.

When a Harassment Notice is given, officers must not state or imply that by issuing the Harassment Notice it is the end of the matter as this could render evidence of all conduct before the Harassment Notice inadmissible in any subsequent prosecution.
In some cases, the offender may need an appropriate adult present or, if there are language difficulties, officers must use translation or interpretation services.

**Verbally**

Officers can give a Harassment Notice verbally in person (i.e. not over the telephone). This must be recorded in their electronic pocket notebook, which the suspect and, if applicable, appropriate adult or interpreter, will be invited to sign.

If the suspect refuses to sign or is unable to read and/or sign, officers must record this in their electronic pocket notebook, and have it corroborated by any witness (including appropriate adult, interpreter or officer’s colleague, if present).

The words used should be similar to those contained in the Allegation of harassment form (CID10).

**Written**

Officers can give a Harassment Notice in writing using the Allegation of harassment form (CID 10) which must be served personally (not sent through the post) to ensure the suspect is:

- clearly identified;
- given the opportunity to accept the CID 10; and
- understands the Harassment Notice.

The suspect will be asked to read and sign the form indicating receipt and understanding. If the suspect refuses to sign or is unable to read and/or sign, the refusal will be:

- recorded on the form, including any comments made; and
- corroborated by any witness (including appropriate adult, interpreter or officer’s colleague, if present).

**Verbally and in writing**

There is no general requirement to serve both a verbal and written Harassment Notice, however, this may be appropriate where officers anticipate issues around serving the Harassment Notice or in its understanding.

### Appeals process

**Information**

Where a member of the public appeals against a 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.

Additional information

Compliance
This policy complies with the following legislation, policy and explanatory notes:

- Protection from Harassment Act 1997
- Home Office Circular (HOC) 018/2012 - Introduction of two new specific offences of stalking
- Home Office Counting Rules
- APP Major investigation and public protection – Stalking and harassment
- NPIA Practice advice on investigating stalking and harassment
- Protocol on the appropriate handling of stalking offences between the Crown Prosecution Service and ACPO
- Information sharing agreement between ACPO, the police service and Paladin National Stalking Advocacy Service

Related policies
This document should be read in conjunction with policies on:
• 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.

Supporting information
The supporting information for this policy can be accessed via this link.
Policy database administration

<table>
<thead>
<tr>
<th>Item</th>
<th>Details</th>
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<td>Stalking and harassment</td>
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<tr>
<td>Owner:</td>
<td>Force Performance Improvement Unit (SG)</td>
</tr>
<tr>
<td>Author / Reviewer:</td>
<td>Insp Jon Aldred</td>
</tr>
<tr>
<td>Date of last review:</td>
<td>11/01/2017</td>
</tr>
<tr>
<td>Date of next review:</td>
<td>11/01/2021</td>
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The Equality and Human Rights Assessment for this policy is held on Force Registry which can be accessed via [this link](#).

The table below details revision information relating to this document:

<table>
<thead>
<tr>
<th>Topic title</th>
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