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 Warwickshire POLICE West Mercia POLICE		PROCEDURE
Security Classification	NOT PROTECTIVELY MARKED	
Disclosable under Freedom of Information Act 2000	Yes	

POLICY TITLE	Stalking and Harassment
POLICY REFERENCE NUMBER	A049
VERSION	1.0

POLICY OWNERSHIP	
DIRECTORATE	Protective Services
BUSINESS AREA	Protecting Vulnerable People

POLICY IMPLEMENTATION DATE	August 2014
NEXT REVIEW DATE:	August 2015
RISK RATING	HIGH
EQUALITY ANALYSIS	LOW

Warwickshire Police and West Mercia Police welcome comments and suggestions from the public and staff about the contents and implementation of this policy. Please write to the Business Planning Manager, Business Assurance and Improvement, at Hindlip Hall, PO Box 55, Worcester, WR3 8SP or e-mail contactus@westmercia.pnn.police.uk

RESTRICTED

1. ABOUT THIS PROCEDURE

1.1 Introduction

1.1.1 This procedure describes a common minimum standard in the investigation and prevention of stalking and harassment crime. Internal systems and processes which are effective in the prevention of harassment crime and re-victimisation provide a shield to public safety and organisational reputation. Evidence reveals that persistent harassment and stalking behaviour can lead to tragic outcomes, and protecting victims by preventing harassment and stalking is the utmost duty of police.

2. RISK ASSESSMENTS / HEALTH & SAFETY CONSIDERATIONS

2.1 Background

2.1.1 Concern surrounding the management of the police response to harassment crime was brought into the spotlight by the death in 2005 of Clare Bernal. After persistent harassment by her former partner, Michael Pech, Clare was shot dead on the shop floor of a Harvey Nichols retail store in central London. A failure by police to properly identify risk and respond to harassment reports by Clare Bernal provide an important cornerstone in the importance of effective risk assessment in the investigation of harassment crime. This procedure should be read in conjunction with guidelines by the Health and Safety Executive (Striking the Balance) setting out how health and safety laws apply in the operational environment in response to how actions taken by police measure up to what would be considered reasonable in the circumstances.

2.1.2 The [Human Rights Act 1998](#) places a positive obligation on police to take reasonable action within their powers to safeguard the rights of victims. These are the right to life (Article 2, ECHR), the right not to be subjected to torture or to inhuman or degrading treatment (Article 3, ECHR) and the right to private and family life (Article 8, ECHR). Police officers have a duty to protect others from harm and a positive obligation to ensure that the rights and freedoms of people are protected.

2.1.3 This procedure should be read in conjunction with the following guidance:

RESTRICTED

- National police practice advice on stalking and harassment;
(<http://www.acpo.police.uk/documents/crime/2009/200908CRISAH01.pdf>).
- Information Sharing Agreement between ACPO, the Police Service and Paladin National Stalking Advocacy Service;
- Protocol on the Appropriate Handling of Stalking Offences between the Crown Prosecution Service and ACPO.

2.1.4 The relevance of force policy concerning the Management of Threat and Risk to Life must always be considered against the circumstances of the events under investigation in providing additional management support to complement the investigative response to harassment crime.

3. PROCEDURE

3.1 Legislation

3.1.1 The Protection from Harassment Act 1997 was brought into force on 16 June 1997 and criminalises behaviour such as repeated attempts to impose unwanted contact with a victim in a manner that could be expected to cause distress or fear in any person. It is necessary to prove a course of conduct amounting to harassment although how far apart each event occurs will fall to be determined on its own facts. As a summary offence, complaints must be laid within 6 months from the time when the offence was committed and should run from the last date of the course of conduct alleged.

3.1.2 In 2012, the Protection from Harassment Act was amended by the Protection of Freedoms Act 2012 which includes two specific offences of stalking, namely Stalking (S.2A) and Stalking involving fear of violence or serious alarm or distress (S.4A). Stalking (S.2A) is the same as harassment in that it is also a summary offence. Complaints must be laid within 6 months from the time of the offence, and should run from the last date of the course of conduct alleged. However, stalking is different from harassment because it involves a higher degree of offender fixation or personal intrusion against victims.

RESTRICTED

Examples include following or spying on a person, interfering with a person's property or publishing material purporting to originate from the victim. Stalking involving fear of violence or serious alarm or distress (S.4A) is an either-way offence reflecting a higher degree of aggravation to victims caused by the anticipation of being subjected to violence, or serious emotional and psychological distress.

3.1.3 For further advice and guidance on legislation, refer to Investigating and Prosecuting Stalking and Harassment in the Police Visual Handbook.

3.2 Investigation

3.2.1 Police officers have a responsibility to ensure that investigations are carried out responsibly and ethically by assessing the relevance of all circumstances surrounding crime events. This is particularly important for harassment crime investigation where the incident reported could be part of a series of events. Victim and witness statements should contain an accurate record of all events relevant to the harassment crime under investigation.

3.2.2 An immediate police response should be provided where it is apparent that victim is at risk of imminent harm. The call taker receiving the initial report must obtain as much information as possible to support an effective initial investigation such as whether the incident is ongoing and the identity of the suspect.

3.2.3 Police officers have a positive duty to protect victims of harassment crime and should immediately assess the need for crime prevention measures to protect victim safety. Investigators should take all reasonable steps to understand the particular needs of individuals including, but not limited to, any protected characteristics they may have (e.g. age; sex. For more information on protected characteristics, see http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf).

3.2.4 After attending and speaking with the complainant or third party reporter, the officer will record a witness statement. This activity will inform a risk assessment which must be completed for all harassment incidents regardless of whether they amount to one harassment incident only or whether the event(s) is domestic or non-domestic related (see 3.6 for Risk Assessment)

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3.2.5 Investigations must be directly overseen by sergeants who should confirm the appropriateness of the investigation plan and the most suitable action to take in any given case. Detailed advice and guidance on investigation techniques can be found on the Authorised Professional Practice (APP) website Investigation process and public protection units.

3.2.6 For offences which cross police borders, please refer to guidance contained in *Harassment Classification, Location of Crimes (p.59)*

3.3 Cyber Crime & Telecommunications

3.3.1 Harassment can take place on the internet and through misuse of email. This is sometimes known as ‘cyberstalking’. Cyberstalking may include the use of social networking sites, chat rooms and other internet forums. Potential evidence held by Communication Service Providers (CSP) can be time critical and early contact with a telecommunications SPoC should maximize opportunity to secure and preserve evidence.

3.3.2 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]. Practice advice should be sought from HTCUC for more detailed information relating to the recovery of evidence on computer networks including business networks.

3.3.3 As a general rule, [REDACTED]
[REDACTED]. Potential evidence held by CSP’s can be time critical and early contact with a telecommunications SPoC should maximize opportunity to secure and preserve evidence. Practice advice is also available from High Tech Crime Units (HTCU) in providing more detailed information relating to the recovery of evidence on mobile telephones.

3.4 Crime Recording

3.4.1 The Protection from Harassment Act 1997 is designed to be used where no other substantive notifiable offence exists. Any change to this standard will be published in National Crime Recording Standards. Harassment addresses incidents which form a

RESTRICTED

series of complaints but do not amount to the commission of a substantive offence *per se*. The incidents must collectively provide a course of conduct likely to cause fear, alarm or distress. It is important that where evidence exists to support the report of another substantive crime, an offence under the Protection from Harassment Act is not recorded.

3.4.2 Once a crime of harassment under the Protection from Harassment Act 1997 has been recorded, further incidents by the same offender or group of offenders against the same victim, up to the point when police take action against the offender(s), should not be recorded separately. For example, a victim reports that on two consecutive nights, the suspect has been banging on their door shouting abuse causing fear, alarm or distress. Police appropriately record a crime of harassment. The next day, the victim reports that the suspect has been back to their address repeating the behaviour. No action has yet been taken against the suspect. No new crime record should be created by police as this is new evidence to support the first crime report. For further information and advice, contact the Force Crime Registrar or see https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/210789/count-violence-july-2013.pdf.

3.5 Police Information Notice

3.5.1 The practice of serving a Police Information Notice (PIN) on stalking and harassment suspects is an effective tool in preventing escalation following *one harassment incident only*. The purpose of the PIN is to ensure that the recipient is aware that their behaviour is causing distress. If their behaviour continues, they cannot then later claim the 'reasonable person' defence.

3.5.2 A PIN should never be referred to as an 'harassment warning', 'harassment or warning notice'. Where there is evidence of a course of conduct, there must be an investigation. Harassment is a criminal offence and it should not be disposed of by a PIN.

3.5.3 Prior to issuing a PIN, a statement must be obtained from the complainant to secure and preserve evidence. This allows opportunity for discontinued harassment investigations to form part of any future prosecution case. A formal risk assessment must also be completed and checked by a sergeant prior to any decision to issue a PIN against a

RESTRICTED

suspect (see 3.6 for Risk Assessment).

3.5.4 All high risk cases must be referred to the duty inspector who will record and oversee steps necessary to mitigate any imminent threat of further harassment. It must be borne in mind that the main precipitating risk factors may concern the victim's physical and mental wellbeing rather than the suspect's propensity to commit further harassment. In such cases, referral to specialist external support would be beneficial.

3.5.5 Oversight by a sergeant before issuing a Police Information Notice on harassment suspects maintains the integrity of police action by ensuring that they are only used in very limited circumstances where there is only *one single harassing incident* which has not yet formed a pattern of behaviour.

3.5.6 The police officer serving a PIN must complete a statement providing factual information about when it was served on the suspect. This information could be crucial in securing a future prosecution for harassment in any continuance of harassing behaviour because it demonstrates when the suspect was made aware of the consequence of their actions on the victim. The statement must also contain a description of the suspect or how they are identified. This is particularly important where the suspect refuses to sign the PIN or later disputes that they were the person served the Notice.

3.5.7 An intelligence report against the recipient of the PIN must be created by the police officer serving the Notice. Recording the issuing of a PIN in an intelligence record allows investigators in other force areas to readily identify its existence via the Police National Database (PND).

3.5.8 An example form of words in the intelligence report is:

[B11] On DDMMYYYY at HHMM hours, [NAME] born DDMMYYYY nom ----- of [ADDRESS] was served a Police Information Notice by PC [NAME] following a complaint of harassment by [NAME] born DDMMYYYY nom ----- of [ADDRESS].

3.5.9 The ACPO approved PIN template must always be used by investigating officers (Appendix 1). The finalized PIN must be kept with the victim and officer statement (and other corroborative material).

3.5.10 All relevant hard-copy investigation material relating to the issue of a PIN including

RESTRICTED

victim and witness statements must be filed with the Crime Bureau.

3.5.11 All relevant investigation material relating to the issue of a Police Information Notice including a scanned copy of the PIN and victim and witness statements must be saved in the investigating officer's electronic Case File record.

3.6 Risk Assessment

3.6.1 A formal risk assessment process provides an invaluable mechanism in ensuring a common standard in the investigative response by ensuring appropriate action against the level of identified threat. Risk assessment reduces the likelihood that past events are missed by investigating officers and should help to ensure that the scale of harassing behaviour is fully appreciated.

3.6.2 The ACPO-approved Domestic Abuse, Stalking and Harassment and Honour Based Violence (DASH 2009) and Stalking (S-DASH 2009) risk assessment models should be used in all cases of domestic related harassment. This risk assessment process must be completed by investigating officers and checked by a sergeant prior to any decision to issue a PIN against a suspect.

3.6.3 The ACPO-approved (Stalking) Domestic Abuse, Stalking and Harassment and Honour Based Violence (S-DASH 2009) risk assessment model should be applied to all non-domestic related harassment crime and must be completed by investigating officers and checked by a sergeant prior to any decision to issue a PIN against a suspect.

3.6.4 All high risk cases must be reviewed by the duty inspector who will record steps taken to mitigate the continued threat of harassment. This initial decision making may be recorded in the original police incident report but maintained in the longer term in a Policy book, investigation log or CRIMES / STORM as appropriate. The duty inspector may also oversee opportunities for risk reduction in lower risk assessments and record steps taken to mitigate the continued threat.

3.6.5 All high risk domestic or non-domestic harassment investigations where suspects who remain outstanding present the highest risk factors towards victims must be supervised by CID or domestic abuse units. This does not prevent other police departments retaining investigation ownership. Supervision means providing direction and

RESTRICTED

control relating to investigation parameters, tactics and resources.

3.6.6 All high risk harassment cases should be maintained as a rolling handover. During the course of the rolling handover, updates must be given by the duty inspector or counterpart to the Daily Management Meeting to allow oversight of the appropriateness of actions taken. The relevance of force procedure concerning the Management of Threat and Risk to Life must always be considered against the circumstances of the events under investigation in providing additional management support to complement the investigative response to harassment crime.

3.7 Repeat victimisation

3.7.1 The *Repeat Victimisation Report* provides an essential and timely identification of people who are potentially vulnerable to harassment crime by re-victimisation. The *Repeat Victimisation Report* must be integrated into the daily activities of the duty inspector who should analyse the appropriateness of the police response, identify any need for follow-up action or correction, and create opportunities for crime prevention. The Daily Management Meeting should oversee the standard of this response.

3.8 Police Bail

3.8.1 Every effort should be made to ensure that victims of stalking and harassment are consulted prior to making bail decisions. Where a remand in custody is not justified, the investigator may suggest that conditions are imposed to protect the victim and to prevent further offences from being committed.

3.8.2 The police investigation may find insufficient evidence of a course of conduct. This may be because the actions complained of are reasonable and lawful, and were adequately explained by the suspect. A victim may also be reporting a single act and no offence has occurred. In such cases, the serving of a PIN may be appropriate. It may also be relevant for investigators to inform victims that they may seek additional recourse via the civil court by making an application for a non-molestation order.

3.9 Restraining Order

3.9.1 A Restraining Order can play a significant part in managing the risk towards a victim and in preventing further harassment. Investigators should request a Restraining Order against suspects who are charged with stalking or harassment.. Relevant information such as the victim's views on their own safety if a restraining order is not made, and the status of the victim's current relationship with the offender should be included in the Victim Personal Statement or MG6 form. A Restraining Order is imposed at the time of sentence.

3.9.2 Restraining Orders should be drafted to meet the particular risks presented in each case. One issue to be addressed is whether or not it is safe to include the victim's address on the Order. Suggested conditions include not to directly or indirectly contact, harass, alarm or distress the victim; not to knowingly approach within the boundary of any premises where the victim resides or works; or not to display any material relating to the victim on social networking sites.

3.9.3 A defendant may seek to make repeated applications for variation of the Restraining Order so as to continue harassing the victim. In such cases, CPS should remind the court of its powers to control the abuse of process. Police investigators may be crucial in bringing this information to the attention of CPS following contact by victims. Victims should be informed of applications to vary a Restraining Order and asked to express their views for consideration by magistrates.

3.10 Information, Victim Safety and Support

3.10.1 Victim confidence and satisfaction can be strengthened by the specialist advice and services of support groups. The National Stalking Helpline (tel 0808 802 0300) provides advice and guidance for anyone affected by stalking and harassment by giving practical advice to victims about personal safety, how to collect evidence and talking to the police. Other support groups include:

Childline www.childline.org.uk 0800 1111 (support for younger persons).

Citizens Advice Bureau www.adviceguide.org.uk.

RESTRICTED

Kidscape www.kidscape.org.uk (support for younger persons).

Network for Surviving Stalkers www.nss.org.uk.

Paladin <http://paladinservice.co.uk/> 0207 840 8960.

Protection Against Stalking www.protectionagainststalking.org | THROUGH AWARENESS COMES PROTECTION.

Refuge www.refuge.org.uk 0808 200 0247.

Respect www.respectphoneline.org.uk 0845 112 8609.

Samaritans. www.samaritans.org 08457 90 90 90.

Suzy Lamplugh Trust www.suzylamplugh.org 0207 091 0014 ask for EXTENSION ONE.

Think U Know. www.thinkuknow.co.uk (support for younger persons).

Victim Support. www.victimsupport.org.uk 0845 303 0900.

3.10.2 The Fixated Threat Assessment Centre (FTAC) is a joint police / mental health unit establishment created to assess and manage the risk presented by harassment and stalking perpetrators against victims who are prominent in public life. Police investigators should be aware of any potential requirement to share information with this agency to prevent or detect harassment crime (see section 1.5.4 in <http://www.acpo.police.uk/documents/crime/2009/200908CRISAH01.pdf>).

4.1 Roles & Responsibilities

4.1.1 The police call-taker must obtain sufficient information to support an effective initial investigation and identify the potential risk of harm to the victim.

4.1.2 The police constable Investigator must secure and preserve evidence from victims and witnesses to progress an effective investigation. They must conduct a risk assessment for all harassment reports whether or not domestic-related or first case harassment.

4.1.3 The Sergeant must quality assure the investigation plan and risk assessment for all harassment crime. Subject to the outcome of this activity, they may authorise the issuing of a Police Information Notice against the suspect. They must also ensure the continuity of

RESTRICTED

ownership and the effective investigation of rolling handovers.

4.1.4 The police Duty Inspector must record measures to reduce the threat of harassment in all high risk cases. This initial decision making may be recorded in the original police incident report but maintained in the longer term in a Policy book, investigation log or CRIMES / STORM as appropriate. They must assess the effectiveness of the police response to repeat victimisation and, where appropriate, maintain management oversight of all rolling handover reports.

4.1.5 The detective Inspector (CID / Domestic Abuse) must support and direct all high risk harassment reports where suspects who remain outstanding present the highest risk factors towards the victim. They may provide this same degree of service in any other investigation into harassment. The detective Inspector must maintain management oversight of all rolling handover reports reallocated to their departments.

4.1.6 The police analyst (Protecting Vulnerable People) must arrange the production of a Repeat Victimisation Report available to territorial policing areas.

4.1.7 The Chair of the Daily Management Meeting must retain strategic oversight of the police response to repeat victimisation constituting harassment and high risk harassment reports. Where considered appropriate, the Chair should refer high risk harassment reports to the Force Daily Management Meeting.

5.1 Review

5.1.2 This procedure will be reviewed 12 months from the date of publication and annually thereafter. The review will take each of the template headings in turn to ensure that this procedure remains concurrent with developments both nationally and locally relating to harassment crime investigation and prevention.

Police Information Notice

To:

Name:

Date of birth:

Address:

Postcode:

An allegation of harassment has been made against you. Details of alleged conduct (specific actions that are cause for complaint):

HARASSMENT IS A CRIMINAL OFFENCE under the Protection from Harassment Act 1997.

“A person must not pursue a course of conduct which amounts to harassment of another and which he/she knows, or ought to know, amounts to harassment of the other.”

Warwickshire and West Mercia Police make no comment as to the truth, or otherwise, of these allegations at this stage. This information is being brought to your attention in the spirit of crime prevention and to make clear to you that this allegation has been made. It is important that you understand that should you commit any act or acts either directly or indirectly that amount to harassment, you may be liable to arrest. A copy of this notice can be produced if necessary in any subsequent criminal proceedings against you to demonstrate that you were aware of this allegation.

A copy of this notice will be retained by the Police in accordance with national guidance on the Management of Police Information.

RESTRICTED

This letter is not a court order and is for information / evidential purposes only.

Signature of recipient:.....

(This is not an admission or acceptance of the allegation)

Description of recipient:.....
.....

Officer issuing:.....

(Rank, surname, warrant number, station attached, contact telephone number)

Witnessing Officer(s):.....

POLICE USE ONLY

Incident.
NUMBER:.....

Crime
NUMBER:.....

Date and time of
issue:.....

<p>Exhibit Ref No.:...../1</p> <p>Description: Police Information Notice providing notice of harassment.</p> <p>Date:</p> <p>I identify this exhibit as that referred to in my statement.</p> <p>Signature:</p>

RESTRICTED

Page 15 of 15

RESTRICTED