

Staffordshire Police



STALKING AND HARASSMENT PROCEDURE



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Policy Holder	Superintendent [REDACTED]
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Related Information	• Domestic Abuse Policy and Procedure • Forced Marriage policy and procedure • Honour Based Abuse policy and procedure • Out of Court Disposal policy and procedure • DVPN/DVPO guidance – Process map, Safeguarding officers, DA SPOCS and breaches • Crime Allocation Policy • PPN Policy and process map • Children as Victims of Domestic Abuse Guidance • Domestic Abuse in the workplace Policy and procedure. • Use of BWV policy LEGISLATION • Section 2 Offence of Harassment • Section 2a Offence of Stalking • Section 2b Power of entry in relation to offence of Stalking • Section 4 Harassment putting people in fear of violence • Section 4a Stalking involving fear of violence or serious alarm or distress
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1.0 WHAT THIS PROCEDURE IS ABOUT

This procedure details the processes to be followed by officers and staff concerning the report and investigation of stalking or harassment. It should be read in conjunction with the Authorised Professional Practice (APP) – Stalking or Harassment, including, Identification, reporting and associated investigations which contains further advice and guidance. Key themes are

- Focus on identifying the risk first
- Evidence needs to be captured at first attendance wherever possible as an evidence led prosecution should always be considered.
- Children are now recognised as victims in their own right and their voice should be heard and assess any risk posed to them
- Always consider your options – if no arrest is made what other out of custody options are available. Ask yourself how you can safeguard the victim as this is your responsibility.
- Always consider the use of civil orders
- Ensure that support agencies are signposted

This procedure is designed to ensure that officers and staff are clear in their roles and responsibilities when dealing with incidents of stalking or harassment. It is vital that we deliver a quality service from the point of initial contact.

If a victim isn't supportive think why? If there is a loss of trust and confidence in policing, how can we regain it?

2.0 Introduction and Definition

Stalking or harassment offences can also include cyber and online stalking but are commonly associated with domestic abuse following a separation when a victim may be at an increased risk of abuse. They can however be committed in current relationships and also when the perpetrator is not known to the victim.

Dealing with stalking or harassment cases appropriately is the responsibility of all police staff and officers in terms of identifying, assessing and managing risk and contributing to the safeguarding, investigation and prosecution processes

Stalking and harassment are not the same thing, and it is often difficult to differentiate between the two (the law does not define stalking).

The College of Policing has produced the following guidance to investigating crimes of this nature.

Stalking – Where there is a pattern of unwanted, fixated and obsessive behaviour which is intrusive. It can include harassment that amounts to stalking or stalking that causes fear of violence or serious alarm or distress.

Stalking is defined in legislation and is used to describe a long-term pattern of persistent and repeated behaviour towards a particular victim, or other intrusions into the privacy of the victim, either in a domestic abuse or stranger context.

The following are examples of acts or omissions which, in particular circumstances, are ones associated with stalking:

- Following a person.
- Contacting, or attempting to contact, a person by any means, publishing any statement or other material relating or purporting to relate to a person, or purporting to originate from a person
- Monitoring the use by a person of the internet, email or any other form of electronic communication.
- Loitering in any place (whether public or private).
- Interfering with any property in the possession of a person.
- Watching or spying on a person.

This is not an exhaustive list, and stalking behaviour must always be treated seriously to protect our victims.

In some cases, the conduct might appear innocent if it is taken in isolation, but when linked as a course of conduct it may then be sufficient to cause harassment, alarm or distress to the victim and amount to Stalking contrary to the Protection from Harassment Act 1997 (PHA).

The mnemonic **F.O.U.R** should be considered when assessing if behaviour is potentially stalking –

F – FIXATED

O – OBSESSIVE

U – UNWANTED

R – REPEATED

Harassment - Harassment is not specifically defined within the Protection from Harassment Act 1997 (PHA) but can be described as unreasonable and oppressive behaviour that is repeated and may cause alarm or distress or fear of violence in the victim. This will often focus on a dispute and there may be evidence to suggest that if the problem was resolved then the behaviour will stop.

There are a number of circumstances in which stalking and harassment can occur:

- i. Within the context of domestic violence.
- ii. Within a non-domestic violence or 'stranger' context where:

Where the alleged stalking or harassment incident is in the context of domestic abuse, officers should refer to the Force's policy and procedural documents.

- The suspect is personally known to the victim, e.g., a neighbour or work colleague.
- Where the suspect does not personally know the victim, but their identity is known, e.g., a public figure.
- Where the identity of the suspect is not known.

- Where the person suffering harassment is themselves vulnerable through disability or any other reason and is subject to a campaign of harassment which may include incidents of anti-social behaviour directed towards them. (NB – Fiona Pilkington Serious Case Review 2007).
- Where the victim is a target of a campaign involving domestic extremism, e.g., animal rights.

Harassment may form part of stalking behaviour so do not underestimate the potential risk of harm to the victim.

In cases of harassment, review and reconsider why the case does not meet the description of stalking.

2.1 – Digital stalking or harassment

The prevalence of cyber and online enabled offending and the skill of perpetrators in the use of technology are prevalent in stalking or harassment cases. Officers will be expected to focus on the digital investigation and have a clear search strategy to capture evidence and minimise loss of material.

Officers can access resources via the [Digital Toolkit](#)

Refugee have their tech safety website [Secure your tech - Refuge](#) and their digital breakup tool [Digital Breakup](#)

The EDIU are available to offer support and guidance around digital investigation and opportunities.

2.2 -Police Perpetrated Domestic Abuse

Where it has become apparent that a police officer/staff has committed domestic abuse related offences, there are additional actions should be completed to ensure impartiality and include.

- A supervisor of at least the rank of Sergeant will attend ALL incidents of PPDA.
- Force Incident Manager (FIM) to be informed.
- Duty Superintendent will be notified who will then notify the Professional Standards Department (PSD)
- CID will allocate an officer to the case and own the investigation (as per the Crime Allocation Policy)
- PSD will appoint a case manager.
- Independent Office for Police Complaints (IOPC) will be notified in relevant cases.

Further guidance can be found in the PPDA policy and should be referred to in all cases.

3.0 ROLES AND RESPONSABILITIES

3.1 Force contact - Gathering Information

Upon receipt of an incident involving stalking or harassment a STORM incident will be created. Call handlers will perform a key role in identifying and safeguarding victims by ensuring that the right information is obtained and recorded on STORM and by completing a THRIVE assessment, ensuring that the right police response is given.

Stalking incidents should **NOT** be dealt with by the investigation bureau. It is the responsibility of the call taker for any domestic abuse or non-domestic related incident to make the necessary checks against. Once the initial information has been gathered the relevant background checks should be carried out on IT systems – PNC/VISOR/PND (Request from I24 if required)

*PNC to be phased out and replaced by LEDS *

- Previous incidents,
- Any warning markers – MARAC, High risk DA, violence, drugs, weapons etc
- Any imposed orders or injunctions
- Any child protection information
- MARAC Flags

Incident should be tagged for I24 for PND and VISOR checks

The above information should be passed to the attending officers it will help them to understand the presenting incident and context.

3.2 First responder

Stalking behaviours suggest a greater risk of harm, so they require greater consideration of risk management.

On route to the incident, officers should obtain **all relevant** information from the call handler.

It is mandatory that if the incident is stalking or harassment officers should activate BWV.

Officers responding to incidents involving stalking and harassment should be aware they require sensitive handling, especially regarding victim care. Their first priority is to protect the victim, children and anyone else who might be at risk of harm (including the suspect/s) and where possible take appropriate action to reduce or remove such risks. Children may be

harassed as a means to intimidate a parent or carer. Domestic abuse perpetrators present a particular danger to the victim, children and others in terms of serious harm and homicide.

Attending Officers responsibilities:

- Confirm identity of suspect/s and arrest at the earliest opportunity
- The context of the behaviour, ensure that information relating to suspects previous conduct (including any directed at other victims) and motivation is recorded. It is a mandatory requirement that a risk assessment is completed for ALL stalking cases.
- The victim's perception of risk.
- Establish who was at the scene, if children identified VOC using the AWARE mnemonic
- Make accurate records of everything said by suspect, victim and anyone else involved and record their demeanour.
- Consider house to house enquiries.
- Request crime scene investigator if necessary.
- Secure the safety of victims, children and anyone else who might be at risk of harm, in their home. If this is not possible, consideration should be given to taking them to another place of safety.
- Obtain an overview of what has occurred, considering the risk factors associated with stalking or harassment behaviour. A statement will be taken at every incident. Note that pocket notebook entries are not accepted practice.
- Complete a detailed risk assessment **(DASH)**. This should be done as a priority action to assess risk and explore Domestic Abuse history with the victim. Where a child is identified they should be added to the DASH.
- Consider the application of a Stalking Prevention Order (SPO)

**** If a victim is not supporting a prosecution, then the initial account as recorded on the BWV should be marked as evidence in order that it can be relied upon in consideration of an evidence led prosecution, or any subsequent, later complaint.***

3.3 – Supervisor responsibility

A supervising Sergeant has the responsibility in ensuring that the investigation is being conducted expeditiously and that all reasonable lines of enquiry have been pursued and will include:

- ✓ Has the victim been appropriately safeguarded?
 - ✓ Has the voice of the child been captured?
 - ✓ Has a DASH been completed?
 - ✓ Have golden hour principles of investigation been met?
 - ✓ Is there a clear suspect strategy?
 - ✓ Has the officer completed a victim contract?
 - ✓ Has a Stalking Prevention order and or any other ancillary orders been considered?
- Quality assure standards of investigation by completing a supervisor's review on Niche every 28 days.
 - Review and requests for domestic abuse rolling handovers (see Rolling handover policy and procedures)

3.4 Supervisor Responsibility - Inspector

Inspectors are required to review any investigation that has reached 3 months duration. This is to ensure that the investigation has been progressed sufficiently.

- An Inspector must review any request to NFA a domestic abuse related crime and fully record their rationale for this.
- An Inspector can authorise a conditional caution (out of court disposal) for STANDARD risk only.
- A CR1 can be authorised by an Inspector for Non-Intimate domestic abuse cases only

4.0 – ANCILLARY ORDERS

Ancillary orders should be considered at the commencement of any investigation into stalking or harassment, as they serve as an additional safeguarding measure.

4.1 Stalking Prevention orders (SPO)

A SPO is a civil order which can be sought by the police intended to protect any person of any age experiencing stalking and should be considered with any stalking investigation.

SPO's can run alongside any other orders in place.

The orders are intended to be an effective means of managing an alleged perpetrator using prohibitions and/or positive requirements, as well as imposing notification requirements.

The balance of probability threshold must be met for a full order to be made, however, for interim SPOs (which can be applied for pending the hearing of the full application) there will be a lower test to apply, simply 'if the court considers it appropriate to do so' to grant an order

A person who breaches an interim or SPO without reasonable excuse commits a criminal offence.

4.2 Restraining Orders

Restraining orders will often be essential to ensure the on-going safety and security of victims of stalking or harassment. The police will explain to victims what a restraining order is and the protection it seeks to provide, also, that restraining orders may be applied for on conviction, or where possible, on acquittal.

At the earliest opportunity they will obtain the complainant's views and those of other specialist services working with the victim as to whether a restraining order is necessary and will provide accurate and up to date information to support an application for a restraining order.

The application should be tailored to the perpetrator's behaviour to ensure that adequate safeguarding measures can be implemented, post-conviction or acquittal.

Any breaches of a Restraining Order should be considered as evidence of further Stalking and Harassment and should be dealt with robustly.

The Harm Reduction Hubs should be consulted with for further advice and guidance on the completion of DVPN's and SPO's.

5.0 CRIME ALLOCATION

Investigations will be allocated and owned as per the current Crime Allocation Policy with crimes being allocated to and investigated by officers/police staff that have the appropriate skills and capacity to undertake an effective and proportionate investigation. Each investigation must be judged on its own merit.

- **Category 1** – Allocated to reporting officer/police staff to develop, document and implement a proportionate investigation plan. To be managed by Response or Neighbourhood policing teams unless aggravating factors
- **Category 2** – Can be allocated to either Response, Neighbourhood Policing or Crime Command investigators and will be judged on individual merits. If aggravating factors would lean towards CID for ownership. In the absence of this, initial DS overview should be sought to ensure investigative standards are maintained.
- **Category 3** – To be allocated to CID, PPU or specialist Crime Command Investigators following review by DS

**** CID, Public Protection Unit or Specialist Crime Command can investigate category 1-3 investigations ****

Further guidance on crime allocation can be found in *Appendix A* Crime allocation procedure.

Below are some offences that could be considered DA related – this list is not exhaustive but highlights some of the high-volume crimes.

CATEGORY 1 OFFENCES	CATEGORY 2 OFFENCES	CATEGORY 3 OFFENCES
Section 39 Assault	DA related coercive control	Wounding (s20)
Section 47 Assault	Stalking	FGM
Harassment without violence	Harassment with violence (s4)	Murder/manslaughter
Breach of restraining order or harassment injunction	Threats to kill	HBV/Forced marriage
Breach of non-molestation order	Sexual assault non penetration	DA non-fatal strangulation
Theft	Financial motivated sexual exploitation (adult victim)	Rape
Criminal damage		Sexual offences – penetration
TOMV		Encourage or assisting suicide

Harassment, alarm distress (s5 PO)	Criminal damage / Arson to endanger life blackmail	
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Other factors to consider which may influence which investigator or department shall take the lead:

- Severity of offence
- Linked offences by Victim and suspect relationship.
- Position of offence (number of outstanding enquiries)
- Complexity of the investigation
- Specific vulnerabilities of the victim
- Risk posed by the suspect.
- The criticality of the offence.

6.0 - RELATED FORCE POLICIES OR PROCEDURES

Domestic abuse Policy and Procedure

Forced Marriage policy and procedure

Honour Based Abuse policy and procedure

Out of Court Disposal policy and procedure

DVPN/DVPO guidance – Process map, Safeguarding officers, DA SPOCS and breaches

Crime Allocation Policy

PPN Policy

Children as Victims of Domestic Abuse Guidance

Domestic Abuse in the workplace Policy and procedure.

Use of BWV policy

7.0 Implications of the Procedures contained within this document

7.1 Financial Implications

There is no known financial implication that are thought to be connected with this policy

7.2 Risk Assessment

There is an organisational risk to the reputation of the Force brought about by a failure to implement the measures detailed within this procedure document

8.0 Monitoring and Review

This policy will be reviewed by or on behalf of the head of Adult Public Protection every 2 years to ensure that it remains compliant with legislation and contains best practice for dealing with incidents of domestic abuse.

9.0 Data Security

Staffordshire police have measures in place to protect the security of data in accordance with our Information Management Policy

10.0 Retention and Disposal

Staffordshire Police will only hold data in accordance with our Records Review and retention Policy and will only hold data for as long as necessary for the purposes for which it is collected.

11.0 Other source documents to refer to

- Code of Practice for Victims of Crime
- Authorised Professional Practice (APP) – Domestic Abuse
- College of Policing Domestic Abuse guidance
- VAWG strategy
- Shifting the Scales – Commissioned report by the DA Commissioner