



Force Policy

Document Title: Stalking and Harassment Policy

Document Reference: 24/458

Owner: Head of Department, Public Protection

Review Date: November 2024

Next Review Date: November 2026

Publication:

All policies are published on Connect.

This Force policy is suitable for public disclosure under the Freedom of Information Act 2000 and will be published on the external Force website? Yes

Section 1. Introduction

1.1 This policy outlines Derbyshire Constabulary's approach to stalking and harassment offences, both in respect of domestic and non-domestic related cases. It provides clear expectations on the initial response, safeguarding and risk management, crime recording and investigative standards. It also outlines how the force will work in partnership with agencies in responding to such cases.

1.2 This policy has been written in line with the College of Policing's Authorised Professional Practice for stalking and harassment offences and national guidance.

1.3 It aims to reduce risk of harm to the public, through delivering a consistent response to reports of stalking and harassment, by ensuring all officers and staff are aware of their personal accountability when dealing with offences of stalking and harassment.

1.4 Outcomes:

- Maximise safeguarding opportunities with correct safety measures adopted to suit individual needs.
- Secure best possible evidence to achieve a successful criminal justice outcome.
- Meet the national standards of investigations for incidents relating to harassment and stalking.
- Work effectively with partners to reduce the risk to victims of stalking and harassment.

1.5 Operational officers and staff should read this policy in conjunction with the stalking and harassment addendum of the High Risk Domestic Abuse standard operating procedure.

Section 2: Legislation

2.1 To offer context, this policy firstly outlines the legislation that relates to stalking and harassment offences for which this policy applies.

Harassment

2.2 Harassment can be defined as a person who pursues a course of conduct, unwanted by the victim, which has the purpose or effect of causing alarm and distress through oppressive and unreasonable behaviour. It can, but does not need to, include causing people to fear violence. There is no requirement that the incidents which form the course of conduct need be of the same nature.

2.3 Harassment can be committed by one person on another individual; it can include harassment by two or more defendants against an individual or harassment against more than one victim.

2.4 It can include repeated attempts to impose unwanted communications and contact upon a victim in a manner that could be expected to cause distress or fear in any reasonable person.

2.5 An offender's behaviour of harassment can include, but is not limited to:

- Frequent, unwanted contact, e.g. appearing at the home or workplace of the victim,

telephone calls, text messages, emails or other contact such as via the internet (i.e. social networking sites).

- Driving past the victim's home or work.
- Following or watching the victim.
- Sending letters or unwanted 'gifts' to the victim.
- Damaging the victim's property.
- Burglary or robbery of the victim's home, workplace, vehicle or other.
- Threats of harm to the victim and/or others associated with them, including sexual violence and threats to kill.
- Harassment of people associated with the victim e.g. family members, partner, work colleagues.
- Physical and/or sexual assault of the victim and even murder.

2.6 The offender's behaviour can include additional criminal offences that should be investigated in line with the relevant offence-specific guidance, according to authorised professional practice. These crimes should also be considered holistically to identify a course of conduct that may amount to stalking. These associated crimes may be subtle but add weight to the risks being posed.

Stalking

2.7 In cases of stalking there is a pattern of **fixated**, **obsessive**, **unwanted** and **repeated** behaviour, as depicted in the nationally recognised mnemonic FOUR.

2.8 Stalking can be committed with or without the fear of violence. In respect of fear of violence, this includes behaviour that could cause significant psychological distress or emotional distress to the victim and is not solely limited to physical violence.

2.9 Stalking will often focus on a person, whereas harassment will often focus on disputes. The following list is not an exhaustive list but gives an indication of the types of behaviour that may be displayed in a stalking offence. The listed behaviours are:

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

2.10 In some cases, the conduct may appear innocent if it is taken in isolation, but when it is linked as a course of conduct it may then be sufficient to cause harassment, alarm or distress to the victim. Therefore, officers and staff must consider the cumulative effect of individual incidents when forming the overall risk assessment.

2.11 Either offence can be dealt with as a racially/religiously aggravated offence if the criteria is met. It occurs regardless of the victim's age, faith and belief, sexual orientation, gender identity, disability, ethnicity, or any other characteristic. Consideration must be given as to whether the behaviour of the offender amounts to acts associated with Honour Based Abuse and if recognised, refer to Force Guidance and the College of Policing APP.

Section 3: Crime Recording

3.1 All offences should be recorded according to the Home Office Counting Rules (HOCR) and the National Crime Recording Standard (NCRS). The offence of stalking will be assessed in the first instance, and only when discounted after considering the circumstances and information available, may a crime of harassment be recorded.

3.2 Full details of the crime and all parties involved should be recorded and flagged on the incident log and the force crime management system, NICHE.

3.3 In cases where there is a single incident report which does not amount to a course of conduct, or other notifiable offence, a non-crime occurrence will be recorded on NICHE as a First Time Harassment.

3.4 In all Domestic Abuse related cases where a course of conduct is reported (with the exception where one or both parties is aged under 16) a stalking crime must be recorded as per HOCR, unless the Force Crime Registrar undertakes an assessment and is satisfied that the matter amounts to harassment in law only.

Section 4: Initial Response

Force Control Room

4.1 In most cases, reports of crime will be handled through incoming calls via the 999/101 system, and through online contact via our website, social media channels and live chat. All reports will be risk assessed using the Threat, Harm, Risk, Investigation, Vulnerability and Engagement (Thrive) risk assessment model, ensuring a focus is placed on risk first to prioritise immediate safeguarding and ensure an appropriate response.

4.2 In respect of stalking and harassment cases, call handlers have a pivotal role in identifying the nature of the offence, understanding the risk posed and providing initial safeguarding advice. The following must be complied with:

- Use professional curiosity, gathering the relevant history and context of the offender's behaviour over time, rather than considering incidents in isolation, and identify any escalation.
- Listen to and record the victim's or caller's account, particularly their view about the behaviour, motivation and context of the offence.
- Call handlers should consider the FOUR mnemonic when assessing the nature of the offence and take cognisance that the caller may also not be aware of all the activity that is being carried out.
- Grade the call for service appropriately, based on threat, risk and harm, in line with the force's incident grading policy and Incident Management Team (IMT) standard operating procedure.
- Complete an initial safety plan, ensuring this is communicated to the victim or caller and documented within the incident log.
- Advise the victim or caller on preserving any potential evidence.
- Gather information on all potential locations where offending may have occurred to inform the wider intelligence review and risk assessment.
- Link any previous incidents which have been reported to the open log.
- Task Real Time Intelligence to review known information regarding previous reports

and potentially connected incidents, along with relevant information to inform the risk assessment and investigation.

Real Time Intelligence

4.3 Real Time Intelligence supports the control room by undertaking initial risk assessments to inform decision making on risk and prioritisation. Intelligence reviews will be undertaken in respect of all stalking and harassment incidents. This will include appropriate background checks and other risk-related information. Details of the specific intelligence checks required are detailed in the addendum to HRDA stalking and harassment standard operating procedure.

4.4 The outcome of the intelligence review must be documented on the incident log to ensure information sharing with attending officers.

First Responders

4.5 Attending officers will undertake an effective response to reports of stalking or harassment. The responsibility of the attending officer is to:

- Focus on the risk first, ensuring a re-assessment is undertaken based on new information gathered. Officers must also consider risk to others.
- Secure and preserve evidence undertaking fast track actions under the 'golden hour' principles, utilising body worn video for early evidence gathering.
- Ensure safeguarding measures are in place and documented within the crime report, together with submitting a Public Protection Notice. The safety plan must be shared with the victim(s), and with the victim's consent shared with those who form part of their safety network.
- Take positive action to ensure the safety of all persons, maximising opportunities for evidence led prosecution.
- All material gathered must be appropriately documented, including contemporaneous notes of victim and witness accounts, and recorded on the crime report.
- Undertake and document a victim needs assessment, and, where the victim feels able, obtain an initial victim's personal statement.
- Liaise with an intelligence development officer (IDO), sharing information gathered from the initial investigation, to undertake relevant intelligence checks for further insight into the nature of the offending and risk posed. This must include checks on the Police National Database (PND) and Violent and Sex Offenders Register (ViSOR).
- Ensure the IDO updates force systems on relevant information e.g., primary offence locations, to support the linking of incidents and identify pattern or trends.

4.6 The incident log must not be closed until contact has been made with the victim and a risk assessment carried out and documented on the force's risk assessment tool, known as a Public Protection Notice (PPN).

Section 5: Investigation and Supervision

5.1 Stalking and harassment investigations will be assigned to the most appropriate investigators, in line with the Crime Management policy. This will determine if a detective constable or PIP 2 investigator is required based on the risk and complexity of the case.

5.2 Investigating officers must focus on the risk first, ensuring risk is continually assessed throughout an investigation based on new information gathered. Officers must also consider risk to others.

5.3 In cases of stalking and harassment, wider opportunities to safeguard victims will be considered through the application of civil orders and disclosures under the domestic violence disclosure scheme.

5.4 A thorough and robust investigation will take place, undertaking all relevant lines of enquiry and a full investigation plan documented in line with the stalking and harassment standard operating procedure. All material gathered must be appropriately documented, including contemporaneous notes of victim and witness accounts, and recorded within the crime report.

5.5 Investigations will follow the National Police Chiefs' Council (NPCC) and Crown Prosecution Service (CPS) 'Protocol on appropriate handling of Stalking and Harassment offences' which sets out the principles governing investigation and prosecution of stalking and harassment offences. Noticeably, the Investigation Management Document (IMD) will be completed from the outset of an investigation and used to document all key decision points as well as managing all the material collected. The IMD should be revisited throughout the investigation and is designed to ensure that disclosure obligations under the Criminal Procedure and Investigations Act 1996 (CPIA) are met.

Of note, within Derbyshire for investigations commenced after 31 December 2020 an IMD will be required on all triable either way or indictable only files. Whilst an IMD is not required on summary only offences, the officer still has a responsibility under the Directors Guidance on Charging to notify the prosecutor of the reasonable lines of enquiry taken in the investigation. This therefore must be covered on the CM01.

5.6 A proactive approach is essential and positive action will be taken to ensure the safety of all persons, maximising opportunities for evidence led prosecution that does not rely on the support of the victim. In these circumstances, Derbyshire Constabulary will consider a criminal justice outcome by way of a victimless prosecution, where it is in the public interest to do so.

5.7 There are many reasons why a victim may not feel able to support an investigation or prosecution, and it is important to extend the investigation beyond the victim. Officers should ensure victims are kept informed of the risk posed as they may not understand the nature of the offence or accompanying behaviours of the offender to ensure they can make informed decisions for their safeguarding and are encouraged to report any new incidents promptly. A victim log should be recommended to victims of stalking and harassment to record any incident that the victim feels is contributing towards the offending. An example of a victim log can be found here -

<https://amibeingstalked.suzylamplugh.org/assets/stalkinglog.pdf>

5.8 In taking positive action, officers will maximise opportunities to secure and preserve evidence. In doing so, officers will use their powers appropriately and will arrest suspects at the earliest opportunity to minimise the risk of escalation and undertake a comprehensive investigation. Operational guidance relating to the powers of arrest and the investigative opportunities this affords are detailed within the HRDA standard operating procedure stalking and harassment addendum. In circumstances when an arrest is deemed not necessary, a record with clear justification must be made on the crime report.

5.9 Cases that involve the use of the internet or digital platforms for the purposes of

offending, for instance communicating with the victim, surveillance of the victim, identity theft, electronic sabotage, misuse of emails etc., should ensure a digital media strategy is formed in conduction with the force's digital media investigators and cyber protect officers, to maximise evidence recovery and offer crime prevention advice.

5.10 Throughout the investigation the officer in charge (OIC) will provide relevant investigative updates on developments to the victim, in line with the Victim's Code of practice. Early opportunities to secure a victim's personal statement (VPS) will be sought, to document the effect the alleged behaviour has had on the victim and to express an opinion on control measures in place, such as bail. Where a VPS has not been obtained, the CPS will be provided information setting out the reasons the VPS was not taken.

5.11 In cases where the victim does not wish to support a prosecution, the investigator must comply with the process outlined in the stalking and harassment APP. In no circumstances should the offender be dealt with by words of advice or any other form of notice.

Supervisors

5.12 Supervisors play a pivotal role in the effective management of crime investigations and effective safeguarding. It is essential that supervisors review and appropriately direct investigations, ensuring all relevant lines of enquiry are pursued, compliance with the Victim's Code of practice is maintained and safeguarding is adequate to the risks identified.

5.13 Supervisor reviews must be documented within the crime report with clear decision making and rationale. Updates must be clear and concise but must give adequate detail utilising the supervisor review template under the Supervisor Review OEL. The frequency of supervisor reviews must be in line with the Crime Management policy.

Section 6: Risk Assessment and Management

6.1 All allegations of stalking and harassment will be subject to an initial risk assessment followed by subsequent re-assessments throughout the investigation.

6.2 The initial risk assessment is made by the call handler utilising the THRIVE risk assessment model, ensuring a focus is placed on risk first to prioritise immediate safeguarding and ensure an appropriate response.

6.3 An objective secondary risk assessment is then to be undertaken. In domestic abuse cases this is undertaken by the Domestic Abuse Review Team (DART) and in non-domestic related cases by the force's dedicated Stalking Coordinator. Refer to HRDA standard operating procedure – stalking and harassment addendum for out of hours provision.

Domestic Abuse Review Team (DART)

6.4 The DART carry out a review of domestic abuse public protection notifications (PPNs). When assessing risk they take into consideration other relevant information available on police systems, to identify cumulative risk and to determine if the initial risk grading given by the attending officer is accurate. After doing so the DART will either validate or alter the risk assessment and communicate this with the relevant department for continued investigation and safeguarding. The DART will also consider referring the victim to other agencies for support.

6.5 The Domestic Abuse Review Team has received specialist training in assessing risk. However, there may be occasions where it is felt that the secondary risk assessment completed by DART needs reconsideration. In these circumstances an escalation policy is detailed within the Crime Management policy.

Stalking Coordinator

6.6 The Stalking Coordinator reviews and assesses the risk level for all non-domestic related stalking. This includes safeguarding arrangements, referrals to stalking advocates and ensures that the most appropriate investigative resource is assigned.

6.7 Ongoing risk assessment should continue to be undertaken by the OIC, regularly recording these within the crime report. In all high-risk cases an investigator from the Crime Directorate will be assigned, with detective inspector oversight.

Civil Orders and Disclosures

6.8 As part of the safety planning for victims of stalking, officers should consider the appropriateness to apply for civil orders for additional control measures. These include but are not limited to:

- Domestic Violence Protection Notices / Orders
- Stalking Protection Orders
- Non-Molestations Orders
- Restraining Orders

6.9 Breaches of such orders should be dealt with expeditiously in order to provide an effective response and minimise the risk of further escalation.

6.10 Investigating officers should consider making a disclosure under the domestic violence disclosure scheme (DVDs) if they believe a partner or ex-partner presents a risk to the victim. For further Guidance please see Connect -

<https://connect.derbyshire.police.uk/Interact/Pages/Content/Document.aspx?id=2488>

Section 7: Expectations of staff to comply

7.1 All police officers and police staff, including the extended policing family and those working voluntarily or under contract to Derbyshire Police must be aware of, and are required to comply with, all relevant policy and associated standard operated procedures (SOPs).

7.2 This policy document sets out principles to help guide decision making. It is vital that officers and staff have the freedom to innovate, exercise discretion and take risk-based decisions centred on the needs of the victim and the merits of each case. Non-statutory policies, including College of Policing APP, provide guidance. If staff deviate from APP or a policy but are able to give a good rationale for their actions, acting with honesty, integrity and professionalism, to make the best decision for the communities we serve, they will be trusted and supported.

Section 8: Partnership Working

8.1 Derbyshire Constabulary will work collaboratively with partner agencies to reduce the

risk of serious harm and increase the safety of victims of stalking and harassment, as well as bring offenders to justice. This includes, but is not limited to, involvement at multi-agency risk assessment conferences (MARAC), liaison with independent domestic violence advisors, stalking advocates and the Crown Prosecution Service.

8.2 Where a victim does not wish to pursue a criminal prosecution, Derbyshire Constabulary will continue to work with partners and may share appropriate information to effectively manage the risk posed.

Section 9: Enabling Victim Blaming Language -Violence against women and girls

9.1 'Violence against women and girls remains an endemic problem in British society. We know that too many women and girls do not have a good experience when reporting what has happened to them to the police, the police complaints system and the criminal justice system more widely. All victims should get the best possible support throughout their journey to justice, but sadly, too often they are let down by the system which is there to help them.

9.2 A significant contributing factor is the language we use when speaking to, or about, victim-survivors of violence against women and girls - usually the kind which is perpetrated by a male, against a female. Reporting these crimes takes courage and coming up against a system which often uses language which blames victims themselves erodes faith and hampers progress. Factors such as ethnicity, disability or social circumstances can also increase the chances of victims experiencing victim blaming, creating a further barrier to the system.

9.3 Those facing abuse may already have been blamed or had their experiences minimised by the perpetrator. Quite wrongly, they may also have spent significant time blaming themselves.

9.4 Victim blaming language, attitudes, and behaviours by their very nature put the onus and responsibility on the victim for the abuse they have endured. For victims who have experienced significant trauma, it can worsen their experience even further. This can not only prevent victims from reporting their experiences and pursuing justice but can also stop other victims from coming forward. The effects are far reaching.

9.5 The words we use in our communications, written or spoken, can set the tone for an investigation, any future contact and impact on the victim - so getting this right is vital'. Amanda Rowe, IOPC's Strategic Lead – Violence against women and girls.

9.6 The IOPC have produced a guide to support officers eradicate victim blaming language; it provides a set of key principles to follow when engaging with victims and is a valuable resource to everyone investigating domestic abuse and other VAWG-related crime. The guide can be found here:

[IOPC-ending-victim-blaming-guidance-Feb-2024.pdf \(policeconduct.gov.uk\)](https://www.policeconduct.gov.uk/iopc-ending-victim-blaming-guidance-Feb-2024.pdf)

Section 10: Professional Curiosity

10.1 Domestic abuse is often subtle and nuanced. Victims may not always recognise the abuse they suffer and/or may try to minimise the risk they face. It is important to recognise this and use professional curiosity to elicit information and encourage the disclosure of

abuse or harm for all risks. In turn this will enhance our contextual understanding, which will help to assess and address vulnerability-related risks.

10.2 Professional curiosity may also require practitioners to think outside the box and consider the circumstances more holistically, for example, understanding any discrepancies between a risk assessment tool outcome and professional judgement. When practitioners come into contact with individuals who may be at risk of harm, this presents a crucial opportunity for protection.

10.3 Here are some key points:

- **Active Identification and Investigation:** Officers and staff are encouraged to actively identify and investigate potential risks by asking questions, maintaining an open mind, and not accepting things at face value.
- **Challenging Assumptions:** Professional curiosity involves challenging assumptions and exploring the complex dynamics of situations. This is particularly important in cases of coercive control and abuse, where victims might minimize their experiences due to shame or threats.
- **Communication Skills:** Good communication skills, including active listening and empathy, are essential for exercising professional curiosity. These skills help in identifying and encouraging the disclosure of abuse, and in engaging victims and vulnerable individuals in ongoing safeguarding efforts.
- **Holistic Approach:** Practitioners are encouraged to think outside the box and consider the circumstances more holistically, understanding discrepancies between risk assessment tools and professional judgment.
- **Early Identification of Vulnerability:** The National Vulnerability Action Plan (NVAP) highlights that adopting a principle of professional curiosity can help identify potential indicators of vulnerability at an early stage, informing the appropriate steps to make vulnerable people safe.

10.4 These guidelines underscore the critical role of professional curiosity in ensuring the safety and protection of victims of domestic abuse. For more information, see [Recognising and responding to vulnerability related risks: Guidelines \(college.police.uk\)](https://college.police.uk/guidelines/recognising-and-responding-to-vulnerability-related-risks)

Section 11: Governance and Scrutiny

11.1 The force's response to stalking and harassment is governed through the Victims, Crime and Vulnerability strategic board, chaired by the Assistant Chief Constable for Crime.

11.2 Stalking and Harassment is also governed by the wider partnership through the Domestic and Sexual Abuse (DSA) Partnership Board, chaired by the Head of Community Safety.