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NPIA

National Policing
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**PRACTICE
IMPROVEMENT**

PRACTICE ADVICE ON INVESTIGATING STALKING AND HARASSMENT

2009

Produced on behalf of the Association of Chief Police Officers
by the National Policing Improvement Agency

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PRACTICE ADVICE ON INVESTIGATING STALKING AND HARASSMENT

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PREFACE

This practice advice is an updated version of *ACPO (2005) Practice Advice on Investigating Harassment*. The term harassment is used in this document to include cases which may be described as stalking (see **1.2 Defining Harassment**). Investigations relating to harassment can be linked to some of the most serious crime that the police deal with including murder, sexual offences and domestic abuse. The impact of harassment on victims, families and communities can be devastating. Reviews of tragic cases of murder suggest that the police (and other agencies) can have a key role to play in preventing harmful and criminal behaviour from escalating. Effective police responses to crimes related to harassment can have a direct impact on improving public satisfaction and confidence in the criminal justice system and bringing offenders to justice. The delivery of this practice advice at force level will contribute to making communities safer (Public Service Agreement (PSA) 23) and delivering a more effective, transparent and responsive criminal justice system for victims and the public (PSA 24).

The priorities of the Police Service in responding to harassment are to:

- Protect the lives and preserve the safety of all victims and others who may be at risk as a result of harassment;
- Investigate all reports of harassment;
- Facilitate effective action against offenders so that they can be held accountable through the criminal justice system;
- Adopt a proactive and, where appropriate, multi-agency approach to preventing harassment.

The legal obligations which underpin these priorities include those within the Human Rights Act 1998 and European Convention on Human Rights (ECHR), ie, the duty to safeguard the right to life (under Article 2) and uphold the prohibition on torture and inhuman and degrading treatment (under Article 3). The Human Rights Act 1998 requires these rights to be secured without discrimination.

Chief officers should establish and implement policies which ensure that the police response to harassment fully supports and achieves these priorities. Police officers and police staff should maintain and enhance public confidence by delivering them to a professional standard. To achieve these priorities and fulfil these legal obligations, partnership working with both criminal justice agencies and other statutory and voluntary sector services is essential.

This document provides strategic and operational advice. It is structured to follow the pattern of reporting, responding to and investigating harassment. Management issues are summarised at the end of each section.

ACPO (2005) Practice Advice on Core Investigative Doctrine should be read in conjunction with this document. *ACPO (2008) Guidance on Investigating Domestic Abuse* is also applicable because there are strong connections between harassment and domestic abuse, particularly where the victim and suspect are or have been in an intimate relationship.

The following strategic issues, which are particularly relevant for chief officers, emerge from this practice advice:

- Reviewing processes, systems and policies in forces to ensure they reflect this practice advice;
- Developing information systems which support the implementation of this practice advice and **ACPO (2006) *Guidance on the Management of Police Information***;
- Focusing on the police responsibility for the investigation of harassment and for fulfilling the police role in the criminal justice system to ensure that offenders are held to account;
- Ensuring that the training needs of all police staff are met.

Section 1

MANAGING THE POLICE RESPONSE TO HARASSMENT

This section describes the duty that the police have to protect victims of harassment. It provides definitions of key terms and details the application of the Protection from Harassment Act 1997 (PHA). It also describes some investigations associated with harassment and issues related to identifying, assessing and managing risk. It outlines the structures and systems which need to be in place to manage the police response to harassment. The section is relevant to all police staff who respond to concerns about harassment including those responsible for developing force policy and managing harassment investigations.

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1.1 DUTY TO PROTECT VICTIMS

The Human Rights Act 1998 places positive obligations on police officers to take reasonable action within their powers to safeguard the rights of victims. These are the rights to life (Article 2, ECHR), 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). The right to an effective remedy (Article 13, ECHR) may also be relevant in terms of requiring a thorough and effective investigation.

Although the police were successful in the appeals heard together in the cases of *Van Colle v Chief Constable of Hertfordshire Police* and *Smith v Chief Constable of Sussex Police* [2008] UKHL 50, these cases and *Osman v UK* (1998) 29 EHRR 245 confirm that there will be a breach of the positive obligation under Article 2, ECHR if the authorities knew or ought to have known of a real and immediate risk to the life of an identified individual from the criminal acts of a third party and failed to take reasonable measures within the scope of their powers to avoid that risk.

Positive obligations such as these extend from initial deployment through the whole process of investigation and the protection and care of victims of harassment. Action taken at all stages of the police response should ensure the protection of victims, while enabling the criminal justice system to hold an offender to account. An effective and proactive investigation should be completed in all cases where harassment is reported or suspected.

The risk posed to the public by dangerous people (both convicted and unconvicted) who present a risk of serious harm can never be completely eliminated (see *ACPO (2007) Guidance on Protecting the Public: Managing Sexual Offenders and Violent Offenders*). However, the public is entitled to expect the police and other public authorities to take all reasonable action to keep risk to a minimum when offences such as those relating to harassment are brought to police attention (see **1.5 Identifying, Assessing and Managing Risk**).

Failure to deal with harassment, whether by an effective investigation, the arrest of the suspect or other police action as appropriate to the circumstances, may leave a victim or others at risk. The police force will also be vulnerable to legal challenge if the decisions made, or actions taken, are unlawfully discriminatory, breach the Human Rights Act 1998 or are otherwise not reasonable. This practice advice is intended to assist police forces by outlining the standards required for a reasonable police response. How individual forces decide to implement these standards is a matter for their chief officer team.

For information on the duty to protect victims of domestic abuse, see *ACPO (2008) Guidance on Investigating Domestic Abuse*.

1.2 DEFINING HARASSMENT

This practice advice deals with behaviour which is repeated and unwanted by the victim and causes the victim to have a negative reaction in terms of alarm or distress. Behaviour by a suspect as part of a campaign of harassment can include:

- Frequent, unwanted contact, eg, appearing at the home or workplace of the victim, telephone calls, text messages, emails or other contact such as via the internet (ie, 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 (eg, family members, partner, work colleagues);
- Physical and/or sexual assault of the victim and even murder.

The offender's behaviour can include criminal offences in addition to those under the PHA. Where this is the case, those offences should be investigated in accordance with appropriate offence-specific guidance.

The impact of harassment on victims (and their families) can include physical harm (including death), psychological harm such as depression, anxiety and post-traumatic stress disorder. Lifestyle changes for the victim can include having to move home or job, curtailing social activities or changing daily routines.

There are several different contexts in which harassment can occur:

- a) As part of domestic abuse within the ACPO definition of domestic violence (see **1.4.4 Domestic Abuse** and **ACPO (2008) Guidance on Investigating Domestic Abuse**).
- b) Within (a) but where the pre-existing, intimate relationship is very brief.
- c) Where the suspect is known personally to the victim, but not as a family member, intimate partner or former intimate partner so is therefore outside the definition of domestic violence (eg, a neighbour, work colleague, acquaintance).
- d) Where the suspect is not known personally to the victim (eg, harassment of a person in the public eye).
- e) Where the victim is a target of a politically motivated campaign, eg, animal rights extremist, (see **1.3.5 Offence of Harassment etc of a Person in His or Her Home and Police Directions To Stop Harassment Under the Criminal Justice and Police Act 2001** and **1.4.12 Political Protest and Public Order**).

In some cases the identity of the suspect will not be known. However, in the majority of harassment cases, there will be some connection between the victim and the suspect, even if the victim is unaware of who the suspect is (eg, they have met before in passing). It is important that whenever a case of harassment falls within the definition of domestic violence, eg, situations (a) and (b), this definition is applied and appropriate guidance followed. This should happen even when the victim or others would not necessarily classify the situation as one of domestic violence. For further information see **ACPO (2008) Guidance on Investigating Domestic Abuse, 1.4.4 Domestic Abuse** and **1.5 Identifying, Assessing and Managing Risk**.

Within the contexts of harassment described above, there will be different motivations for the behaviour. These can include revenge, retribution, loneliness, resentment, a desire for reconciliation, response to a perceived insult or humiliation, or a desire for control. In some cases the motivation will be the delusional belief that an individual is in love with the person harassing them. This may constitute erotomania (which is a delusional disorder where the harasser believes the victim is in love with them). In some cases the harassment may relate to the obsessive preoccupation with a particular cause or issue that may be politically motivated. These motivations will sometimes affect the degree of risk posed by a particular individual.

This document does not provide information about the motivation of suspects and the potential risks presented by individual offenders with different types of motivation. It emphasises the importance of recording information about motivation. This information can be important to the investigation, the approach to risk and ensuring that suspects are subject to an appropriate multi-agency response. For example, the recognition of an individual's delusional and obsessive fixation on another person can enable them to be referred to mental health services which could assist (see *ACPO (forthcoming) Guidance on Police Responses to People with Mental Ill Health and/or Learning Disabilities* and **1.5.4 Multi-Agency Public Protection Arrangements and Managing Potentially Dangerous Persons**). Similarly, some communications by the suspect to the victim (eg, those which are threatening or bizarre) can provide evidence of an individual's disturbed state of mind, which may be relevant to mental health professionals in assessing risk and providing support and treatment to an individual.

1.2.1 HARASSMENT

In this document, the term harassment is used to cover the offences under section 2 of the PHA (harassment including 'alarming the person or causing the person distress') and section 4 ('putting people in fear of violence'). The term includes harassment by one or more suspects against an individual, or harassment against more than one victim. For the purposes of the PHA, a course of conduct must involve, in the case of conduct of a single person, conduct on at least two occasions. Where two or more persons are involved there must be conduct on at least one occasion in relation to each of those persons. For further information on the offences of harassment and causing another person to fear violence, see **1.3 Applying the Protection from Harassment Act 1997**.

Closely connected groups may also be subjected to collective harassment. This type of harassment is not directed solely at individuals but at all or any members of the group. This could include, for example, members of the same family, residents of a particular neighbourhood or those engaged in a specific trade or profession. For further information see **1.4.1 Anti-Social Behaviour** and **1.4.12 Political Protest and Public Order**. Certain groups of professionals are particularly susceptible to harassment connected with their work. These include doctors, judges, police officers, teachers and other authority and public figures. It may be helpful, as part of the wider information required in identifying, assessing and managing risk and deciding on the appropriate measures to take, to determine whether the focus of the suspect's attention is on a specific individual or a member of a particular group. The harassment of any public figure is likely to be of interest to the media (see **1.11 Media Strategies**).

In applying the provisions of the PHA, a number of defences apply to actions by law enforcement agencies (see **1.3.3 Defences Under the Protection from Harassment Act 1997**).

1.2.2 STALKING

Stalking is not a legal term used in the context of the criminal justice system. It is a colloquial term used to describe a particular kind of harassment. It is normally used to describe a long-term pattern of persistent and repeated following of the victim, communication with them or other intrusions into the privacy of the victim. In some cases the conduct might 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 and amount to harassment contrary to the PHA. The term stalking is often used by the media to describe cases where the suspect is a stranger or an acquaintance of the victim, or has had only a brief, intimate relationship with the victim. Throughout this practice advice, the term harassment can include stalking where offences under the PHA are involved (see **1.2.1 Harassment**).

1.3 APPLYING THE PROTECTION FROM HARASSMENT ACT 1997

The Crown Prosecution Service (CPS) has online legal guidance for prosecutors in relation to the prosecution of cases under the PHA. This is available at <http://www.cps.gov.uk>

1.3.1 HARASSMENT UNDER SECTION 2 OF THE PROTECTION FROM HARASSMENT ACT 1997

Under section 2 of the PHA, an offence is committed in relation to a single person when a person pursues a course of conduct that amounts to the harassment of another, which the perpetrator knows or ought to know will cause the victim harassment (which includes alarming the person or causing them distress). An offence is also committed where a person pursues a course of conduct which involves harassment (which includes alarming the person or causing them distress) of two or more persons, which the perpetrator knows or ought to know involves harassment, and by which he or she intends to persuade any person either not to do something that he or she is entitled or required to do, or to do something that he or she is not under any obligation to do. Section 32 of the Crime and Disorder Act 1998 creates separate offences where an offence is committed under section 2 of the PHA which is racially or religiously aggravated.

Course of Conduct

A course of conduct in relation to harassment of a single person means conduct on at least two occasions in relation to that person under section 7(3)(a) of the PHA. A course of conduct in relation to harassment of two or more persons means conduct on at least one occasion in relation to each of those persons under section 7(3)(b) of the PHA. This conduct can comprise words and/or actions. Each individual incident towards a course of conduct does not necessarily have to cause harassment, it is sufficient that only the most recent incident of a course of conduct causes harassment. Incidents may be far apart but still constitute a course of conduct. Each case is determined on its own facts.

When dealing with an offence under section 2 of the PHA, events falling outside the six months statutory limitation period (under section 127 of the Magistrates' Courts Act 1980) may, in certain circumstances, be relied upon as part of a course of conduct. The CPS advises that as the offence under section 2 is a course of conduct, arguably the offence is completed with the final act complained of, and the six months limitation should run from this date. This would cover situations where a charge under section 2 was appropriate, but the course of conduct complained of consisted of acts far apart in time. Without some identifiable 'cooling off period' between incidents, conduct that occurs on a single date is unlikely to amount to a course of conduct for the purposes of the PHA, although this is possible if the incidents are distinct and separate (see, for example, the case of *Kelly v DPP* [2002] EWHC 1428 (Admin)). Case law on this offence indicates that the occasions must be connected in type and context so as to justify that they amount to a course of conduct, and the time between occasions will be relevant in establishing this. For further information see *Home Office Circular 28/2001 The Protection from Harassment Act 1997*. If the racially or religiously aggravated offence under section 32 of the Crime and Disorder Act 1998 is charged, this offence is triable either way, and the statutory limitation period will not apply.

A single course of conduct may apply to more than one person. In *DPP v Dunn* [2001] Cr App Rep 352, it was held that it was not always necessary to have a separate charge of harassment in respect of each complainant where a course of conduct comprised of incidents involving more than one victim. The court decided that it would be appropriate to include more than one complainant in a prosecution where the complainants were members of a 'close knit definable group' and the conduct complained of was clearly aimed at all of them on each occasion, even though only one of them might have been present on each such occasion. It appears to be possible to apply this principle to cases of harassment directed, for example, at a family living in the same accommodation or at a group of workers using the same place of work. In appropriate cases, officers should consider the information in **1.4.1 Anti-Social Behaviour**.

Section 1(1A) (inserted into the PHA by the Serious Organised Crime and Police Act 2005 (SOCPA)) means that harassment of two or more persons, such as a campaign against a particular business which involves actions relating to different employees on different occasions, can amount to an offence of harassment. The 2005 Act also inserts section 3A into the PHA. This permits a person who is, or may be, a victim of conduct (or a person who, by the harassment, the perpetrator intends to persuade to act or not to act) within section 1(1A) to apply to the High Court or county court for an injunction. The injunction may be applied for where there is an actual or apprehended breach of section 1(1A) of the PHA. There is a related offence in Section 3(6) where a person does, without reasonable excuse, something which the injunction prohibits him or her from doing. For further information see *Home Office Circular 34/2005 Sections 125, 126 and 127 of the Serious Organised Crime and Police Act 2005*. See also **1.4.12 Political Protest and Public Order**.

1.3.2 CAUSING ANOTHER TO FEAR VIOLENCE UNDER SECTION 4 OF THE PROTECTION FROM HARASSMENT ACT 1997

Under section 4 of the PHA, it is an offence for a suspect's course of conduct to cause the victim to fear, on at least two occasions, that violence will be used against them when the suspect knew, or ought to have known, that their conduct would cause the other person to fear violence on those occasions. The victim must fear violence on at least two occasions that are part of a course of conduct. The term course of conduct has the same meaning as that used to prove offences under section 2 of the Act (see **1.3.1 Harassment Under Section 2 of the Protection from Harassment Act 1997**). If a person is charged with this offence and a jury finds the suspect not guilty, they may find them guilty of an offence under section 2 of the PHA. Section 32 of the Crime and Disorder Act 1998 creates a separate offence where an offence under section 4 of the PHA is committed which is racially or religiously aggravated.

1.3.3 DEFENCES UNDER THE PROTECTION FROM HARASSMENT ACT 1997

It is a defence under section 2 or 4 to show that the course of conduct was:

- a) Pursued for the purpose of preventing or detecting crime;
- b) Pursued under any enactment or rule of law or to comply with any condition or requirement imposed by any person under any enactment;
- c) Reasonable to pursue in the particular circumstances (in relation to the section 2 offence only) or reasonable for the protection of themselves or another, or for the protection of their or another's property (in relation to the section 4 offence only).

Officers should also consider the information in **3.9 Police Information Notices**.

The mental ill health of the suspect would not be a defence under the PHA. Such issues can be taken into account by the CPS in terms of the public interest under *CPS (2004) The Code for Crown Prosecutors* (which is due to be revised in summer 2009) and at the sentencing stage. When dealing with a suspect with mental health issues, see *ACPO (forthcoming) Guidance on Police Responses to People with Mental Ill Health and/or Learning Disabilities*.

1.3.4 PROVING OFFENCES UNDER THE PROTECTION FROM HARASSMENT ACT 1997

To prove offences under the PHA, it will be necessary to investigate the background and history of the offence and the suspect in order to build a case. A necessary component to prove an offence is to show that a course of conduct amounts to harassment (section 2) or fear of violence (section 4) of another, which the suspect knows or ought to know amounts to harassment or fear of violence. A course of conduct is conduct that occurs on at least two occasions. For section 2, it is only necessary to prove that the conduct as a whole resulted in harassment. It has to be shown that the suspect knows or ought to have known the effect their behaviour would have on the victim. For section 4, the victim must have feared violence on at least two occasions. For the purposes of sections 2 and 4, it must be proved that the suspect knew or ought to have known that their conduct would cause harassment, (section 2) or that the victim would fear that violence would be used against them (section 4). The person whose course of conduct is in question ought to know this if a reasonable person in possession of the same information would think the course of conduct involved would cause the victim harassment, or to fear violence. There is no requirement for a suspect to have been told by the police that their behaviour could breach the PHA before a prosecution can proceed (see **3.9 Police Information Notices**). Subject to advice from the CPS, it may also be possible to use evidence of a previous conviction or caution for harassment, or other behaviour, to prove that the suspect had such knowledge.

When, following an initial investigation, an incident involves harassment or fear of violence that is not yet classed as a course of conduct, full details of the incident should be recorded in accordance with force procedures for non-crime incidents (see **1.7 Crime Recording and Management of Information**). The record of the incident providing details of the type of conduct, the location of witness statement(s) and any police notice given in relation to conduct under the PHA should be recorded on a system which can be accessed by all operational staff. Details of previous conduct, any police information notice (see **3.9 Police Information Notices**) and restraining orders under the PHA (see **1.3.6 Restraining Orders**) should be in the appropriate field on Police National Computer (PNC) and other relevant records

It may be the case that other criminal offences have been committed by the offender in the course of the harassment. None of the above advice is intended to restrict officers from considering prosecution for other criminal offences where there is sufficient evidence to do so, and where this course of action will protect the victim from further harassment or harm. For further information see **3.7 Pre-Charge Advice and Charging**.

1.3.5 OFFENCE OF HARASSMENT ETC OF A PERSON IN HIS OR HER HOME AND POLICE DIRECTIONS TO STOP HARASSMENT UNDER THE CRIMINAL JUSTICE AND POLICE ACT 2001

Section 126 of SOCPA amends the Criminal Justice and Police Act 2001 by inserting a new section 42A offence of harassment of a person in his or her home (for further details see *Home Office Circular 34/2005 Sections 125, 126 and 127 of the Serious Organised Crime and Police Act 2005*). There may be occasions when the PHA is not the most suitable legislation to apply in a particular situation, depending on the surrounding circumstances, intelligence and issues relating to proportionality. Where a person is outside or in the vicinity of an individual's home, and the most senior ranking officer at the scene believes, on reasonable grounds, that the presence of that person amounts to, or is likely to amount to, harassment of the resident, or is likely to cause alarm or distress to the resident, section 42 of the Criminal Justice and Police Act 2001 provides that officer with the power to give a direction to the suspect(s) to do all such things as are necessary to prevent harassment, alarm or distress to the victim. It must first be established that there is reasonable cause to suspect that the purpose of the suspect is to persuade the victim or any other person (normally resident or not) that he or she should not do something that he or she is entitled, or required to do, or should do something that he or she is not under any obligation to do. Failure to comply with such a direction is a summary offence. The offence under section 42A can be committed without the need for the police to have given any prior directions. For further information see **1.4.12 Political Protest and Public Order**.

1.3.6 RESTRAINING ORDERS

A court dealing with a person convicted of an offence under sections 2 or 4 of the PHA may make an order prohibiting the defendant from doing anything described in the order. This order is known as a restraining order and can be made in addition to a prison or other sentence. The order can be useful in preventing continued harassment by the defendant while in prison or on their release.

Section 12 of the Domestic Violence, Crime and Victims Act 2004 is due to be implemented in September 2009. Once implemented, it will amend section 5 of the PHA and insert a new section 5A to give courts wider powers to impose restraining orders. It will extend the court's power to make a restraining order on conviction for any offence, rather than only on conviction for offences under the PHA. This provision will also allow the courts to impose restraining orders where the defendant has been acquitted of any offence. The aim of section 12 is to deal with the situation where a criminal case ends in acquittal, but it is apparent from the circumstances of the case that the victim needs continuing protection. Where a person is convicted of an offence, an order can be made for the purpose of protecting the victim or victims of the offence from conduct which would amount to harassment or would cause a fear of violence. On acquittal, an order can be made only if the court considers it necessary to protect a person from harassment by the defendant. Relevant evidence will not be limited to that which is admissible in criminal proceedings. The purpose of the restraining order is preventive, not punitive and is a measure to protect someone from harassment. Guidance will be available via <http://www.cps.gov.uk> and <http://www.homeoffice.gov.uk>

Breach of a restraining order or an injunction under the PHA (see **1.3.8 Civil Remedies Under the Protection from Harassment Act 1997**) can result in arrest. It is not necessary to prove a course of conduct for this purpose as a single breach of the order is sufficient evidence. It must be proved that the person arrested is the same person to whom the order applies and fingerprints should be taken on every occasion of an arrest for a breach. For further information see **3.8.3 Obtaining a Restraining Order**.

1.3.7 HARASSMENT AND ASSOCIATED OFFENCES

Harassment can include a range of offences including those under the Offences Against the Person Act 1861, Sexual Offences Act 2003 and Malicious Communications Act 1988. This practice advice focuses on the PHA as it covers a broader range of activities than, for example, the Malicious Communications Act 1988. **Table 1 Offences Associated with Harassment** may assist in identifying appropriate charges. It presents information in summary form for ease of identification of potential offences. The list is not exhaustive.

TABLE 1 Offences Associated with Harassment

Type of Conduct	Scope of Conduct	Possible Offence
Sending letters or other articles with intent to cause distress or anxiety	Includes letter, electronic communication, phone call or other article.	S1 Malicious Communications Act 1988
Harassment	A course of conduct that causes harassment, alarm or distress.	S2 PHA
Putting people in fear of violence	Conduct that causes another to fear on two or more occasions that violence will be used against them.	S4 PHA
Racially or religiously aggravated harassment or fear of violence	A racially or religiously aggravated offence under S2 or S4 of the PHA.	S32 Crime and Disorder Act 1998
Improper use of public electronic communications system	(Ss1) Sending, or causing to be sent, a message or other matter that is indecent, obscene, of menacing character or grossly offensive. (Ss2) For the purpose of causing annoyance, inconvenience or needless anxiety, causes a message to be sent or makes persistent use of a public electronic communications network or sends a message which he or she knows to be false.	S127 Communications Act 2003
Possession of extreme pornographic images	This includes images which portray an act which threatens a person's life and are grossly offensive, disgusting or obscene.	S63 Criminal Justice and Immigration Act 2008

TABLE 1 Offences Associated with Harassment (continued)

Type of Conduct	Scope of Conduct	Possible Offence
Fear or provocation of violence	Other than where all parties are in a dwelling, using threatening, abusive or insulting words or behaviour or displaying or distributing threatening, abusive or insulting writing, signs or other visible representation, with intent to cause victim to fear immediate unlawful violence against them or another, to provoke such violence, or where it is likely that a person will believe that such violence will be used, or where it is likely that such violence will be provoked.	S4 Public Order Act 1986
Intentional harassment, harm or distress	Other than where all parties are in a dwelling, using threatening, abusive or insulting words or behaviour or displaying or distributing threatening, abusive or insulting writing, signs or other visible representation, with intent to cause a person harassment, alarm or distress and actually causing this to that person or another.	S4A Public Order Act 1986
Harassment, alarm or distress	Other than where all parties are in a dwelling, using threatening, abusive or insulting words or behaviour, or distributing or displaying writing, signs or other visible representations which are threatening, abusive or insulting within the hearing or sight of a person likely to be caused harassment, alarm or distress by this conduct.	S5 Public Order Act 1986
Threats to kill	Threatening to kill any person with intent that the person to whom the threat is made will fear the threat would be carried out.	S16 Offences Against the Person Act 1861
Witness/juror intimidation	Intentionally intimidating a witness, victim or juror in an offence, intending thereby to cause the investigation or the course of justice to be obstructed, perverted or interfered with (under section 51(1)). Intentionally harming, or threatening harm with the intent to cause another to fear harm, in the knowledge or belief and because of that knowledge or belief, that the person harmed, threatened, or some other person, has been a victim, witness or juror in proceedings for an offence (under section 51(2)).	S51 Criminal Justice and Public Order Act 1994

TABLE 1 Offences Associated with Harassment (continued)

Type of Conduct	Scope of Conduct	Possible Offence
Intimidation or annoyance by violence or otherwise	With a view to compel another to abstain from or do an act which that person has a legal right to do or abstain from doing, wrongfully and without legal authority, takes specified action against that person including using violence to intimidate them, following them about, hiding tools or property owned by them or watching their home or business.	S241 Trade Union and Labour Relations (Consolidation) Act 1992 Note that this legislation is intended to address unlawful picketing and similar behaviour associated with trade disputes

1.3.8 CIVIL REMEDIES UNDER THE PROTECTION FROM HARASSMENT ACT 1997

Prosecution for criminal offences, including offences contrary to the PHA, are required to meet a high standard of proof (ie, beyond all reasonable doubt) to secure a conviction. Where the evidence available is not sufficient to meet this standard, other options may be open to the victim in the civil courts. In civil courts the available evidence may be sufficient to meet the lesser standard of proof required (ie, on a balance of probability). Such options could include those available under the PHA in seeking damages for anxiety and/or any financial loss incurred as a result of harassment. They could also be used to obtain an injunction to prevent harassment. Where an injunction is issued against a person to prevent harassment and the plaintiff considers that the person has done anything which the injunction prohibits, they may apply for the issue of a warrant of arrest for a contempt of court. If the person, without reasonable excuse, does anything prohibited by the injunction, they commit an offence. A constable's power of arrest in section 24 of the Police and Criminal Evidence Act 1984 (PACE) will apply to this offence, but a person cannot be convicted of this offence in relation to conduct which has been punished as a contempt of court.

For details of civil remedies available to victims of domestic abuse (eg, non-molestation orders), see *ACPO (2008) Guidance on Investigating Domestic Abuse*. See also **1.3.6 Restraining Orders**.

1.4 ASSOCIATED INVESTIGATIONS

The victim may not always be aware that what has occurred is harassment, or may not wish to disclose that they are being subjected to harassment. Officers should consider the possibility of harassment being involved in any of the following types of investigation or reports of suspicious behaviour (eg, relating to an individual or vehicle).

1.4.1 ANTI-SOCIAL BEHAVIOUR

Harassment directed at a particular victim may affect other members of a community in which a victim resides or belongs. Such activity may not, at the outset, be obviously directed at a particular victim and may not be reported by the victim, but may be reported by other members of the community.

Where it becomes evident that the activity is directed at a particular victim, care should be taken to ensure that the victim does not become seen as the cause of any anti-social behaviour that affects others as this could lose the support of the community of which they are a part. Officers should carefully plan how enquiries within such a community will be conducted, according to the needs of the investigation and the best interests of the victim.

An Anti-Social Behaviour Order (ASBO) can be used in some cases, depending on the circumstances and the evidence available. ASBOs (under sections 1, 1B and 1C of the Crime and Disorder Act 1998 (as amended)) are civil orders designed to protect the public from behaviour that causes or is likely to cause harassment, alarm or distress. An ASBO can be obtained at the magistrates' court on the civil burden of proof (ie, on the balance of probabilities). Any breach of the order is a criminal offence and, therefore, is subject to the criminal burden of proof (ie, beyond reasonable doubt). An ASBO may be a possibility where the subject is not of the same household as the victim and a public nuisance is being caused in addition to specific harassment of the victim. ASBOs should be obtained in accordance with local procedures and in consultation with the relevant neighbourhood policing team (see **1.6.1 Neighbourhood Policing Teams**). For further information see *Home Office (2006) A guide to anti-social behaviour orders* available at: <http://www.respect.gov.uk>

1.4.2 CHILD ABUSE AND SAFEGUARDING CHILDREN

Harassment of children may be associated with abuse by an adult known to them, by a stranger, or bullying by other children. For information on investigating child abuse, see *ACPO (forthcoming) Guidance on Investigating Child Abuse and Safeguarding Children, Second Edition*. Children may also be harassed as a means to intimidate a parent or carer and this may be related to domestic abuse. For further information see **1.4.4 Domestic Abuse, ACPO (2008) Guidance on Investigating Domestic Abuse** and *HM Government (2006) Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children*.

1.4.3 CRIMINAL DAMAGE

In some cases criminal damage will be clearly identifiable as part of a campaign of harassment or as evidence of other offences (eg, interference with a vehicle or arson as evidence of attempted murder). Criminal damage which is, or appears to be, directed at a particular individual should prompt consideration that this is a form of harassment. An example could be where the victim's car was the only one in a line of vehicles to be attacked, offensive material is being posted through the victim's letterbox, or where graffiti is clearly directed at the victim.

A series of offences highlighted through monitoring repeat victimisation or 'hot spot' analysis may indicate that criminal activity is directed at a single victim, a type of victim or community. See **1.7.5 Repeat Victimisation**.

Criminal damage to a victim's property in the context of a campaign of harassment should be viewed as a factor which increases the risk of harm posed by the suspect. Links should be made between offences to ensure that a full picture of the intelligence and criminal history of a particular case or suspect is developed and made available to appropriate staff. For further information see **1.5.1 Identifying Risk** and **1.7 Crime Recording and Management of Information**.

1.4.4 DOMESTIC ABUSE

In *ACPO (2008) Guidance on Investigating Domestic Abuse* the ACPO definition of domestic violence is:

Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults, aged 18 and over, who are or have been intimate partners or family members, regardless of gender and sexuality. (Family members are defined as mother, father, son, daughter, brother, sister and grandparents, whether directly related, in-laws or step-family.)

There are close associations between harassment and domestic abuse. Many offences of harassment are perpetrated against partners from a previous intimate relationship. In such cases, domestic abuse is likely to have been a feature of these relationships while they were ongoing. The suspect may use child contact arrangements as further opportunities to harass the victim, or use knowledge of the victim's movements in relation to the children (eg, collection from school or childcare arrangements) to commit offences. For further information see *ACPO (2008) Guidance on Investigating Domestic Abuse* and any other related national systems (eg, relating to risk).

In cases of harassment where the definition of domestic violence applies, *ACPO (2008) Guidance on Investigating Domestic Abuse* and any related national guidance or agreed national systems (eg, relating to risk) should be followed. There will be situations when these national systems will need to be supplemented by those relating to harassment to ensure effective investigation and risk identification and assessment (see **1.5 Identifying, Assessing and Managing Risk**).

1.4.5 HATE CRIME

Hate crimes are those perceived by the victim or any other person as being motivated by prejudice or hate based on race, colour, ethnic origin, nationality or national origins, religion, gender or gender identity, sexual orientation or disability. This practice advice does not specifically address the needs of victims of 'hate crimes', but it will be relevant to the investigation and prosecution of any harassment that takes place. For example, investigations will need to include consideration of any motivation by the suspect which indicates that the offence is, for example, racially or religiously aggravated. For further information see *Home Office Police Standards Unit/ACPO (2005) Hate Crime: Delivering a Quality Service – Good Practice and Tactical Guidance*, which is due to be updated in 2009.

1.4.6 HOMICIDES AND SUSPICIOUS DEATHS

All homicides and suspicious deaths should be investigated in accordance with *ACPO (2006) Murder Investigation Manual*. In homicide cases, the possibility of harassment should be considered as a potential line of enquiry, particularly (but not exclusively) where there has been a previous intimate relationship between the victim and the suspect. For further information see *ACPO (2008) Guidance on Investigating Domestic Abuse*. See also **1.4.7 Honour-Based Violence**.

1.4.7 HONOUR-BASED VIOLENCE

The term honour-based violence (HBV) has been the subject of much debate. The definition of HBV in *ACPO (2008) Honour-Based Violence Strategy* is:

...a crime or incident, which has or may have been committed to protect or defend the honour of the family and/or community.

Although it is used here, it is recognised that there is no honour in such violence. This term is used in this document because it is the internationally recognised term used to describe cultural justifications for violence and abuse.

HBV can be described as a collection of practices (some criminal and some not) which are used to control behaviour within families to protect perceived cultural and religious beliefs, including honour. Abuse may occur when perpetrators perceive that a relative has shamed the family and/or community by breaking a perceived code of honour. HBV can be distinguished from other forms of violence as it is often committed with some degree of approval and/or collusion from family and/or community members. Examples of HBV may include controlling sexual activity, sexual abuse, domestic abuse, child abuse, rape, harassment, kidnapping, false imprisonment, female genital mutilation, fear of, or actual, forced marriage, threats to kill and homicide.

HBV incidents and abuse may come to the attention of the police in many different ways such as through domestic abuse or child abuse cases, harassment, missing persons reports, homicide or kidnap investigations. Officers investigating any HBV should not engage in community mediation but should identify suitable local advocacy groups to support victims. For further information see *ACPO, Foreign & Commonwealth Office and Home Office (2005) Dealing with Cases of Forced Marriage: Guidance for Police Officers, Second Edition*, *ACPO (2008) Honour-Based Violence Strategy* and *ACPO (2008) Guidance on Investigating Domestic Abuse*.

1.4.8 INTERNET-RELATED HARASSMENT

Harassment can come to the attention of the police through offences on the internet and misuse of email. This can include the use of social networking sites, chat rooms and other forums facilitated by technology. The internet can be used for a range of reasons relating to harassment, eg, to locate personal information about a victim, to communicate with the victim, as a means of surveillance of the victim, to commit identity theft such as subscribing the victim to services, purchasing goods and services in their name, damaging the reputation of the victim, electronic sabotage such as spamming and sending viruses, or tricking other internet users into harassing or threatening a victim. The term 'cyberstalking' is sometimes applied to describe the use of the internet for purposes of harassment.

Officers investigating such cases should seek specialist advice where necessary, and refer to *ACPO (2007) Good Practice Guide for Computer-Based Electronic Evidence, Version 4.0*.

1.4.9 MANAGING SEXUAL OFFENDERS AND VIOLENT OFFENDERS

Investigations that take place as part of the management of sexual offenders and violent offenders can relate to harassment. Individuals managed under Multi-Agency Public Protection Arrangements (MAPPA) or as Potentially Dangerous Persons (PDPs) can have an offending background which includes harassment. Such abuse can also be uncovered during the management of offenders who have no record of such offending behaviour. For example, evidence of harassment could be uncovered during a home visit to a registered sexual offender (RSO). In all such cases the potential offences should be investigated using this practice advice. Information should be recorded and stored on appropriate police systems (see **1.7 Crime Recording and Management of Information**).

In some cases, offenders who commit harassment-type offences and will not be managed within MAPPA or as PDPs will need to be included within force systems appropriate for managing such individuals.

For further information see *ACPO (2007) Guidance on Protecting the Public: Managing Sexual Offenders and Violent Offenders*, *Ministry of Justice (2009) MAPPA Guidance, Version 3.0* and **1.5.4 Multi-Agency Public Protection Arrangements and Managing Potentially Dangerous Persons**.

1.4.10 MISSING PERSONS

Staff receiving reports of missing persons and officers investigating such cases should consider the possibility that the missing person may have deliberately placed themselves beyond the reach of a person subjecting them to harassment. The motives of the missing person, the circumstances leading to their disappearance and the motives of the person reporting them as missing should all be considered. The report of a missing person in itself may be an attempt to trace or harass the victim through the activity of the police. For further information see *ACPO (2005) Guidance on the Management, Recording and Investigation of Missing Persons* and *ACPO (2007) Update to the Guidance on the Management, Recording and Investigation of Missing Persons 2005*.

1.4.11 NEIGHBOUR DISPUTES

Disputes between neighbours can include issues of harassment, which may be the culmination of a lengthy period of deteriorating relationships. Such disputes may include complicated counter-allegations and repeat reports to the police which result in a complex investigation which may include civil as well as criminal issues. Officers should investigate such disputes and determine whether there is evidence of a clearly aggrieved party and perpetrator. This practice advice should be applied when harassment is suspected. Where possible, neighbourhood policing teams should be involved in the police response (see **1.6.1 Neighbourhood Policing Teams**). See <http://www.respect.gov.uk> for more information about dealing with neighbour disputes. See also **1.4.1 Anti-Social Behaviour**.

1.4.12 POLITICAL PROTEST AND PUBLIC ORDER

Officers involved in planning and policing political protest and other public order events should consider that lawful protest, including lawful picketing, does not infringe the human rights or liberty of any individual. Such activities should not be directed at any individual in circumstances that would amount to harassment.

Organisations such as companies, government departments or religious institutions may also be subjected to harassment. This could be in furtherance of a political or other aim such as animal rights. In some cases this activity will include the harassment of individuals who work for, or who are otherwise associated with, the organisation, and this practice advice will be relevant to such investigations. The National Extremism Tactical Coordination Unit (NETCU) produces a range of good practice guides and a digest that analyses incidents by domestic extremists. It also provides individual advice and conducts risk assessments (see <http://www.netcu.org.uk>). Public order legislation guides are available on the Genesis site.

1.4.13 RAPE AND SEXUAL OFFENCES

Officers should consider that harassment may be linked to sexual offences. Harassment may precede the commission of a sexual offence or it may be related to sexual offences already committed against the victim or others. Victims of sexual abuse and harassment often find it difficult to disclose details of the abuse. The skills and expertise of staff, including officers specialising in the investigation of domestic abuse, child abuse and sexual offences, should be used to ensure that the victim is provided with the best opportunity to make a disclosure. For further information see *ACPO/CPS (2009) Guidance on Investigating and Prosecuting Rape*. See also *ACPO (2008) Guidance on Investigating Domestic Abuse*.

1.4.14 VULNERABLE ADULT ABUSE

A vulnerable adult is defined in *Department of Health and Home Office (forthcoming) No Secrets: Guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse, Second Edition* as someone:

...who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.

Older people and adults with a physical or learning disability, or who have mental ill health, may be particularly vulnerable to harassment. For further information see *Department of Health and Home Office (2000) No Secrets: Guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse*. See also **1.4.5 Hate Crime**.

1.4.15 THEFT AND BURGLARY

The theft of personal items belonging to a victim (eg, clothing, address book, correspondence or diary) or reports of burglary, where nothing of value has been stolen, should prompt investigating officers to consider the possibility of harassment. Where entry has been gained without force, officers should consider that a suspect has made a copy of keys or that access has been gained via a loft void from adjacent premises. The victim should receive timely advice from a crime prevention specialist regarding the security of their premises, and the prevention of any unauthorised access to keys, combinations and security codes. For further information see **2.7 Information, Safety and Support for Victims**.

1.4.16 UNLAWFULLY OBTAINING DATA

Suspects may try to gain access to detailed information about victims and their interests. Unlawful attempts to obtain such information may come to light even before the victim is aware that they are being harassed. All reports of such activity should be investigated to ensure a successful prosecution, to determine the motives of the suspect and to assess any risks presented to future potential victims.

1.4.17 WITNESS INTIMIDATION

This practice advice does not provide specific information about witness intimidation under section 51 of the Criminal Justice and Public Order Act 1994 (see **1.3.7 Harassment and Associated Offences**), but where this involves harassment this practice advice will be relevant. For further information see *Office for Criminal Justice Reform (2006) Working with Intimidated Witnesses – A manual for police and practitioners responsible for identifying and supporting intimidated witnesses*.

1.5 IDENTIFYING, ASSESSING AND MANAGING RISK

This subsection focuses on identifying, assessing and managing risk in the context of situations (b), (c) and (d) as described in **1.2 Defining Harassment**. Where harassment is identified as part of domestic abuse within situation (a) in **1.2 Defining Harassment**, officers should refer to *ACPO (2008) Guidance on Investigating Domestic Abuse* and any national systems or guidance relating to risk in domestic abuse cases (eg, the DASH (Domestic Abuse, Stalking and Harassment and Honour-Based Violence) 2009 Checklist and related guidance). In some situations of domestic abuse (eg, where the pre-existing, intimate relationship is brief or the partners are separated), referring to systems relating to domestic abuse alone may give an incomplete picture of the level of risk. Those systems, therefore, may need to be supplemented by reference to the information in this practice advice.

1.5.1 IDENTIFYING RISK

Those involved in responding to harassment should identify all risks to the victim and others (including the suspect), and where possible take appropriate action to reduce or remove such risks. This requires the identification of risk factors that relate to the harassment itself, the suspect, and the victim. All information relating to suspected or actual motivations for offending should be recorded so that decisions can be made about risk. There may be cases where advice from other professionals can assist the police in making such decisions. Examples include probation officers and mental health professionals. The circumstances of a particular case and consideration of all available information should be sufficient to make an assessment of the risk. Domestic abuse perpetrators present a particular danger to the victim, children and others in terms of serious harm and homicide. If the definition of domestic violence applies to a particular case, officers should refer to *ACPO (2008) Guidance on Investigating Domestic Abuse*.

Information about risk factors should be ascertained from various sources including police information systems, victims, witnesses, suspects, other agencies and people close to the suspect and victim. The victim is only one source of information, albeit an important one. In building a picture of a particular case of harassment, officers should obtain as much information as possible about the following:

- 1) The harassment behaviour involved.
- 2) The suspect (eg, previous history of behaviour and their circumstances).
- 3) The victim (eg, their circumstances and any particular vulnerability).

The list below is not intended to be used as a checklist (eg, for questioning victims) but to give operational officers an overview of the issues which are relevant in the police and multi-agency response to harassment cases.

1) The harassment

- Happening more often or getting worse.
- The suspect is physically present at the victim's home, workplace or place where they can regularly be found (eg, more than three times a week).
- Directed against anyone other than the victim (eg, partner, family, friends, children, neighbours, work colleagues).
- Threats of harm being made to the victim or someone else, including indirect threats.
- Destruction or vandalism of property of either the victim or someone else.

2) The suspect

- Intelligence or a criminal record for violence or other offending (eg, domestic abuse, child abuse, sexual offending, other violence, theft, criminal damage).
- Engaged in harassment on previous occasions against the victim or someone else.
- Harmed the victim or anyone else physically or sexually (including family, anyone else they have had a relationship with, or a stranger).
- Harmed animals.
- Breached an injunction, court order or bail conditions.
- Involved other people to assist in the harassment (whether they are conscious of their involvement or not).
- Knowledge available about the victim, in particular, the victim's work, home, personal lifestyle and movements (eg, due to the relationship with the victim or access to information due to the suspect's profession or expertise).
- Occupation or interests are a source of concern (eg, access to weapons, firearms licence holder or access to confidential information).
- Threatened or attempted suicide.
- History of misuse of drugs (prescription or other) or alcohol.
- Mental ill health and any behaviour indicating symptoms of mental ill health (eg, evidence of delusions or hallucinations).

3) The victim

- Afraid of what the suspect might do to themselves or someone else and the degree of fear shared by the victim's friends, family and colleagues.
- Any other person who has threatened the victim or who they are afraid of.
- Physical or mental health affected by the harassment (eg, whether they are feeling depressed or suicidal).
- Vulnerability of the victim to harassment, such as mental ill health, disability, learning difficulties, or residence in an isolated location.
- Whether the victim understands any risks and is capable of exercising caution and could reliably apply appropriate personal safety measures (eg, carrying a personal alarm or securing their home).

Identifying these risk factors will assist in determining a number of issues relating to risk including the likelihood of the harassment continuing, if it has stopped, if it is recurring or if there is a likelihood of it escalating to physical and/or sexual assault. This information will also help to establish whether the victim has suffered, or is likely to suffer, significant harm including psychological and/or social damage.

1.5.2 RISK ASSESSMENT

Risk assessment is a process which should comply with any nationally or locally agreed system (eg, relating to domestic abuse cases). Where possible, other agencies should be involved to ensure the effective management of risk. Officers should also consider the risks to other people associated with the victim such as their children, partner, family members, work colleagues and other associates who may be subjected to harassment or violence as a means of causing alarm and distress to the primary victim. This includes harassing other people as a means of tracing the victim.

Restricting the suspect's ability to harass a particular victim may displace their attention from that victim to another. For example, where the suspect is motivated to harass a member of a particular profession, eg, a teacher, judge or police officer, they may direct further harassment towards another member of the same profession. This possibility should be considered when identifying risks presented to people other than the primary victim, especially where any police action is going to be directed at the suspect.

1.5.3 RISK MANAGEMENT AND ACTION BY POLICE AND OTHER AGENCIES

All police actions can contribute to managing risk. In general, where a risk factor is identified, measures should be taken to address that factor. The following list, although not exhaustive, includes actions which can be considered when addressing the risk factors in **1.5.1 Identifying Risk**. These actions are described in more detail throughout this document.

1) The harassment

The following actions can occur even when no suspect has been identified or located:

- Effective investigation, eg, house-to-house enquiries, deployment of covert methods (see **2 Initial Police Response to Harassment** and **3 Investigation Development and Further Police Action**).
- Locating the suspect (see **2.3.3 Locating a Suspect and Arrest**).
- Recording and managing the information (see **1.7 Crime Recording and Management of Information**).
- Safety measures for the victim, eg, temporary accommodation, home security measures, personal security measures such as mobile phone or personal alarm, deploying closed-circuit television (CCTV), cocoon watch/police watch (see **2.7 Information, Safety and Support for Victims**).

2) The suspect

The following actions can occur in addition to those listed above in relation to the harassment:

- Enforcement action, such as arresting the suspect (see **2.3.3 Locating a Suspect and Arrest**) and enforcing civil court orders and restraining orders (see **1.3.6 Restraining Orders**).
- Use of multi-agency risk management systems, eg, MAPPA (see **1.5.4 Multi-Agency Public Protection Arrangements and Managing Potentially Dangerous Persons**).
- Referral to other agencies (eg, mental health services or those relating to drugs and alcohol misuse).
- Use of police information notices (see **3.9 Police Information Notices**).
- Seizure of firearm and/or revocation of a firearms licence where a legal power to do so exists.

3) The victim

The following actions can occur in addition to those listed above in relation to the harassment and the suspect:

- Information and support for the victim, for example, about risk, measures taken to manage that risk, and providing police information to support civil proceedings (see **2.7 Information, Safety and Support for Victims**).
- Referral to other agencies for support and services (eg, Victim Support (VS), housing providers, specialist services for victims of domestic abuse).

1.5.4 MULTI-AGENCY PUBLIC PROTECTION ARRANGEMENTS AND MANAGING POTENTIALLY DANGEROUS PERSONS

Any investigation of harassment must consider the continuing risk of serious harm posed by a suspect. It may not be possible in the course of an investigation to satisfactorily resolve all such concerns. This is particularly relevant where a conviction cannot be obtained. Where an investigation is concluded and concerns exist about risks presented by a suspect, they must be referred to systems for managing MAPPA offenders and PDPs. All investigators should be familiar with local arrangements for bringing concerns about a particular suspect to the attention of the force unit responsible for managing sexual and violent offenders and PDPs. For further information see *ACPO (2007) Guidance on Protecting the Public: Managing Sexual Offenders and Violent Offenders* and *Ministry of Justice (2009) MAPPA Guidance, Version 3.0*. In some areas Multi-Agency Risk Assessment Conferences (MARACs) may be used in the context of harassment cases (see *Co-ordinated Action Against Domestic Abuse (CAADA) (2007) DV MARAC Implementation Guide, Second Edition* and *ACPO (2008) Guidance on Investigating Domestic Abuse*). *ACPO (forthcoming) Guidance on Police Responses to People with Mental Ill Health and/or Learning Disabilities* may also be relevant.

For information about applying for civil orders relating to the management of sexual offenders and violent offenders (eg, Risk of Sexual Harm Order or Sexual Offences Prevention Order), see *ACPO (2007) Guidance on Protecting the Public: Managing Sexual Offenders and Violent Offenders*.

Fixated Threat Assessment Centre

The Fixated Threat Assessment Centre (FTAC) is a joint police and mental health unit established by the Home Office, Department of Health and Metropolitan Police Service. Its purpose is to assess and manage the risk posed by people who engage in bizarre communications or contact with prominent people in public life and pose a risk to the public, the prominent person and themselves, particularly in environments where there are armed police officers. Responses include referrals to mental health services (sometimes by the use of police powers under the Mental Health Act 1983) and, where necessary, criminal investigation.

1.6 ALL STAFF RESPONSIBILITY

Dealing with harassment cases appropriately is the responsibility of all police staff in terms of flagging cases, identifying, assessing and managing risk, and contributing to the investigation and prosecution processes. Forces should ensure that all staff have access to sufficient training, information and resources to carry out the responsibilities detailed in this practice advice. Leadership at a strategic level is also essential to the delivery of this practice advice. According to *ACPO (2007) Guidance on Protecting the Public: Managing Sexual Offenders and Violent Offenders* each force should have a lead for public protection at ACPO level. A similar approach should be considered for the issues covered in this document.

1.6.1 NEIGHBOURHOOD POLICING TEAMS

Neighbourhood policing teams should be kept informed (as applicable to their roles) about details of actual or suspected harassment in their communities. This information can assist in the continual risk identification, assessment and management process. It is particularly important when neighbourhood policing teams can assist in the risk management of individual offenders by, for example, unannounced curfew checks or police watch activities (see **2.7.6 Cocoon Watch and Police Watch**). Team members can be key sources of information provided by, or obtained from, the community. Neighbourhood policing teams can use community information to identify harassment offenders and those who present a risk to others. Any information acquired by team members should be dealt with according to **ACPO (2006) Guidance on the Management of Police Information**. Neighbourhood policing teams are important in providing reassurance to victims and others who are adversely affected by harassment (eg, by high-visibility foot patrols). They are also key to enforcing civil orders including ASBOs (see **1.4.1 Anti-Social Behaviour**) and restraining orders (see **1.3.6 Restraining Orders**).

Some harassment-related issues might require the preparation of a neighbourhood problem-solving plan, for example, if a group of people is being targeted, or is at risk of being targeted. For more information see **ACPO (2006) Practice Advice on Professionalising the Business of Neighbourhood Policing**.

1.6.2 SPECIALIST INVESTIGATORS

All those working as specialist investigators in the areas of domestic abuse, child abuse and sexual offences should ensure that the possibility of harassment is considered as part of their investigations.

1.7 CRIME RECORDING AND MANAGEMENT OF INFORMATION

Maintaining current and sufficiently detailed information about harassment activity is essential for the protection of victims, the identification, assessment and management of risk, and for the safety of the public and police staff. Local and national information systems, eg, PNC, Violent Offender and Sex Offender Register (ViSOR), Impact Nominal Index (INI), should be linked and access given to appropriate staff in accordance with **ACPO (2006) Guidance on the Management of Police Information** so that information can be used effectively (eg, see **2.2.3 Information Checks**).

1.7.1 NATIONAL CRIME AND INCIDENT RECORDING STANDARDS

All reports of harassment should be recorded in accordance with the National Crime Recording Standard (NCRS). When a course of conduct appears on the balance of probabilities to amount to an offence of harassment, it should be made the subject of a crime report. Until that time all reports of harassment should be recorded as crime-related incidents, including where there is a report of a single act that does not constitute a course of conduct under the PHA. For further information see **Home Office (2009) National Crime Recording Standard**.

1.7.2 USE OF THE NATIONAL INTELLIGENCE MODEL

Information on harassment is likely to come from a wide range of sources. Officers investigating harassment cases should be alert to the intelligence opportunities available to them through police sources, the public and the exchange of information with other agencies. Effective analysis of such information can be converted into intelligence, which, through application of the National Intelligence Model (NIM), is capable of leading to the use of tactics which will reduce or remove any threats. Analysis will also contribute towards the risk assessment process. For further information see *ACPO (2005) Guidance on the National Intelligence Model*.

Intelligence provides officers with background information from which suspects and victims can be identified. This may be before the victim even realises that they have been the subject of harassment. Any intelligence that has a bearing on potential or actual harassment should be entered into the police information system in line with relevant local and national guidance, including *ACPO (2006) Guidance on the Management of Police Information*. Failure to record and use such information could significantly reduce the effectiveness of the police response and may result in harm. Intelligence is particularly important in cases of harassment as many suspects will not have criminal convictions, and links need to be made with related investigations and offending behaviours. In addition, information about locations relating to harassment can provide key information to officers attending an address for the first time, thereby allowing the appropriate allocation of resources.

Intelligence should be progressed through NIM, via the tasking and co-ordination process, to support strategic and tactical assessments. Subject profiling should apply to suspects and be included as part of patrol officer briefings and debriefings as appropriate. For further information see *ACPO (2006) Guidance on the National Briefing Model*. Sightings and checks of suspects may detect a breach of bail conditions or breach of a civil court order and provide evidence in the investigation of offences, or support evidence of a course of conduct. Information about police notices given in relation to conduct under the PHA (see **3.9 Police Information Notices**), civil injunctions, restraining orders, ASBOs and bail conditions should be recorded in force systems. It should also be included within subject profiles using the recognised tasking and co-ordination processes (see *ACPO (2006) Practice Advice on Tasking and Co-ordination*).

Police officers should use intelligence relating to harassment in order to:

- Investigate reports of harassment;
- Identify risk factors (see **1.5.1 Identifying Risk**);
- Identify and target repeat and persistent offenders, including preparing subject and target profiles;
- Identify repeat victims;
- Identify any links with other criminals and other criminal behaviour;
- Use as a potential indicator of further information on local and national computer systems;
- Make links with related investigations;
- Disseminate to police personnel;
- Use for information-sharing purposes with partner agencies, where appropriate, including use in the MAPPa and MARAC processes;
- Produce statistical information.

Analysis of intelligence and information relating to harassment can enable it to be identified early along with patterns of offending by persistent offenders who perpetrate harassment on multiple victims. Force intelligence managers should ensure that any analytical capability effectively scans victim, suspect and incident data to identify repeat victimisation, repeat offending, escalation of offending and particularly high-risk cases of harassment. Such analysis should be used in making decisions about the most appropriate strategies for preventing harassment and the most appropriate method of enforcement (see **1.5.3 Risk Management and Action by Police and Other Agencies**). Analysis can also determine gaps in knowledge which can be reported as intelligence requirements and communicated to staff. Officers can then actively search for information when engaged in their daily duties such as attending scenes and incidents.

Such intelligence requirements should form a small but significant part of the overall strategy for protecting victims and investigating harassment. Similarly, a subject profile can be used to identify particular individuals who are suspected of harassment or carrying out other criminal activities. The risk posed by an harassment suspect should be assessed to determine the most appropriate tactics for reducing or removing the threat posed. Forces should also consider producing a problem profile on harassment in accordance with **ACPO (2006) Guidance on the National Briefing Model**. Links should also be made to other force profiles and strategies (eg, any homicide prevention strategy). Where relevant, contingency plans should also be in place to respond to any future reports.

1.7.3 FLAGGING INDIVIDUALS AT RISK AND THEIR ADDRESSES

Forces should provide the facility to 'flag' individuals and addresses on their information system(s) so that victims subjected to harassment can be readily identified as soon as an incident is reported. This facility should provide the police with relevant, up-to-date information so that the victim is not required to repeatedly relate the full circumstances of a case in order to ensure an appropriate police response. Those harassment victims considered to be at particular risk of harm should be immediately identifiable through flagging.

1.7.4 IDENTIFYING SUSPECTS AND RISK

Forces should implement information systems in line with **ACPO (2006) Guidance on the Management of Police Information** in order to readily identify suspects. Markers should be used on, for example, the command and control, and intelligence systems. This information should include prior use of weapons, changes of names (eg, by marriage or deed poll), and changes of address (including moving abroad or outside the force area). If a call for assistance is received, this information allows risks to the victim and the safety of officers to be fully considered. This may also require contingency plans such as those mentioned in **1.7.3 Flagging Individuals at Risk and their Addresses**.

The use of force systems for managing MAPPA offenders and PDPs should be considered. For further information see **ACPO (2007) Guidance on Protecting the Public: Managing Sexual Offenders and Violent Offenders** and **1.5.4 Multi-Agency Public Protection Arrangements and Managing Potentially Dangerous Persons**.

1.7.5 REPEAT VICTIMISATION

The physical presence of a suspect at or near the victim's home or place of work may not necessarily be observed by the victim, but may be reported as a person acting suspiciously by a neighbour or other person. Sightings of a suspicious vehicle or minor crimes reported by the victim may not in themselves be identified as indicating that harassment is taking place. Analysis of repeat victimisation data and local incident activity could identify the possibility of a series of incidents or crimes being directed at an individual, rather than indiscriminate activity. Where harassment against an individual is suspected, information systems should enable a search of records to highlight any potential sources of evidence. Harassment is not necessarily visible to the victim or police at the outset of a case, but officers should consider that this is a possibility whenever repeated suspicious activity is encountered. In some circumstances the repeat victimisation of an harassment victim may also constitute an offence relating to witness intimidation (see **1.4.17 Witness Intimidation**).

1.8 CRITICAL INCIDENTS AND COMMUNITY IMPACT ASSESSMENTS

The use of force policies relating to critical incidents and community impact assessments can prevent the escalation of incidents and promote confidence in the police.

1.8.1 CRITICAL INCIDENTS

Where cases of harassment meet the definition of a critical incident, local force policies and **ACPO (2007) Practice Advice on Critical Incident Management** should be followed. The definition of a critical incident is:

Any incident where the effectiveness of the police response is likely to have a significant impact on the confidence of the victim, their family and/or community.

In some cases the establishment of a strategic Gold Group may be necessary to deal with the wider community issues involved.

1.8.2 COMMUNITY IMPACT ASSESSMENTS

Officers investigating harassment should be aware of the possibility that harassment of an individual may be perceived as the harassment of a particular community and/or that it impacts adversely on that community. This is especially relevant where any element of the harassment is perceived by the victim or any other person as being motivated by prejudice or hate (see **1.4.5 Hate Crime**). When an investigating officer suspects that the harassment may be perceived as, is intended as, or is experienced as harassment of a community, advice should be sought from a supervisor. Officers should follow local policy regarding community impact assessments. The early completion of an assessment can assist the police response to the situation by addressing wider community concerns, and can facilitate the gathering of local information and intelligence.

1.9 CROSS-FORCE BORDER AND INTERNATIONAL HARASSMENT

1.9.1 HARASSMENT ACROSS FORCE BOUNDARIES

There will be circumstances where harassment of a victim takes place across force boundaries. Those forces that have information to support an investigation or to identify, assess or manage risk in another force, should provide that information to them.

In such cases only one force should assume responsibility for the overall investigation (ie, the 'owning' force). Where the victim has been subject to harassment in their home, the owning force should ideally be the force policing the area in which the victim resides. Where no harassment takes place within the force area where the victim resides, then the force within which the harassment takes place should assume responsibility. The overriding principle to observe is that the victim should be inconvenienced as little as possible and that the owning force is the one best placed to provide them with reassurance and support. These arrangements should not remove responsibility from other forces in which the harassment occurs. They should continue to investigate reports of harassment that occur within their areas and provide the victim with support.

Forces involved in investigations across force boundaries should establish clear communication with the overall investigating officer so that all reports of harassment are received by that officer without delay. Other forces are responsible for conducting such enquiries as are required expeditiously and in support of the overall investigation. All forces involved should fully comply with NCRS (see **1.7.1 National Crime and Incident Recording Standards**). Forces should also ensure access to appropriate information across force boundaries in accordance with **ACPO (2006) Guidance on the Management of Police Information** and the requirements of national information systems (eg, PNC, INI and ViSOR). See also **1.7 Crime Recording and Management of Information**.

1.9.2 INTERNATIONAL HARASSMENT

Offences under the PHA will not usually be sufficiently serious to justify the application for extradition proceedings where an offender living overseas has been responsible for harassment of a resident of England and Wales. Harassment could be committed by use of the post, internet or by arranging unwanted deliveries to the victim. There may, however, be other more serious offences associated with the course of conduct that may justify extradition.

Where an offender who is resident in England and Wales is responsible for harassment of a victim living abroad, a prosecution for harassment may be possible where evidence from the victim is admissible. In all cases where the suspect or victim is resident overseas, advice from the CPS should be sought at the earliest opportunity.

1.10 POLICE OFFICERS WHO ARE HARASSMENT SUSPECTS OR VICTIMS

When a police officer is suspected of harassment, the case should follow the principles of **ACPO (2004) Policy on Police Officers Who Commit Domestic Violence-Related Criminal Offences** and **ACPO (2008) Guidance on Investigating Domestic Abuse**. For example, attention should be paid to the particular concerns and needs of victims and others in such cases. Special considerations may be necessary where the nature of the harassment relates to the police officer's role (eg, their access to information about the victim), or confidentiality is required for any other reason.

1.11 MEDIA STRATEGIES

In some cases publicity may be a route to fulfilling the aims of the suspect or of locating or further harassing the victim. In the case of victims in the public eye, public association with the victim may be the only motivation of the suspect. In some harassment cases the media can be used to publicise police activity and canvass witnesses. Media handling in harassment cases should be a matter of careful planning and should be carried out in consultation with the victim and, where appropriate, other agencies. Where victims and witnesses do not want their details published, an application can be made to the court for reporting restrictions to be imposed. For further information see *Office for Criminal Justice Reform (2007) Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, and Using Special Measures*.

The investigating officer should be aware, at the investigation stage, of the potential risks to future criminal proceedings, of uncontrolled or inappropriate media reporting. Cases that attract media attention may lead the defence to suggest that the defendant is unable to have a fair trial due to the level and nature of media reporting. Officers should take note of all legal restrictions governing what may be said to the media during the course of criminal and/or care proceedings, including any court orders that may be in force.

A media strategy should be agreed with the force communications department or local equivalent whenever a particular case has attracted the interest of the media, or if officers require support from the media in identifying a suspect, encouraging other victims to come forward or gathering evidence. The strategy should involve participation from all other agencies concerned with the investigation. In the case of victims who are in the public eye, this should include liaison with any agencies managing media issues employed by the victim or who act in support of the victim.

Such an approach should ensure that agreed, consistent statements are issued by designated spokespersons and that staff in each agency have a clear line of referral. Victims and their families should be protected from any potential trauma that may be associated with media interest. Where possible, press releases should avoid identifying victims so that they are shielded from any unwanted media attention.

1.12 MONITORING AND MANAGING PERFORMANCE

Effective management of performance in responding to and investigating harassment relies on processes to identify, record, link and analyse harassment information. Performance management, when conducted effectively, enables both good and poor performance to be identified along with lessons learnt. It also assists in identifying gaps in service provision and provides a structure for ownership and accountability.

Performance in responding to and investigating harassment should be an integral part of the overall performance management regime that police forces implement. Performance should be monitored and reviewed by managers at force, Basic Command Unit (BCU), divisional and individual levels to assess the effectiveness of police responses in preventing further harassment, bringing offenders to justice and improving public satisfaction and confidence in the criminal justice system. Internal performance information can include:

- Harassment-related incident and crime statistics and detections (see **1.7.1 National Crime and Incident Recording Standards**);
- Police information notices given in relation to conduct under the PHA (see **3.9 Police Information Notices**) and the outcomes of such cases (eg, whether notices are effective in preventing repeat victimisation);

- Repeat victimisation statistics relevant to victims and repeat offending (see **1.7.5 Repeat Victimisation**);
- Case tracking and attrition rates;
- Policy compliance information including diversity monitoring information;
- Service user feedback on service provision;
- Performance information resulting from Crime and Disorder Reduction Partnership (CDRP) information such as crime audits.

Performance information used in management decisions and to review improvement should also be used to inform staff of their personal and team performance in addressing harassment. Such information can be used in performance and development review processes and to support proactive supervision to ensure compliance with procedures relating to the police response to harassment. Information about lessons learnt from force professional standards departments and nationally from the Independent Police Complaints Commission (IPCC) can be used to improve performance, eg, the IPCC Learning the Lessons Bulletins, available at <http://www.ipcc.gov.uk>

For details of the performance management framework Analysis of Policing and Community Safety (APACS), see <http://www.police.homeoffice.gov.uk/performance-and-measurement/assess-policing-community-safety/>

MANAGEMENT ISSUES

- Ensuring that the requirements of diversity legislation and the Human Rights Act 1998, including the duty to protect victims, are met by all staff.
- Reviewing processes, systems and policies in forces to ensure that they reflect this practice advice.
- Linking policies and investigations relating to harassment, including domestic abuse, child abuse, vulnerable adult abuse, missing persons, homicide, sexual offences, witness intimidation and the management of sexual and violent offenders and PDPs.
- Providing training for relevant police staff, first response officers, investigators and supervisors in the identification and investigation of harassment and action required.
- Developing information systems which support the implementation of this practice advice and *ACPO (2006) Guidance on the Management of Police Information* so that relevant information is available to ensure an effective response to harassment.
- Complying with *Home Office (2009) National Crime Recording Standard*.
- Implementing NIM to take account of harassment issues.
- Implementing *ACPO (2004) Policy on Police Officers Who Commit Domestic Violence-Related Criminal Offences*.
- Incorporating harassment into force media strategies.

Section 2

INITIAL POLICE RESPONSE TO HARASSMENT

This section provides information to those working in police communication rooms, staff at front desks and neighbourhood policing teams who may receive reports of harassment. It also provides information to police officers responsible for the initial response to reports or suspicions of harassment. It should be read in conjunction with *ACPO (2005) National Call Handling Standards* and *ACPO (2005) Practice Advice on Core Investigative Doctrine*. In circumstances where the first officer responding is also the investigating officer, they should also refer to Section 3 Investigation Development and Further Police Action.

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2.1 GENERAL REPORTING

Suspected or confirmed cases of harassment can come to the notice of police from a number of different sources including from victims, their friends and families, other witnesses, anonymous callers or as reports from other agencies. Cases or incidents of harassment may also become evident through reports of apparently unconnected activity such as suspicions about an individual loitering in a neighbourhood, or reports of other crime such as violence or burglary (see **1.4 Associated Investigations**). The receipt of a report or suspicion of harassment is the beginning of an investigation. Officers and police staff should at this point obtain as much detail as possible about what has taken place in order to support an effective investigation (see **2.2 Responding to Reports of Harassment and Resource Deployment**). In some cases it will be necessary to refer to local policies on critical incidents and *ACPO (2007) Practice Advice on Critical Incident Management* (see **1.8.1 Critical Incidents**).

2.2 RESPONDING TO REPORTS OF HARASSMENT AND RESOURCE DEPLOYMENT

The first priority of the police when responding to a report of harassment is to protect the victim and any other people who might be at risk of harm. Where it is apparent that the caller or victim is at risk of harm, the police should provide an immediate response. Safety considerations, actions required by the report taker and basic advice about preserving any potential evidence should include the information in *ACPO (2008) Guidance on Investigating Domestic Abuse* and any national guidance or training relating to contact management. Full details of the incident and of all parties involved should be recorded and flagged on the incident log, in line with local policy.

2.2.1 INITIAL INFORMATION GATHERING

Checklist 1 Information Gathering provides details of the information which should be gathered when taking a report of harassment. Initial questioning will determine, for example, what is happening, where and when. This will enable the safety of individuals to be considered and decisions made about the order in which information is gathered, and the best way of obtaining information sensitively while providing reassurance and an appropriate response to the situation. In some cases not all the information in this checklist will be necessary at the stage of initial contact.

Checklist 1 Information Gathering

Report takers should obtain, record and disseminate as appropriate the following information, prioritising in accordance with the circumstances:

- Location, identity and contact details of the person making the report, and the capacity in which they are doing so, eg, victim, neighbour, friend, support agency;
- Identity of all parties involved (eg, names [correctly spelt], sex, dates of birth, home addresses, telephone numbers);
- Location, times and dates of all incidents;
- Location, identity and contact information of the victim;
- Location, identity and description of any suspect and any vehicle they may have access to;
- Location of the incident or concern;
- Location of the suspect, victim and other potential victims;
- Whether any weapons are available to the suspect;
- Whether the incident has ended or is ongoing;
- Whether the parties are injured and, if so, the severity of any injury and whether medical assistance is required;

Checklist 1 Information Gathering (continued)

- Whether anyone is at further risk of injury;
- Whether any person appears to be under the influence of alcohol or drugs;
- If appropriate, any past or current relationship between the victim and suspect;
- Whether there is any history of domestic abuse;
- Whether there is any history of violence by the suspect (not necessarily against the victim of the harassment);
- Whether there has been any previous conduct relevant to harassment by the suspect and whether this has been reported;
- Whether any court orders apply or are pending, eg, a restraining order or an injunction and, if applicable, whether any power of arrest is attached to the order;
- First account of what the caller says has occurred (recording it verbatim);
- Details of the demeanour of the victim, suspect and others present, and background noise (including shouting, words spoken);
- Whether there are any special needs in respect of the victim, witnesses, suspect or the person reporting that may affect the police response, for example, communication difficulties (eg, language, hearing, speech), mental ill health or other potential vulnerability;
- Whether the person making the report wishes to remain anonymous (if so, obtain their reasons for this and provide them with details of a contact should they wish to call again);
- Any matter which could have a bearing on the investigation.

2.2.2 RESOURCE DEPLOYMENT

In deploying resources to a report of harassment, call handlers should follow national guidance and the requirements of the Policing Pledge. This includes ensuring that medical assistance is en route, if appropriate, and addressing any issues that may affect the safety of the victim, officers and others. The caller should be informed that an officer(s) has been despatched or, if not urgent, when the call handler anticipates that an officer will arrive. Officers attending a report should be told any information in **Checklist 1 Information Gathering** and **2.2.3 Information Checks**. They should also be told whether supervisors are aware of the incident, in accordance with local policy.

2.2.3 INFORMATION CHECKS

Call handlers should also make checks of all relevant information technology (IT) and/or paper-based systems (including PNC, ViSOR, INI and systems relating to command and control, custody, domestic abuse, child abuse, criminal justice, intelligence and firearms licence records) for information which could affect the initial police response. This should include details of:

- Any relevant history relating to the suspect, the address or previous incidents in the area;
- Risk markers shown on the PNC (eg, for weapons, drugs, violence);
- Bail conditions;
- Bindovers;
- Outstanding warrants;
- Nature of any outstanding court cases;
- Wanted or suspected information;
- Previous convictions or cautions;
- Restraining orders, injunctions or court orders relating to child contact;
- Police notices given in relation to conduct under the PHA (see **3.9 Police Information Notices**);

- Previous reported domestic abuse incidents;
- Child protection issues;
- Missing persons records;
- Previous reports of any suspicious behaviour in the vicinity of the victim's home, place of work or other places that they frequent.

This information should include the physical location of any warrants, restraining orders, injunctions and copies of these, and any police notices given to an individual.

Where the identity of a suspect is known, checks should be made against all the names that the suspect is believed to have assumed and against their home address and vehicle details. Some suspects make routine changes of vehicles and this activity may have been reported by neighbours. The suspect may also have obtained accommodation to be located closer to the victim and such an address, if known, should be the basis for similar checks. Some situations may require checks in any other police force areas in which the suspect has previously resided (see **1.9.1 Harassment Across Force Boundaries**).

2.3 ACTIONS ON INITIAL POLICE RESPONSE

There are a number of actions that a first response officer should consider when responding to a report of harassment. These actions will increase the safety of those involved and maximise the use of the first 'golden hour' of the investigation (see **ACPO (2005) Practice Advice on Core Investigative Doctrine**).

Checklist 2 Actions on Arrival at the Scene

To ensure the safety of the victim and to preserve evidence on arrival at the scene, officers should:

- Reassess victim safety and the safety of others, including officer safety (see **2.3.1 Safety of the Victim and Others**).
- Confirm the identity of the suspect and, if appropriate, circulate a full description of them and their vehicle via the force communication system.
- Establish who is or was at the scene, including any children or potential witnesses.
- If not already done, request appropriate checks on the suspect and household in accordance with **2.2.3 Information Checks**.
- Make accurate records of everything said by the suspect, victim and any witnesses, including children.
- Record the demeanour of the suspect, victim and anyone else involved, including children.
- Consider taking photographs and/or using a video camera to record evidence.
- Request a crime scene investigator (CSI) or Police Search Adviser (PoSA) if necessary.
- Secure the safety of victims in their home. If this is not possible, consideration should be given to taking them to another place of safety, eg, the home of a relative or a refuge (in accordance with local arrangements for housing and refuge provision). For further information see **ACPO (2008) Guidance on Investigating Domestic Abuse**.
- Obtain an overview of what has occurred (see **2.3.4 Gaining a First Account from a Victim or Witness**), taking into account the risk factors associated with harassment, (see **1.5.1 Identifying Risk**).
- Ensure that information relating to the suspect's previous conduct (including any directed at other victims) and motivations is recorded and included in any risk assessment processes (see **1.5 Identifying, Assessing and Managing Risk**).
- Report findings to the investigating officer (if different from the first response officer).

2.3.1 SAFETY OF THE VICTIM AND OTHERS

The immediate consideration of officers responding to a report of harassment should be the safety of the victim, anyone associated with the victim, officers attending and anyone else who may be at risk. This applies whether a report is made immediately after an incident has occurred, or is delayed.

2.3.2 IDENTIFYING AND ASSESSING RISK

When identifying and assessing risk (see **1.5 Identifying, Assessing and Managing Risk**), officers should consider the potential sources of information in **2.2.3 Information Checks** in addition to other information acquired during the investigation. This could be evidence indicating the intentions of the suspect obtained during a search of the suspect's premises, vehicle or person, or information about the suspect from other people (eg, friends, family, neighbours, work colleagues, landlords, social care services and previous victims). Information from interviews with suspects and victims can also be used to make decisions relating to risk. Information about risk factors identified should be recorded and shared with neighbourhood policing teams, specialist police units and/or other agencies, as appropriate.

Officers should consider the needs of victims and witnesses who may be particularly vulnerable to harassment. They may, for example, be geographically isolated, have mental ill health or a physical disability, be a member of a minority community (see **1.4.5 Hate Crime**) or be at risk of HBV (see **1.4.7 Honour-Based Violence**). Cases of domestic abuse and those where the suspect has detailed knowledge about the victim may also be particularly high risk (see **1.5.1 Identifying Risk**). Where a case involves domestic abuse, responses should be in accordance with *ACPO (2008) Guidance on Investigating Domestic Abuse*.

2.3.3 LOCATING A SUSPECT AND ARREST

The nature of harassment as a course of conduct means that the suspect may remain in the vicinity for a considerable period of time or may frequently return to the vicinity. The continuing presence of a suspect in the vicinity of an incident may provide evidence of an offence. It will also affect the assessment of risk to the victim and others. Consideration should be given to this possibility and to searching the area using police powers as appropriate (eg, road checks under section 4 of PACE or authority under section 60 of the Criminal Justice and Public Order Act 1994 relating to a specific location and intelligence-led). Locating a suspect nearby may provide evidence linking them to a course of conduct. The possibility that the suspect has obtained accommodation in the vicinity of a victim's home, place of work or other places frequented by the victim should be considered.

Police officers have the power to arrest for any offence on the grounds of reasonable suspicion and must demonstrate that they have reasonable grounds for believing that the arrest is necessary for one of the reasons listed in section 24 (5) PACE.

In situations where an arrest is made or is planned, the victim or their representative should be asked for details of how they may be contacted in the event of the suspect being released from police custody.

2.3.4 GAINING A FIRST ACCOUNT FROM A VICTIM OR WITNESS

When gaining a first account from a victim or witness, officers should ensure that each party is spoken to separately in a place where the suspect cannot overhear them. The officer should explain the investigation processes and procedures to the victim and any witnesses, and make it clear that the police take harassment seriously. The explanation should include that support is available for the victim or witnesses through the local VS and through other services such as a specialist domestic abuse service (see **2.7 Information, Safety and Support for Victims**). The victim or witness first account should be obtained as soon as practicable after the event. This is when the witness may be best able to recall details of the incident and any description of the suspect.

In particularly serious cases and cases with vulnerable or intimidated witnesses, officers may wish to consider visually recording the first account. This should be undertaken in accordance with the guidance in *Office for Criminal Justice Reform (2007) Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, and Using Special Measures*. For further information see **2.6 Victim and Witness Evidence**.

Officers should identify the intended victim of any course of conduct as the suspect may intend to cause harassment to someone else associated with the victim (eg, conduct directed at a child as a means of causing distress to the parent). Establishing the identity of the intended victim will assist in developing lines of enquiry and in the assessment of risk to that person and others.

The officer should make a record of the victim's condition and demeanour, particularly when they are seen soon after an incident. Such records can be useful evidence about the effect that the harassment has had on the victim and in investigating counter-allegations. In more serious cases, such evidence may be used in support of a prosecution for inflicting grievous bodily harm by means of psychiatric injury. Officers should consider the welfare of the victim and advise them on consulting a doctor where appropriate.

Where the only crime for which the suspect may be liable is the offence of harassment under section 2 of the PHA, officers should ascertain whether the victim has been caused to feel harassment, alarm or distress. If the victim has not been caused harassment (eg, including being alarmed or distressed by the suspect's activities) then, at this stage, there will be no evidence of an offence under the Act.

Where the victim has not been caused harassment, the conduct may still be sufficient to provide evidence of a course of conduct where harassment is caused subsequently. Since the conduct of a suspect often takes place in the absence of witnesses, every effort should be made to secure evidence whenever the opportunity to do so is presented. It should be noted that a course of conduct may not in itself appear distressing or cause alarm to anyone apart from the victim.

2.3.5 COUNTER-ALLEGATIONS AND SUSPICIOUS ALLEGATIONS

In some cases there may be counter-allegations relating to the victim by the suspect. Also, the nature of a particular allegation may prompt early suspicions that it is false or misleading. There is a possibility that the person making a complaint may be doing so as a means to cause harassment to the alleged suspect, or to confuse or negate any allegations against themselves. The grounds for suspicions should be recorded but unless there is sufficient evidence to support these, the allegation of harassment should be fully investigated. In most cases, early concerns about the integrity of an allegation can only be confirmed or refuted by means of a review of the evidence later in the investigation (see **3 Investigation Development and Further Police Action**). All the circumstances surrounding the allegation(s) should be investigated. Where possible, the evidence of any independent witnesses should be assessed to determine whether it supports critical timings and alibis put forward by the suspect. For further information on dealing with counter-allegations and false allegations, particularly in domestic abuse cases, see **ACPO (2008) Guidance on Investigating Domestic Abuse**.

2.4 IDENTIFYING AND MANAGING SCENES AND PRESERVING EVIDENCE

As in all investigations, officers should follow local procedures for identifying scenes and preserving evidence (see **ACPO (2005) Practice Advice on Core Investigative Doctrine**). Evidence may be available directly from the victim or may be obtained as a result of a search, for example, at the victim's home. Suspects have occasionally concealed listening devices in a victim's home or work premises. In extreme cases, offensive, toxic or hazardous materials have been introduced to the premises. Investigating officers should conduct an assessment of the circumstances of the case and where such activity is a possibility, they should obtain advice from a PolSA. In particular, attention should be paid to:

- Opened foodstuffs;
- Water softener or filtration units;
- Bedding;
- All items of personal clothing;
- Cosmetics and medicines;
- Telephone cables.

Items recovered by a victim or other witnesses should be taken into police possession without delay to ensure their preservation and integrity, and to review their potential for submission for examination or analysis. Arrangements should be agreed for the prompt removal of particularly offensive or distressing material, to minimise distress to the victim. Advice should be sought from a CSI on the most appropriate means of preservation of all such exhibits.

2.4.1 IDENTIFYING AND MANAGING SCENES

Identifying and managing scenes will depend on the nature of the harassment being investigated. There may be evidence of another offence, such as assault or burglary, in addition to the harassment offence. The victim may themselves be viewed as a scene, if so, they should be treated as such (but the investigator's first concern should be the victim's safety, state of mind and ability to cope with forensic requests). A previous relationship between the victim and suspect does not necessarily mean that forensic evidence is of limited use. It can be useful as corroboration of particular accounts in such cases (see **ACPO (2008) Guidance on Investigating Domestic Abuse**).

All available information should be used to identify potential scenes (including any vehicles used by the suspect) as sources of evidence. Such evidence will be useful to:

- Corroborate the evidence of the victim and/or witnesses as to what they say occurred, eg, by signs of disturbance or litter at a place where the suspect may have been concealed, or to verify a route taken;
- Provide evidence that an offence or relevant conduct has taken place, eg, by damage to a gate indicating a forced entry;
- Link the suspect to the scene, eg, fingerprints, DNA, footwear impressions, CCTV.

In undertaking effective scene management, officers should secure, preserve and control the scene to limit any access until sufficient information is available to make an informed assessment of the situation. People and animals should be removed from the identified areas of activity, and ideally from the whole area, if practicable. Officers should consider any potential areas of contamination that could affect the integrity of evidential material. The scene should be photographed or videoed as soon as possible, if it is appropriate to do so.

Officers should seek assistance from a CSI or crime scene manager where scientific evidence such as DNA, footwear impressions and fingerprints needs to be secured. This is particularly necessary where the items on which such evidence may be located are not portable. Where it is not possible to secure the prompt attendance of a CSI, advice should be sought as to continuity and the preservation of any potential sources of evidence from the effects of weather and other interference. Records should be made of any request for a CSI to attend and any reason why they were not called or did not attend. Officers should also make a contemporaneous record of any relevant findings from their own examination of a scene.

2.4.2 ELECTRONIC EVIDENCE

Potential evidence held on any type of electronic equipment such as computers, mobile phones or personal digital assistants (PDAs) can be easily lost or the evidence rendered inadmissible. This can be through otherwise normal operation of the equipment by the user or by an officer incorrectly handling the equipment or device. For this reason, guidance has been developed for the capture and preservation of such evidence, see *ACPO (2007) Good Practice Guide for Computer-Based Electronic Evidence, Version 4.0*. Each force has a dedicated Hi-Tech Crime Unit with technically trained officers who can assist in such procedures and are contactable via force control rooms. Officers should not engage in electronic communications with a suspect without authority.

2.4.3 CONSIDERATIONS FOR DOCUMENTS

Officers should consider the evidential value of all documents that the victim may have received from the suspect. In particular, a number of specialised techniques are available for the analysis of documents. These can be used to determine the source, detect indented impressions on documents, determine whether or not an alteration has been made to the written or printed details on a document, or associate a document with the machine that it was produced on. The suspect's DNA or fingerprints may be present on an envelope or stamp. Any document or envelope can be protected from contamination by DNA and the obliteration of any fingermarks by placing it in a secure container. For further information see *3.4.2 Written Communications and Handwriting Specimens*. See also any national or local information for victims of harassment.

2.5 INITIAL ENQUIRIES

2.5.1 IDENTIFYING POTENTIAL WITNESSES AND HOUSE-TO-HOUSE ENQUIRIES

The nature of harassment, particularly where the victim has been followed or subjected to periods of observation, will usually mean that the suspect has spent significant periods of time in the vicinity of the victim's home, place of work or other places that the victim habitually visits. Where an incident is reported, the officer attending should consider enquiries with neighbours and other potential witnesses such as routine visitors to the area.

House-to-house enquiries should be conducted in accordance with *ACPO (2006) Practice Advice on House-to-House Enquiries*. The investigating officer should consider the potential for house-to-house enquiries. The nature of each incident should suggest parameters for house-to-house enquiries. These could include neighbours whose homes or workplaces are in a line of sight of the location of the incident, those resident or working adjacent to likely routes taken by the suspect, those who are near to, or who are users of, potential sites for parking a vehicle, and those who use nearby leisure facilities (eg, dog walking, sports facilities and playgrounds). Where the suspect has obtained accommodation near the victim, the investigating officer should identify the address and interview neighbours about the suspect's movements. Questionnaires for house-to-house enquiries should contain open questions and be designed to allow interviewees to describe previous incidents and to provide further pieces of evidence. The sensitive nature of the enquiry might require that appropriate questioning techniques are adopted to establish what the neighbour saw or heard, without disclosing the exact nature of the alleged offence or incident. For example, in cases of harassment involving same-sex partners, officers should be careful not to reveal the sexuality of the victim and suspect by careless use of language or questioning.

2.5.2 CLOSED-CIRCUIT TELEVISION AND AUTOMATIC NUMBER PLATE RECOGNITION

Locations relevant to harassment activity may include possible observation points used by a suspect, addresses used by the victim and public places such as car parks. The investigating officer should identify any CCTV camera sites in relevant locations and secure any available evidence by seizing tapes or digital recordings. The copying, storage and continuity of any evidence obtained should be undertaken in accordance with local force policy and *ACPO (2007) Practice Advice on Police Use of Digital Images*.

The investigating officer should discuss the routine collection of such evidence at relevant sites with operators. They should also obtain advice from the Central Authorisations' Bureau (CAB) (or local equivalent) about the necessity for an authority under the Regulation of Investigatory Powers Act 2000 (RIPA) and *Home Office (2002) Covert Surveillance Code of Practice* (made under section 71 RIPA). This is especially relevant whenever the investigating officer requests the operator to direct a camera at a particular location or to operate a camera at specific times. See also **3.5 Use of Covert Resources**.

In some cases Automatic Number Plate Recognition (ANPR) may be a useful resource in an investigation (for further information see *ACPO (2009) Practice Advice on the Management and Use of Automatic Number Plate Recognition*). In some cases mobile CCTV and/or ANPR may be deployed to assist the investigation.

2.6 VICTIM AND WITNESS EVIDENCE

Minimum standards of service for witnesses of crime are in *Office for Criminal Justice Reform (2008) The Witness Charter: Standards of care for witnesses in the criminal justice system*. If a witness is also a victim, they have additional rights under the statutory *Office for Criminal Justice Reform (2005) The Code of Practice for Victims of Crime*. This governs the services provided to victims in England and Wales by a number of organisations, including police forces, the CPS, the joint police and CPS Witness Care Units (WCUs) and Her Majesty's Courts Service. The Code describes the additional or enhanced services that can be provided to victims of crime who are vulnerable or intimidated (as defined in the Youth Justice and Criminal Evidence Act 1999), see **2.6.1 Vulnerable or Intimidated Witnesses**. Victims of sexual offences or domestic abuse are eligible for enhanced service under the Code, unless the victim informs the service provider of their wish not to have this. Information for first response officers is provided in *Office for Criminal Justice Reform (2007) Victims and Witnesses Matter*.

2.6.1 VULNERABLE OR INTIMIDATED WITNESSES

The police must take all reasonable steps to identify vulnerable or intimidated witnesses. If an individual falls within the definition of a vulnerable or intimidated witness, special measures should be considered as appropriate. For more information see *Office for Criminal Justice Reform (2007) Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, and Using Special Measures; ACPO and Home Office (2009) Vulnerable Witnesses: A Police Service Guide* and *Office for Criminal Justice Reform (2006) Working with Intimidated Witnesses – A manual for police and practitioners responsible for identifying and supporting intimidated witnesses*. Where a victim may be eligible for special measures and is likely to be called as a witness in criminal proceedings, the police must explain to the victim the provisions included within special measures. They must also record any views that the victim expresses about applying for them. Officers should consider whether there is a need for an early special measures discussion with the CPS.

2.6.2 VICTIM/WITNESS INTERVIEW AND THE EFFECTS OF HARASSMENT

In addition to the standards set out in *Office for Criminal Justice Reform (2007) Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, and Using Special Measures* and *ACPO (2004) Practical Guide to Investigative Interviewing*, planning for the interview should include consideration of the following in harassment cases (including any information in **1.5.1 Identifying Risk**):

- Details of the current incident including evidence to support the alleged offence;
- Details of witnesses present during the incident;
- Nature and seriousness of the victim's injuries and the effect of the harassment (physical and emotional);
- Points to prove (see **1.3 Applying the Protection from Harassment Act 1997**);
- History of any relationship with the suspect and any previous incidents;
- Whether a weapon was used (how and what type);
- Details of any threats made.

Victims should also be asked for any information that might assist the custody officer if they impose police bail conditions on the suspect, or information that could be used to set the conditions of a restraining order or other court order. For example, details of their workplace or the children's school and details of any other person affected by the harassment behaviour. See **3.8.3 Obtaining a Restraining Order** and **1.4.1 Anti-Social Behaviour**.

The officer should make a record of the victim's condition and demeanour, particularly when they are seen soon after an incident. Such records can be useful evidence about the effect that the harassment has had on the victim and in investigating counter-allegations. In more serious cases, such evidence may be used in support of a prosecution for inflicting grievous bodily harm by means of psychiatric injury. Officers should consider the welfare of the victim and advise them on consulting a doctor where appropriate.

Where the only crime for which the suspect may be liable is the summary offence of harassment under section 2 of the PHA, officers should ascertain whether the victim has been caused harassment. If the victim has not been caused harassment then, at this stage, there will be no evidence of an offence under the Act.

Where the victim has not been caused harassment, the conduct may still be sufficient to provide evidence of a course of conduct where the victim is caused harassment subsequently. Since the conduct of a suspect often takes place in the absence of witnesses, every effort should be made to secure evidence whenever the opportunity to do so is presented. It should be noted that a course of conduct may not in itself appear distressing or may not cause alarm to anyone apart from the victim.

2.6.3 VICTIM PERSONAL STATEMENTS

In cases of harassment the police should use victim personal statements. These give victims an opportunity to state how the crime has affected them physically, emotionally, psychologically, financially or in any other way. Victims can also express their concerns about bail or the fear of intimidation by or on behalf of the suspect. They can also state if they want information, for example, about the progress of the case and whether they want to claim compensation or request support from VS or any other agency.

The CPS will take account of what the victim says when making decisions on the case and, where appropriate, will ensure that the court is also made aware of the contents of the personal statement. While police officers can offer general advice to victims on what they might wish to include in a victim personal statement, the decision about its content should be left to the victim. Police officers should give victims the option of making a victim personal statement, explain the scheme and link the victim personal statement to the case papers.

Officers should also ensure that appropriate follow-up action is carried out. The statement should take the form of an additional section at the end of the standard statement form. Victims should be given a copy of the victim personal statement leaflet and advised that they can make a further personal statement at any time prior to the sentence of a defendant at court. They should also be told that if they do not initially choose to make a victim personal statement they can do so later on. As part of the case papers, the victim personal statement is disclosable to the defence if the suspect is charged, and the victim should be advised of this. For further information see **Home Office Circular 35/2001 Victim Personal Statements**.

2.6.4 WITNESS CARE UNITS

Witness Care Units (WCUs) are staffed by police and CPS Witness Care Officers (WCOs). These officers act as the single point of contact for victims and witnesses, providing information on the progress of cases along with support tailored to the needs of the individual. Officers assess the witness's needs (eg, childcare, transport, security at court and other practical issues), usually at the same time as an interview or when a statement is made.

In some serious and sensitive cases, for example, cases involving sexual offences, domestic abuse or a death, it will be more appropriate for a specialist police officer (eg, a domestic abuse officer or Child Abuse Investigation Unit (CAIU) officer) to remain the single point of contact for the victim and, possibly, other witnesses. Local protocols should set out the role and responsibilities of the police and the WCOs in these types of cases.

2.7 INFORMATION, SAFETY AND SUPPORT FOR VICTIMS

Appropriate provision of information and support for victims of harassment are key to fulfilling the duty to protect victims (see **1.1 Duty To Protect Victims**) and can have a direct impact on improving public satisfaction and confidence in the criminal justice system. Effective local multi-agency partnerships can assist in providing responses including mobile phones, panic alarms and emergency housing. In appropriate cases, officers should consider the information in **3.9.2 Issuing a Police Information Notice**.

The criminal justice system website provides useful information for victims of crime including an interactive tour to guide victims through the criminal justice system. The tour explains each stage of the process any victim of crime will encounter, from the time a crime is reported, through the police investigation to prosecution, court processes and sentencing. There is also information on the help and support available to victims of crime as well as what to expect from reporting a crime, what happens in court, and how to apply for compensation. For further information see <http://www.cjsonline.gov.uk/victim/>

Information about services for victims of domestic abuse and crime prevention strategies can be found in **ACPO (2008) Guidance on Investigating Domestic Abuse**.

2.7.1 KEEPING THE VICTIM INFORMED

Office for Criminal Justice Reform (2005) The Code of Practice for Victims of Crime includes duties to keep the victim informed. Victims of harassment and any other people at risk should be fully informed of any risk identification, assessments undertaken and actions taken to manage these risks (see **1.5 Identifying, Assessing and Managing Risk**). This may include informing the victim of facts that come to the attention of the police which may later affect the risk assessment and the action taken. This contact with the victim may prompt further information from the victim and assist them to take steps to improve their safety.

In particular, the victim should be promptly informed of the following:

- Any arrest;
- Release or otherwise of a suspect;
- Bail and conditions applied whether by the police or a court;
- Conditions attached to a restraining order;
- Any variations to a restraining order;
- Release from prison and any conditions attached.

A copy of any current restraining order, or variation to it, should be provided to the victim. The victim should be advised to produce the order to police attending any incident where a breach of the order is suspected to have occurred.

2.7.2 SUPPORT FOR VICTIMS

Victims of harassment should be given information about, and access to, the support that is available from national and local organisations (eg, VS and providers of specialist services, eg, for victims of domestic abuse). Information about situations where the victim requires therapeutic support and counselling is in *Home Office, CPS, Department of Health (2001) Provision of Therapy for Vulnerable or Intimidated Adult Witnesses Prior to a Criminal Trial*.

2.7.3 SAFETY INFORMATION FOR VICTIMS

Forces should provide information to harassment victims, advising them of the practical steps they can take to protect themselves from harm. Where the risk to a victim or others requires particular action from the police or another agency, or where more detailed advice is appropriate, officers should seek advice from a supervisor. Options can include practical assistance from crime prevention officers and other agencies.

The victim should be advised to identify any sources of personal information that may provide information to the suspect. These could include mailing lists, the electoral roll, school or work records, internet sites, wastepaper and dustbins. They should also be advised not to dispose of any personal information or correspondence via a dustbin. Such items should be shredded, burnt or disposed of by some other means which are not accessible to the suspect. Victims should be made aware that anonymous voter registration is available for people at risk (see <http://www.electoralcommission.org.uk>). There are also facilities to restrict the more general availability of personal information. Further information for victims is available from the Information Commissioner's website at <http://www.ico.gov.uk>

The victim should be encouraged to change their passwords for gaining access to personal information via the telephone or internet. In particular, the use of the victim's mother's maiden name, children's or pets' names as verification codes for access to personal details should be discouraged. Any organisation holding such information should be advised not to disclose it and to delete it from any publicly available media such as a website.

2.7.4 INFORMATION FOR VICTIMS ON COLLECTING EVIDENCE

Where it is anticipated that harassment will continue following police attendance, advice should be passed to the victim, using any specific national or local information, so that items and communications may be preserved as they are received. Where harassment is ongoing, the victim should be supplied with suitable materials and advice for preserving exhibits and for ensuring their continuity.

Victims should be encouraged to maintain a record or diary of events that they believe to be relevant or helpful to an investigation. Ideally, the record should be maintained in a bound book and made contemporaneously or as soon as possible after each event, with all entries timed and dated. The record may also be kept electronically on a computer and may be automatically timed, for example, by the victim emailing the document to their own email address as each entry is included. Any electronic record should be backed up at routine intervals. A template Harassment and Anti-Social Behaviour Diary is available on the Genesis website. Victims should be advised to time and date all records and paginate any diaries kept.

Checklist 3 Advising Victims on Collecting Evidence

Victims should be advised to:

- Keep a record of what happened – where and when they were followed or telephoned, or when they received post or email messages, and details of people who may have witnessed these events;
- Write information down as soon as possible when events are still fresh in the mind;
- Download onto disk and print out a hard copy of email messages (including the full header), but not to delete the original, which should be kept for the police to examine;
- Not to tamper with or dispose of a mobile phone or its SIM card without first consulting the investigating officer;
- Record how the suspect looked or sounded, what they were wearing and the make, numberplate or colour of their car;
- Tell the police if any neighbours or others saw or heard what happened;
- Keep letters and parcels as evidence and, if the victim recognises the handwriting, retain those items as evidence without opening them and reading the contents;
- Record telephone conversations and keep the recording;
- Keep any stored messages (including text messages) or telephone numbers that have been received on a mobile phone or caller ID unit;
- Use 1471 on the phone and write down details of calls received including the time received and the telephone numbers, even unanswered calls;
- Tell neighbours, regular trade visitors (eg, milk and newspaper deliveries), friends and work colleagues what is happening, unless any of them are suspects, and ask them to keep notes of anything they see and hear, eg, if others answer the victim's telephone at work or at home.

2.7.5 IMPROVING PERSONAL AND HOME SECURITY

Crime prevention officers (or their local equivalent) should be made available to victims of harassment to provide advice on, and assistance with, personal and home security. Where possible, victims of harassment should be supported to enable them to remain in their homes and the police should assist in making them safe. Improvements in home security including smoke alarms, burglar alarms and new lighting can reassure victims and their families, and help to reduce the potential for further harassment. In some cases local sanctuary schemes may be appropriate.

Consideration should also be given to the use of police supplied temporary alarm systems, panic alarms, dedicated telephone line to the police control room (possibly involving the use of codewords by the victim for emergency situations), mobile phones (some of which have a facility to record live to the police control room) and CCTV. These can provide the victim with further safety measures and reassurance. Such devices might also provide evidence to support further police action. If further evidence is a consideration, advice should be sought from the force CAB (or local equivalent) as to any legal requirements such as an authorisation for covert recording (see **3.5 Use of Covert Resources**). In some cases (eg, if a suspect has not been located) temporary arrangements to relocate the victim may be appropriate in accordance with local multi-agency systems relating to temporary accommodation.

All personal and home security measures should be accompanied by contingency plans with the victim and others (eg, the force control room) to deal with emergencies.

2.7.6 COCOON WATCH AND POLICE WATCH

This scheme requires the help and support of neighbours, family and relevant agencies in further protecting the victim by ensuring contact with the police if further incidents occur. A cocoon watch is only implemented with the informed consent of the victim. In some cases, in consultation with the victim, it might be appropriate to make the suspect aware of the action.

Cocoon watch should not be implemented where there is any reason to suspect that neighbours and/or family may be party to the harassment, or if the victim might feel further endangered by neighbours being informed. For example, a victim may not wish other parties to be informed if doing so could reveal personal information, eg, their religion or sexuality.

Police watch provides a visible police presence to both the victim and the suspect. It involves regular high-visibility police patrols within the vicinity of the incident following a report. In some situations, police officers might visit to check on the safety of the victim. For further information about the role of neighbourhood policing teams, see **1.6.1 Neighbourhood Policing Teams**.

2.7.7 CIVIL REMEDIES AVAILABLE TO THE VICTIM

The investigating officer should inform the victim of the possibility for civil remedies but should not provide legal advice on the range of options available. The victim should be advised to seek such advice from a solicitor or Citizens Advice Bureau.

Officers should request that the victim or their solicitor advise the police of any injunction or other court order in existence, whether currently or in the past. In the case of current court orders the information should include, if applicable, whether there is a power of arrest attached, and a copy of the order should be given to the police for reference. The police should ensure that information about such orders is readily available for officers required to respond to future incidents.

For further information about civil remedies under the PHA, see **1.3.8 Civil Remedies Under the Protection from Harassment Act 1997** and for those relating to domestic abuse (eg, non-molestation orders), see **ACPO (2008) Guidance on Investigating Domestic Abuse**.

MANAGEMENT ISSUES

- Training all staff who take reports of harassment and provide the first response, including that required by **ACPO (2005) National Call Handling Standards** and **ACPO (2005) Practice Advice on Core Investigative Doctrine**.
- Developing policy for monitoring the accuracy of call grading.
- Ensuring that information systems and operational processes provide all officers and police staff with information enabling them to identify risk factors in harassment cases and to take appropriate action.
- Ensuring officers conduct early assessments to determine whether witnesses are vulnerable or intimidated and qualify for special measures.
- Developing local systems to ensure that the victim is kept informed of developments in investigations and is routinely provided with advice about safety and preserving evidence.
- Ensuring the police provide access to effective multi-agency provision of support and advice to victims of harassment.

Section 3

INVESTIGATION DEVELOPMENT AND FURTHER POLICE ACTION

This section provides advice on the development of investigations and further police action to take following an initial response to potential harassment. It is relevant to arresting officers, investigating officers, custody staff, interviewing officers and supervisors responsible for the management and review of harassment investigations. Specialist domestic abuse officers and CSIs will also find it useful. *ACPO (2005) Practice Advice on Core Investigative Doctrine* should be read in conjunction with this section.

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3.1 INVESTIGATIVE STRATEGIES IN HARASSMENT CASES

The response to reports of harassment, and investigations into it, require routine assessment and reassessment of risks to the victim and possibly others (see **1.5 Identifying, Assessing and Managing Risk**). The supervisor should make an early appraisal of the investigation and, in collaboration with the investigating officer, develop an investigation strategy to structure, plan, conduct and manage an investigation in accordance with *ACPO (2005) Practice Advice on Core Investigative Doctrine*.

The elements of the strategy will depend on the nature of the investigation. In appropriate cases this should take into account force systems for responding to domestic abuse and follow *ACPO (2008) Guidance on Investigating Domestic Abuse*.

The strategy should include deadlines for the completion of tasks as well as milestones for any future reviews of the investigation by the supervisor. In particular, the investigation strategy should set out:

- Lines of enquiry to be pursued and dates for completion;
- Identified risks and how these will be addressed;
- Strategies relating to scenes, forensics, search, victim and witnesses, intelligence, communications, covert methods and the suspect, as appropriate;
- Names of any police personnel involved in dealing with risks, what they are responsible for and deadlines for completing actions;
- Methods of ensuring that relevant information is available to any officers required to attend further incidents;
- Whether any specialist staff have or will become involved and their role.

The investigation strategy should become a signed and timed record of all considerations and decisions made throughout the investigation. It should also be a record of supervision and will ensure that any decisions taken can be audited and that accountability is transparent throughout.

3.2 LINES OF ENQUIRY

In harassment cases victims will often not know the full extent of the suspect's conduct. The investigating officer should develop lines of enquiry that explore the allegation and consider all further lines of enquiry as they emerge. For potential lines of enquiry in domestic abuse cases, see *ACPO (2008) Guidance on Investigating Domestic Abuse*.

Checklist 4 Lines of Enquiry

The investigating officer should consider all potential lines of enquiry, including:

- History of previous incidents of, and preparation for, harassment by the suspect (see **3.2.1 Previous Incidents and Preparation for Harassment**);
- Data communications providers (see **3.2.2 Communication Service Providers**);
- Evidence from telephones, answerphones, computers (see **2.4.2 Electronic Evidence**);
- CCTV and ANPR (see **2.5.2 Closed-Circuit Television and Automatic Number Plate Recognition**);
- House-to-house enquiries (see **2.5.1 Identifying Potential Witnesses and House-to-House Enquiries**);
- Financial Enquiries (see **3.2.3 Financial Enquiries**);
- Victim's own records or diaries;
- Other evidence collected by the victim including correspondence from the suspect (see **2.4.3 Considerations for Documents**);
- Evidence and records kept by other witnesses (see **3.2.5 Other Witnesses**);
- Information from other agencies (see **3.2.6 Information from Other Agencies**);
- Physical evidence such as documents, handwriting, fingerprints and sources of DNA (see **3.4 Search Strategy** and **3.6.4 Request Handwriting Specimens**);
- Victim's medical history in relation to physical or psychiatric injury (see **3.2.4 Victim's Medical History**).

3.2.1 PREVIOUS INCIDENTS AND PREPARATION FOR HARASSMENT

An investigating officer should consider the possibility that the suspect has engaged in previous harassment and preparatory acts prior to the harassment becoming evident to the victim, or has involved others on their behalf. Evidence of preparation for, or previous incidents of, harassment may include:

- Keeping observations on the victim's home, their place of work or other places frequented;
- Effecting entry to premises associated with the victim;
- Interference with the victim's dustbin;
- Interference with the victim's vehicle;
- Incidents that the victim is aware of but that have not previously been attributed to harassment.

These incidents may have been reported to the police but not yet linked to the harassment investigation (see **2.2.3 Information Checks**).

3.2.2 COMMUNICATION SERVICE PROVIDERS

Where any form of data communication has been used by the suspect to harass the victim, communication service providers should be able to provide evidence of this. For further information see **ACPO (forthcoming) ACPO Minimum Standards and Industry Voluntary Code of Practice for Dealing with Malicious and Nuisance Communications: Procedures and Safeguards for Police and Communication Service Providers**. See also **2.4.2 Electronic Evidence**.

3.2.3 FINANCIAL ENQUIRIES

Financial information and intelligence about the suspect can provide evidence about their movements, associates, places they frequent and relevant purchases. Such information may become available through a search of a suspect's home, and may include information from electronic sources (see **2.4.2 Electronic Evidence**). Information may also be available from financial institutions, retail outlets, restaurants, buses and railway stations including the underground network, and other sources.

The most straightforward way to obtain information from a financial institution is by a signed authority from the suspect authorising the relevant institution to disclose information and provide evidence. The suspect is, however, under no legal obligation to provide this authority and it may be more appropriate to consider applying for Production Orders under PACE, or the Proceeds of Crime Act 2002 (POCA), depending on the nature of the investigation. If material obtained from financial institutions is to be used in evidence, then the relevant Production Orders must be obtained. It should be noted that the circumstances in which this type of order may be granted are limited. In the case of any other source it would normally be appropriate to request the relevant information using the Data Protection Act 1998 for the release of relevant information or intelligence. Force Financial Investigation Units (FIUs) can provide advice on these issues.

If involved in a search of a suspect's premises, officers should consider, among other potential sources, the following sources of financial information/intelligence:

- Bank or building society statements;
- Cheque book stubs and used cheques;
- Contracts, invoices and receipts for the provision of goods, work or services;
- Correspondence in relation to sales and purchases via postal, telephone and internet shopping;
- Credit, store or charge card statements and sales vouchers;
- Utility bills;
- Correspondence relating to payments and receipts;
- Legal documents and correspondence in connection with the rental, lease or purchase of land or buildings (other than items subject to legal privilege);
- Rental or hire agreements.

If information is sought to establish where the suspect may have identified the victim initially or where they may have been in the same place as the victim, there are many areas within financial investigation that can be used to establish this. With the consent of the victim, a financial package can be compiled in relation to his or her movements and habits. For example, if the victim regularly visits public places in the course of their daily routine such as particular railway stations, bus stations, shopping precincts, restaurants, banks or public houses, there is the potential for a financial trace of the victim. Use of any of these places may produce, for example, items such as receipts, tickets, evidence of automated teller machine usage and CCTV images. All of these have a time, date and location which can be verified.

The offender's financial movements can then be examined and compared with those of the victim to identify times, dates and locations where they may have been in the same location. This can be done by using any financial material that has been obtained through a search or from financial enquiries on the suspect that may be conducted by the FIU. This would require access to the suspect's bank account(s) or credit card account(s), which will have to be obtained through a Production Order under PACE or POCA. By liaising with the FIU, initial intelligence may be available to assist the investigation. The result of these enquiries can lead to CCTV images of the suspect and victim, and documentary evidence linking the two to the same location at a particular time. This would be valuable to the investigation and may refute any explanations or denials that the suspect puts forward. Financial enquiries can then be used to establish any further encounters and so establish the behaviour of the suspect.

For further information see *ACPO (2006) Practice Advice on Financial Investigation*.

3.2.4 VICTIM'S MEDICAL HISTORY

Police officers should recognise that providing access to medical records can be disturbing and invasive for the victim, particularly given that this might include sensitive information which could be accessible to the suspect. However, where the victim has suffered physical injury or it is believed that there is sufficient evidence to support a charge involving psychiatric harm, the victim should be asked to give consent for all their medical records to be disclosed to the police, copied and presented in evidence as required. This should include consent for medical practitioners and relevant staff to provide statements. Consent should be obtained in writing, using the consent form provided on the reverse of the witness statement form.

Medical records obtained may include a diagnosis or early indications of psychiatric harm. This information will be useful to any forensic psychiatrist who examines the victim. A timed record should be made of any disclosure of medical information and reported in the prosecution file (see **3.8.1 Information for the Crown Prosecution Service**). The medical record should be treated as sensitive, unused material.

Proving that psychiatric harm has occurred as a result of harassment usually requires a series of examinations so that the harassment can be linked, over a period of time, to the effects on the victim. In cases where treatment started before the investigation began, it may be in the best interests of the victim to have continuity of examination and treatment by the same practitioner. In such cases the practitioner, whether forensically trained or not, will be expected to provide evidence. Investigating officers are advised to make early contact with the practitioner to ensure that they understand the process and feel confident to give evidence in court. Where the practitioner is not forensically trained or has little or no experience of giving evidence in court, the investigating officer should consider arranging for an experienced, forensically trained practitioner to provide advice and support. For further information see **2.7.2 Support for Victims**.

3.2.5 OTHER WITNESSES

Witnesses to any relevant incidents or offences should be traced and interviewed. Their evidence may be useful to a prosecution, and in the assessment of any risks by providing information about the suspect's behaviour (see **1.5.1 Identifying Risk**). It is also possible that the victim has been unaware of all of the suspect's conduct and such enquiries may reveal information unknown to the victim or not previously thought to be worthwhile.

Neighbours and associates of the suspect may be able to provide information about the suspect's movements. The suspect may have fantasised to them about a relationship with the victim or disclosed other information which could be useful to the police.

Where the witness is in a position to gather evidence, for example, by unplanned observations of the suspect's conduct, the investigating officer should consider asking them to maintain a record as described in **2.7.4 Information for Victims on Collecting Evidence**. In such cases advice should be sought from the force dedicated source unit (DSU) (or local equivalent). See **3.5 Use of Covert Resources**.

3.2.6 INFORMATION FROM OTHER AGENCIES

Other agencies, including public bodies and private businesses, may hold evidence which could assist in supporting a prosecution. They may provide evidence of corroboration of any criminal damage and cost of repair, records of attempts by the suspect to contact the victim or the victim's children (eg, held by a school or employer).

Investigating officers should establish the procedures undertaken by other agencies to gather and secure relevant evidence, and ascertain whether any protocols exist for information and evidence to be released to the police (see **ACPO (2006) Guidance on the Management of Police Information**). In some circumstances, eg, where information is held under a condition of confidentiality, it may be necessary to obtain a signed authority from the victim for the relevant agency to release the information and to provide evidence (see **3.2.4 Victim's Medical History**). In other cases, under the provisions of PACE, the investigating officer can consider obtaining an order for the recovery of material (see **3.2.3 Financial Enquiries**). In such circumstances advice should be sought from the CPS at an early stage (see **3.7 Pre-Charge Advice and Charging**).

3.3 FORENSIC REVIEW

A substantial amount of physical evidence may already have been collected by the victim, officers and the CSI initially attending incidents (see **2.4 Identifying and Managing Scenes and Preserving Evidence** and **3.4 Search Strategy**). The investigating officer should conduct an early review of any material that has been collected and should ensure the continuity and integrity of each item wherever it is stored. Early consultation should take place with a CSI regarding the preservation of exhibits and to develop a strategy for the submission of items for further examination or analysis, according to the needs of the investigation. Investigating officers are advised to maintain a timed record of decisions made on the directions given to a CSI for the collection of evidence and submission of exhibits. This should include the grounds for each decision. The submission strategy should be reviewed periodically throughout an investigation to ensure that the most effective use is made of all evidence.

While investigations are ongoing, any advice provided to the victim about the collection, preservation and storage of evidence should be reviewed in consultation with a CSI (see **2.7.4 Information for Victims on Collecting Evidence**). Similarly, there may be opportunities to target the collection of evidence where, for example, a suspect routinely uses a particular route to the victim's home.

3.4 SEARCH STRATEGY

A thorough review of all the evidence collected should also be used to develop a search strategy of the suspect's home. The search strategy may, for example, be to look for a particular instrument which matches marks found at a point of entry, or for writing materials linked to a particular piece of correspondence received by the victim, or for footwear that may correspond to a mark found at the scene of an incident. Powers of search will differ depending on the offence under the PHA which is being investigated. For example, as the offence under section 2 of the PHA is a summary only offence, there will be restrictions on what can be searched.

3.4.1 ITEMS TO SEARCH FOR

The investigating officer should compile a list of possible items that should be searched for and which are relevant to the investigation. This will ensure that the application for an authority or warrant and the conduct of a search is properly focused and confined to those areas in which the items sought may be found.

Officers conducting the search should be clear about the objectives of the search and the grounds for it, and should confine the parameters of any search to locating relevant items.

Checklist 5 Possible Items To Look For in a Search

The investigating officer needs to compile a list of items that should be searched for and which are relevant to the investigation. These may include:

- Clothing that the suspect has been described as wearing by witnesses;
- Footwear that may be a match for footmarks recovered;
- Cameras, films, photographs, video and audio-recording tapes, and any other recording media;
- Computer equipment, printers, typewriters and other electronic means of communication as appropriate to the case (see **2.4.2 Electronic Evidence**);
- Any items relevant to the victim or their premises (eg, house keys that may have been cut);
- Diaries or address lists;
- Wrapping materials that may be relevant to items received by the victim;
- Financial details including statements that may reveal relevant purchases or the location of a suspect at particular places and times (see **3.2.3 Financial Enquiries**);
- Mobile phone(s);
- Victim's personal property;
- Business cards and other documents that relate to the receipt of unsolicited goods by the victim;
- Instruments or tools that may have been used in the course of harassment (for evidence of a mechanical fit);
- Documents and keys relevant to the use of other premises;
- Vehicle keys and documentation;
- Handwriting samples (see **3.4.2 Written Communications and Handwriting Specimens**).

The investigating officer should also consider which of these items should be shown to the victim or witnesses and at what stage of the investigation this should take place. Items such as a diary or address book may contain information that only the victim or witness may recognise.

3.4.2 WRITTEN COMMUNICATIONS AND HANDWRITING SPECIMENS

Where any documents, handwritten or printed, may provide evidence of an offence or may help to link a suspect with the case, the evidence of a forensic document examiner can be useful (see **2.4.3 Considerations for Documents**). However, forensic document examiners can only effectively make like with like comparisons. There are two types of specimen handwriting: request specimens taken from the suspect under supervision and non-request specimens, which is writing produced by the suspect on some other occasion.

Non-request handwriting specimens are made by the suspect during the course of their everyday life. Ideally, these specimens should be similar in nature and contain similar written material to those that they are to be compared with, eg, comparing letters with letters, and cheques with cheques. As these specimens are more likely to contain the suspect's natural handwriting, they are usually the most suitable specimens for comparison. Suitable sources of non-request specimen writing include:

- Letters;
- Diaries;
- Application forms such as those for a passport or driving licence;
- Business papers;
- Employment documents;
- Address books;
- Cheques drawn on their own bank account;
- Social Security benefits claim applications.

A forensic document examiner can also compare non-request specimens with request specimens taken from the suspect by the police and determine if they were produced by the same person. For information about request handwriting specimens, see **3.6.4 Request Handwriting Specimens**.

3.5 USE OF COVERT RESOURCES

Covert methods of evidence collection can be effective both in recording a particular activity and assisting in the identification of a suspect. In some circumstances the opportunity for covert evidence collection may exist through the methods already used by the victim (eg, cameras or recording equipment) or which pre-exist such as CCTV installations (see **2.5.2 Closed-Circuit Television and Automatic Number Plate Recognition**).

Advice as to the suitability and availability of technical aids or the use of any covert technique for the investigation should be sought from the appropriate force covert operations advisers or department (or local equivalent). Advice on authorisation to deploy covert technical equipment or other covert resources should be sought from the force CAB, BCU Gatekeeper or Covert Operations Management Unit (COMU).

3.5.1 REGULATION OF INVESTIGATORY POWERS ACT 2000

Obtaining authorisation under RIPA is appropriate where the use of covert surveillance is intended to, or likely to, obtain private information. Advice can also be obtained from the NPJA Specialist Operations Centre. Investigating officers must ensure that appropriate authorisation is considered, particularly when they are aware that victims or witnesses, including any organisation that uses CCTV, are collecting evidence of a suspect's conduct.

Evidence obtained by a third party's use of surveillance methods for which an authorisation has not been obtained or for which an authorisation has been refused, may not necessarily be excluded from a subsequent trial, unless its acceptance in evidence is ruled unfair by virtue of section 78 of PACE or by the common law. For further information see *Home Office (2002) Covert Surveillance Code of Practice* (currently being revised) and *ACPO (2008) Guidance on the Lawful and Effective Use of Covert Techniques – The Legal Framework and Covert Operational Management [Restricted]*.

3.5.2 COVERT HUMAN INTELLIGENCE SOURCE

Where any covert human intelligence source (CHIS) is to be deployed, including a police officer, advice should be sought in advance from the force authorising officer, head of covert operations, force DSU or local CHIS controller.

If a victim or witness becomes a resource in the collection of evidence, this activity should be subject to a separate risk assessment and appropriate safety planning. Any witnesses who undertake evidence gathering should be advised not to encourage or facilitate the commission of any offence, as such actions may later be considered to be entrapment. For further information see *Home Office (2002) Covert Human Intelligence Sources – Code of Practice* (made under section 71 of RIPA) and *ACPO (2008) Guidance on the Lawful and Effective Use of Covert Techniques – The Legal Framework and Covert Operational Management [Restricted]*.

3.6 SUSPECT STRATEGY AND RELATED ISSUES

The suspect strategy in any harassment investigation is related to a number of other issues including decisions and actions relating to custody, bail and remand (see *ACPO (2005) Practice Advice on Core Investigative Doctrine*).

3.6.1 ARREST

The investigating officer should consider the opportunities that a well-timed arrest could present for gathering evidence (see also **2.3.3 Locating a Suspect and Arrest**). Careful consideration should be given to any action that may place the victim or others at risk of harm or further distress. The safety of police officers involved must also be considered. The following circumstances may determine the timing of an arrest:

- All the evidence necessary to prove the case has been obtained;
- The need to identify the suspect by an admission or an identification procedure;
- Where evidence may be in the possession or control of the suspect and an arrest would allow for this to be seized;
- The suspect being in possession of a particular vehicle or entering relevant premises, and arresting them in these circumstances would in itself provide evidence;
- Where further delay of an arrest may place a victim at risk or may be considered an abuse of process, rendering a prosecution unlikely;
- All those who unwittingly or otherwise act in support of the suspect's objectives have been identified and evidence obtained from them.

3.6.2 CUSTODY PLAN

The custody plan assists both investigating and interviewing officers to manage the post-arrest phase of an investigation, ensuring that all potential sources of evidence are fully explored. For information about the use of police custody, see *ACPO (2006) Guidance on the Safer Detention and Handling of Persons in Police Custody*.

Checklist 6 Custody Plan

When detaining an harassment suspect, custody staff should:

- Consider the suspect's right to a telephone call in respect of the potential to harass and intimidate the victim and others;
- Ensure all phone calls are supervised;
- Record if a suspect threatens to commit suicide and include this within the custody risk assessment process for the care of the suspect in police detention;
- Consider suicide threats by the suspect as a risk factor relating to further harm being caused to the victim, and include as part of any decision-making process, eg, for police bail (see **1.5.1 Identifying Risk**);
- Record significant statements on the custody record and invite the suspect to verify and sign them;
- Document on the custody record any intimidating, aggressive or threatening behaviour exhibited by the suspect.

3.6.3 SUSPECT INTERVIEWS

Interviews of suspects in harassment cases should be conducted in accordance with *ACPO (2009) National Investigative Interviewing Strategy* and *ACPO (2004) Practical Guide to Investigative Interviewing*. Officers booking interpreters for suspect interviews should follow *Home Office Circular 17/2006 Use Of Interpreters Within The Criminal Justice System*.

In harassment cases, information from the suspect interview should be used to make decisions about custody, charging, bail, prosecution, sentencing and risk. Care should be exercised in the interview so that the suspect is not provided with any information about the victim that they are not already aware of. Consideration should also be given to which information is provided to the suspect relating to material resulting from the investigation. The interviewing officer should be aware that there is a danger that police attention can, in some cases, intensify the suspect's interest in the victim. Particular note should, therefore, be made of any comments that may indicate this as a risk.

Questions should always be relevant to the offence being investigated, but the interviewing officer should also consider what areas need to be explored in order to assist the investigation. The following areas should be considered when planning lines of questioning:

- Violence and abuse within any previous relationship with the victim;
- Nature of any other relationships, past and present, including any history of violence, harassment and controlling behaviour on the part of the suspect;

- Relationship with other family members or friends of the victim;
- Bad character of the suspect;
- Violence towards strangers and acquaintances;
- Motivation for the harassment;
- Whether the suspect was aware of the impact of their actions (eg, asking the suspect to explain how their actions may have been misinterpreted);
- Circumstances leading up to, or that may have triggered, any incidents of harassment;
- Whether anyone else may have assisted the harassment, unwittingly or otherwise;
- Whether photographic evidence taken at the scene or photographs of injuries caused to the victim could be used to confirm or challenge a suspect's account;
- Whether the suspect shows any signs of remorse or asserts their intention to cease the harassment;
- Material which contradicts the explanation given by the suspect;
- Exploration of any counter-allegations.

3.6.4 REQUEST HANDWRITING SPECIMENS

If any written communication has been received by the victim, the suspect should be questioned about this material during interview. If the suspect denies authorship of the material or refuses comment, consideration should be given to obtaining handwriting samples and the potential for scientific evidence such as DNA and fingerprints. Where the content of the communication includes information that is exclusively available to the suspect, this should be explored during the interview.

Where appropriate to the investigation, the interviewing officer should prepare to take request handwriting samples should the suspect consent to providing them. Obtaining the best possible specimens will maximise the possibility of obtaining a useful conclusion when they are examined at the laboratory. See **3.4.2 Written Communications and Handwriting Specimens**.

Checklist 7 Taking Request Handwriting Specimens

Officers requesting handwriting specimens should:

- Never show the questioned document(s) while the suspect is providing samples.
- Dictate specimens at a reasonable speed to increase the possibility of the suspect producing their natural handwriting.
- Not dictate the specimens in such a way that may induce a similarity to occur, eg, by dictating the presence of punctuation, capital letters or other features of writing style.
- Ensure that if the questioned writing has been produced in block capitals that the suspect produces specimens in block capitals.
- Ensure specimens contain enough letters and words to enable an effective comparison to be made with the questioned writing.
- Ensure that the dictated specimens contain the same letters and words as the document they are to be compared with.

Checklist 7 Taking Request Handwriting Specimens (continued)

- Ensure that specimens are taken on documents similar to those in question, eg, for a case involving a cheque, take specimens on a blank cheque; for a case involving an envelope, take specimens on envelopes of a similar size.
- Provide a suitable writing surface to rest on, eg, a pad of paper.
- Obtain specimens written with a well-used ballpoint pen. If the questioned writing has been produced using a writing implement other than a ballpoint pen, obtain additional specimens using a similar writing instrument.
- Take as many specimens as possible, eg, for a questioned signature take at least twelve specimens, for a questioned cheque take at least six specimens.
- Remove each specimen from sight as soon as it is completed and, if possible, obtain specimens at different times of the day.

3.6.5 CONSENT FOR ACCESS TO RECORDS

Local procedures should be followed when it is necessary to obtain the written consent of a suspect to the release of otherwise confidential material such as financial records, telephone accounts, records held by internet service providers and medical records. The written consent should be specific to the records sought (eg, all medical records held concerning the suspect by a named doctor or clinic), and should authorise the provision of written statements from any relevant witnesses in the organisation concerned. The consent should be dated at the time it is signed. For more information relating to mental health and access to records, see *ACPO (forthcoming) Guidance on Police Responses to People with Mental Ill Health and/or Learning Disabilities*. See also [3.2.3 Financial Enquiries](#).

3.6.6 BAIL AND REMAND

Every effort should be made to consult victims prior to making bail decisions. Custody officers should consult victim statements, victim personal statements and suspect interview records before making decisions on conditional bail. Custody officers should ensure that any bail conditions are designed to protect victims, children and witnesses from intimidation and abuse.

The police make the initial decision whether to bail the defendant to attend the next available court hearing (usually within two to five days of charge) to enable further enquiries to be completed or to detain the person in custody to appear before magistrates usually at the next court sitting. Once the defendant appears before the court, the decision about bail is made by the magistrates and is governed by the provisions of the Bail Act 1976.

If there is insufficient evidence to charge a suspect, unless the custody officer reasonably believes that detention without charge is necessary to secure or preserve evidence, or to obtain evidence through questioning, the suspect must be released, either on bail or without bail. This should allow time for other witnesses to come forward and for a more detailed investigation to be undertaken. Section 47 of PACE allows for bail conditions to be imposed where a suspect is bailed to return to a police station while pre-charge advice is being sought from the CPS. Bail conditions should be justifiable and capable of being policed for compliance. All decisions should be justified and recorded.

Where a suspect is to be bailed by the police (or if it is necessary to draft possible bail conditions to be applied in circumstances in which a court does not remand into custody, or when a remanded defendant applies for bail from a judge in chambers), the suggested conditions for a restraining order in **3.8.3 Obtaining a Restraining Order** may be appropriate. Where a suspect applies for a variation in bail conditions, the grounds for the variation should be verified by the police and any potential risks identified (see **1.5.1 Identifying Risk**). This information should be notified to the CPS in good time for the court or judge in chambers hearing.

3.6.7 INFORMATION FOR THE PRISON AUTHORITIES

When a defendant is to appear before court with a view to their being remanded into custody, the investigating officer should ensure that the Person Escort Record (PER) form (information for the prison governor) is completed and copied both to the custody officer and the CPS in accordance with local arrangements. The prison authorities can then use the information on the form to assess any risks to the prisoner and prevent any further harassment of the victim while the defendant is in custody. Officers should attach a copy of any draft conditions for a restraining order to the PER form (see **3.8.3 Obtaining a Restraining Order**) as well as information about individuals, such as telephone numbers and addresses that the defendant should not be allowed to communicate with. The PER form should also include any other information which indicates specific risks presented by and to the defendant such as those relating to misuse of drugs or alcohol, mental health, suicide and violence (see **1.5.1 Identifying Risk**). For further information see *Her Majesty's Prison Service (2009) Communicating Information About Risks on Escort or Transfer – The Person Escort Record (PER), Prison Service Order No. 1025*.

3.7 PRE-CHARGE ADVICE AND CHARGING

When consulting the CPS, police officers should take account of *CPS (2004) The Code for Crown Prosecutors* and *Prosecution Team (2007) The Director's Guidance on Charging: Guidance to Police Officers and Crown Prosecutors*, issued by the Director of Public Prosecutions (DPP) under section 37A of PACE. For the majority of offences, the decision to charge rests with the CPS rather than the police.

The investigating officer should liaise with the CPS at the earliest opportunity to seek advice on the sufficiency of the evidence, type of evidence required and the most appropriate charge(s). All charging options should be considered rather than focusing solely on the provisions of the PHA. It should be noted that it is acceptable to prefer a charge for a substantive offence such as a burglary rather than a charge of harassment under the PHA, where the burglary is part of the alleged course of conduct (see **1.3.7 Harassment and Associated Offences**).

Where the case involves a victim and defendant who are in or have been in a relationship, the investigating officer should liaise with a specialist domestic abuse officer. In a case of domestic abuse, a charge will need to be authorised by the CPS if the matter is to progress to court. In such circumstances officers, including custody officers, should ensure that they are familiar with *CPS (2009) Policy for Prosecuting Cases of Domestic Violence* and *CPS (2009) Guidance on Prosecuting Cases of Domestic Violence*, available at <http://www.cps.gov.uk>

3.7.1 USE OF CAUTIONS

For information about the use of cautions, see *Home Office Circular 30/2005 Cautioning of Adult Offenders*. Where a caution is delivered, the facts on which the caution was based cannot be used as part of the alleged course of conduct in any subsequent prosecution for harassment. The fact that a caution has been issued, however, may be relevant in the context of the bad character or reprehensible behaviour provisions and in showing that the suspect was aware of the provisions of the PHA.

3.8 CROWN PROSECUTION SERVICE

3.8.1 INFORMATION FOR THE CROWN PROSECUTION SERVICE

The police should provide the crown prosecutor with as much information as possible so that they can make an informed decision about a particular case. This is also required for an effective prosecution of the case, for the protection of the victim and any others when applying for a remand in custody and to make sentencing decisions.

Checklist 8 File Preparation

The CPS requires the following information:

- All relevant victim statements, medical reports and victim personal statements;
- All relevant witness statements (including, for example, those of neighbours and any children);
- Case exhibits (including photographic evidence);
- Audio or visual records of victim, witness and suspect interviews;
- Any photographic or CCTV evidence;
- Relevant police records, for example, pocket notebook entries, risk assessments recorded on forms, incident logs, custody records and 999 tapes where appropriate;
- Crime or incident reports from previous incidents including those against other victims, highlighting potential similar fact evidence;
- History of any relationship that may exist or have existed between the suspect and the victim, particularly if there has been violence or abuse in the past;
- Any past or current civil proceedings;
- Any previous convictions;
- Effect of the harassment on the victim (eg, psychiatric harm);
- Effect on any third party (spouse, partner, family, neighbours, work colleagues);
- Description of any scenes with any photographic evidence or relevant statements including those from the first officer at the scene;
- Whether the suspect used a weapon;
- Whether the suspect made any threats of violence or other harm before or since the incident;
- Whether the suspect planned the harassment;
- Whether evidence of the suspect's motivation for the harassment indicates possible hate crime (see **1.4.5 Hate Crime**);
- Details of any counter-allegations and the circumstances surrounding those allegations, eg, relationship between the victim and the suspect (see **2.3.5 Counter-Allegations and Suspicious Allegations**);

Checklist 8 File Preparation (continued)

- In the case of a prior relationship between the victim and suspect – details of any children in their care including where they were during the incident and the impact of the incident upon them;
- The victim’s views on his or her own safety and that of others if a prosecution does or does not follow;
- An assessment of the suspect offending again;
- Location of the address of the victim and the suspect in relation to one another;
- Whether bail conditions apply;
- Whether the suspect, victim or witness requires an interpreter;
- Names and details of any interpreters used during police interviews;
- Any requests by the suspect, victim or witness for an interpreter of the same sex or of a particular ethnic group, political orientation;
- Where applicable, which special measures would be available to assist a witness and why;
- Evidence of the defendant or the defendant’s relatives or associates contacting the victim since the incident or post charge;
- Any evidence relevant to bad character evidence, see *ACPO (2008) Practice Advice on Evidence of Bad Character, Second Edition*;
- Whether a restraining order is considered necessary and why (see **3.8.3 Obtaining a Restraining Order**);
- Any evidence pending or not currently available to be included as part of the file, when available.

In some circumstances this information will not be readily available, but it should be passed to the CPS as soon as possible. It is important to keep the CPS updated of any change in circumstances. For further information see *CPS (2004) The Code for Crown Prosecutors*, available from <http://www.cps.gov.uk/publications/docs/code2004english.pdf>

3.8.2 VICTIM WITHDRAWAL AND RETRACTION STATEMENTS

Where the victim in an harassment case makes a withdrawal or retraction statement, the advice in *ACPO (2008) Guidance on Investigating Domestic Abuse* should be followed, including that relating to the content of the statement and the information to be provided to the CPS. Provided that withdrawal statements are taken with care, they can still be used as evidence in current or future criminal proceedings, or as evidence within the family or civil court system. When such a statement is made, it should lead to a review of risk (see **1.5 Identifying, Assessing and Managing Risk**) and consideration of the issues in **2.7 Information, Safety and Support for Victims**.

3.8.3 OBTAINING A RESTRAINING ORDER

The CPS should be notified from the outset of the case when a restraining order is considered to be necessary. This should be conveyed by Form MG6 (Case File Information) on the initial and any subsequent files. Since the correct application of a restraining order can be a significant part of managing the risks to a victim and in preventing further harassment, the investigating officer should provide information about possible conditions for an order for the information of the CPS. Officers can also make recommendations relating to the length of time a restraining order should be in place, taking into account issues of risk. Suggested conditions for restraining orders include:

- Not (either alone or by means of agents) to directly or indirectly contact, harass, alarm, distress or molest the victim and others as appropriate;
- Not to knowingly approach within the boundary of (specify street or road names and attach a copy of an annotated map to clarify parameters) any premises where the victim and others as appropriate reside, work or frequent;
- Not to telephone, fax, communicate by letter, text, electronic mail or internet with the victim and others as appropriate or to send or solicit to send any correspondence whatsoever;
- Not to retain, record or research by any means, private, confidential or personal facts, or information relating to the victim and others as appropriate;
- Not to use a different name or to change his/her name without immediately notifying the court or investigating officer.

Conditions should be drafted as clearly as possible in unambiguous language and address the particular risks presented in each case. They should not be a repetition of routine clauses or bail conditions. One issue to be addressed is whether or not it is safe to include the victim's address on the order. The purpose of the order is to protect the victim (or other named person) from any future harassment or fear of violence, rather than to punish the defendant. The order can be granted for a specified or indeterminate period of time, therefore, leaving the onus on the defendant to satisfy the court that they no longer present a risk to the victim. When preparing an order, consideration should be given to specifying the period of time that it should remain in force.

The restraining order is imposed at the time of sentence. The suggested conditions should, therefore, be forwarded to the CPS in sufficient time for use at court. Victims should be consulted about suggested conditions and the CPS should be informed whether or not the victim has approved the suggestions. The CPS should be provided with as much information as possible so that they can make a decision about a particular case (see **3.8.1 Information for the Crown Prosecution Service**). This enables them to prosecute the case effectively and helps to ensure the protection of the victim and any third party at risk.

The CPS, defendant or any person named in the order may apply to the court to have it varied or discharged. When the CPS are made aware that a request has been made for an order to be varied or discharged, they will request that the investigating officer contact the victim to seek any views or concerns they may have. The investigating officer should obtain these views and convey them to the CPS with any additional information that appears to be relevant. The information should be obtained and delivered to the CPS within the deadline set by them so that the case may be prepared in time for the hearing. The CPS should be promptly advised of any anticipated delay in meeting the deadline. Where restraining orders are granted with a specified time limit, this may not be extended on any subsequent application for variation of the conditions.

A prosecution file will be required for the CPS to prosecute any breach of a restraining order. A copy of the original order should be included in the file for the CPS.

The police force should have systems in place to ensure that they are notified promptly of the existence of a restraining order and that the order is recorded on the PNC and local intelligence systems as appropriate and without delay. Forces should also establish local systems with agencies such as the CPS to ensure that victims receive a copy of the restraining order.

3.9 POLICE INFORMATION NOTICES

All allegations of harassment should result in an initial police investigation in accordance with this practice advice (see **2 Initial Police Response to Harassment**). Where there is sufficient evidence that an offence has been committed and the public interest test is met, the CPS will generally proceed with a prosecution (see **3.7 Pre-Charge Advice and Charging** and **3.8 Crown Prosecution Service**).

When the police investigation is complete, there may be circumstances in which a charge, caution or prosecution is not possible. For example, there may not be sufficient evidence of a course of conduct which breaches the PHA (see **1.3 Applying the Protection from Harassment Act 1997**). This may be because actions complained of were reasonable and lawful and were adequately explained by the suspect, or the report may be of a single act which does not constitute a course of conduct. Where this is the case, relevant records should be kept, eg, a non-crime incident recorded according to national and local guidance (see **1.7 Crime Recording and Management of Information**).

A suspect does not need to be informed by the police that their behaviour may constitute a criminal offence before the PHA can be applied (see **1.3 Applying the Protection from Harassment Act 1997**). The terminology of ‘warnings’ and ‘orders’ should be avoided in the context of police action in relation to harassment. Such terminology may be misinterpreted by victims, suspects and others as constituting formal legal action. There are some circumstances in which it can be useful for the police to inform a suspect verbally and/or in writing that their alleged actions may constitute an offence under the PHA (described here as a police information notice).

3.9.1 CONTENT OF A POLICE INFORMATION NOTICE

A national template for police information notices in cases of harassment is available on the Genesis website. The notice itself should be sufficient to advise the suspect of the following:

- That the police information notice is not a court order or any form of conviction or caution;
- The requirements and scope of the PHA;
- That all allegations of harassment are taken seriously and investigated by the police;
- That harassment, alarm or distress has been caused, or may have been caused, to the victim by specified actions of the suspect (or that this may be caused should the conduct continue or be repeated);
- That any further, similar conduct could amount to a criminal offence under the PHA;
- The fact that the police information notice has been received could be used as evidence in any future criminal investigation or prosecution, or civil proceedings taken by the victim;
- That acknowledging receipt of the notice does not mean that the suspect is admitting any wrongdoing – simply accepting information about the PHA and the police position on investigating allegations of harassment.

3.9.2 ISSUING A POLICE INFORMATION NOTICE

The use of a police information notice will generally not be appropriate when an investigation has established evidence of a course of conduct under the PHA. Where the victim is unwilling to support a prosecution or there are other elements of the case which mean that the CPS has decided not to continue with the prosecution, the CPS should be consulted about any further action which could be considered. This could, for example, be a letter from the CPS to the victim or suspect to explain the decision not to prosecute, and to clarify the requirements of the PHA. Individuals should not be issued with notices relating to behaviour which would not constitute a breach of the PHA, even if it were to be repeated and then form part of a course of conduct. In general, the issuing of police information notices will not be helpful when dealing with entrenched disputes such as those between neighbours (see **1.4.11 Neighbour Disputes**), although they can be useful at an earlier stage to make the parties aware that their actions may constitute breaches of the PHA if continued.

There may be situations where there is not a reasonable explanation for the behaviour complained of, or the explanation given is in doubt, and the police will need to consider taking further action by issuing a police information notice. This will usually be at the early stage of a situation when there is no evidence that an offence of harassment has occurred (ie, a course of conduct has not been proved). The suspect may appear to be genuinely unaware of the provisions of the PHA and that their actions could constitute a criminal offence. Early intervention by using a police information notice may prevent the behaviour escalating into harassment. Even if further harassment is not prevented, the delivery of the notice could be relevant evidence in future criminal or civil proceedings to show that an individual knew that their conduct could amount to harassment under the PHA. Any decision to issue a police information notice should be authorised by a supervising officer.

Before a police information notice is given to a suspect, this process should be explained to the potential victim and a copy of the notice given to them. In particular, it should be explained that the police information notice is not a court order and is simply information for the suspect. The victim should be informed that the only way it would be possible for a court order to be granted at this stage would be by a private civil case brought by the victim, and the victim could seek independent legal advice about this from a solicitor (see **1.3.8 Civil Remedies Under the Protection from Harassment Act 1997** and **2.7.7 Civil Remedies Available to the Victim**).

The views of the victim about the issuing of a police information notice should be sought and recorded. There may be exceptional circumstances when the victim does not wish the alleged offender to be issued with a police information notice. The reasons for this must be documented in the victim's statement or the officer's pocket notebook. The investigating officer should discuss the situation with the supervisor who is required to authorise the decision to issue a police information notice. The officer should document the decision to follow the victim's wishes or not, giving the reasons for the decision.

As the receipt of a police information notice may be used as evidence in subsequent proceedings, it should be given personally so that there is clarity about the suspect's identity and that they received the notice. Whenever a notice is given, officers should not suggest that this implies any guilt on the part of the suspect. Nor should they suggest that the police information notice marks an end of the matter as this could render evidence of conduct prior to the notice inadmissible in any subsequent prosecution.

When a police information notice has been issued, the officer should record that fact and the nature of the notice and offer it to the recipient to sign. This indicates their receipt and understanding. It may be necessary to caution a suspect if they make relevant comments. Any relevant comments made by the individual should be recorded in the officer's pocket notebook and the individual should be asked to endorse the record. In exceptional circumstances consideration should be given to using a personal delivery service or recorded delivery to issue a police information notice.

MANAGEMENT ISSUES

- Ensuring that *ACPO (2005) Practice Advice on Core Investigative Doctrine* is applied to harassment cases.
- Implementing *ACPO (2009) National Investigative Interviewing Strategy* and *ACPO (2004) Practical Guide to Investigative Interviewing*.
- Ensuring that officers investigating harassment are aware of the process for accessing covert resources.
- Implementing the pre-charge advice scheme.
- Supervising the custody process and implementing *ACPO (2006) Guidance on the Safer Detention and Handling of Persons in Police Custody*.
- Developing local service level agreements (SLAs) with the CPS and courts, particularly with regard to advising the police of bail conditions, restraining orders and other court orders.
- Identifying risk prior to making police bail decisions.
- Ensuring that police systems respond promptly to any notification of bail conditions or restraining orders imposed by the court so that the PNC and other relevant systems are updated without delay.
- Reviewing and monitoring the use and effectiveness of police information notices in cases of harassment.

APPENDIX 1

ABBREVIATIONS AND ACRONYMS

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ACPO	Association of Chief Police Officers
ANPR	Automatic Number Plate Recognition
APACS	Analysis of Policing and Community Safety
ASBO	Anti-Social Behaviour Order
BCU	Basic Command Unit
CAB	Central Authorisations' Bureau
CAIU	Child Abuse Investigation Unit
CCTV	Closed-Circuit Television
CDRP	Crime and Disorder Reduction Partnership
CHIS	Covert Human Intelligence Source
COMU	Covert Operations Management Unit
CPS	Crown Prosecution Service
CSI	Crime Scene Investigator (also referred to as a Scene of Crime Officer)
DASH	Domestic Abuse, Stalking and Harassment and Honour-Based Violence
DNA	Deoxyribonucleic acid
DPP	Director of Public Prosecutions
DSU	Dedicated Source Unit
ECHR	European Convention on Human Rights
FIU	Financial Investigation Unit
FTAC	Fixated Threat Assessment Centre
HBV	Honour-Based Violence
INI	Impact Nominal Index
IPCC	Independent Police Complaints Commission
IT	Information Technology
MAPPA	Multi-Agency Public Protection Arrangements
MARAC	Multi-Agency Risk Assessment Conference
NCRS	National Crime Recording Standard
NETCU	National Extremism Tactical Coordination Unit
NIM	National Intelligence Model
PACE	Police and Criminal Evidence Act 1984
PDA	Personal Digital Assistant
PDP	Potentially Dangerous Person
PER	Person Escort Record
PHA	Protection from Harassment Act 1997

PNC	Police National Computer
POCA	Proceeds of Crime Act 2002
PoISA	Police Search Adviser
PSA	Public Service Agreement
RIPA	Regulation of Investigatory Powers Act 2000
RSO	Registered Sexual Offender
SLA	Service Level Agreement
SOCPA	Serious Organised Crime and Police Act 2005
ViSOR	Violent Offender and Sex Offender Register
VS	Victim Support
WCU	Witness Care Unit
WCO	Witness Care Officer

APPENDIX 2

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REFERENCES

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