

Stalking and harassment

An inspection of Sussex Police
commissioned by the police and crime
commissioner, and an update on
national recommendations in
HMICFRS's 2017 report

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Foreword

In July 2017, we published our report [*Living in fear – the police and CPS response to harassment and stalking*](#). In the foreword to the report, we said that we wanted the inspection to be a catalyst for change. This was because we had concluded that the police and the Crown Prosecution Service (CPS) were letting victims down.

Since we published the report, police forces and national organisations have all done a great deal to improve their response to stalking and harassment. We were therefore pleased to accept an invitation from Katy Bourne, the police and crime commissioner for Sussex Police, to review the progress the force has made. We see great value in this approach.

This inspection has given us an opportunity to assess the effect of changes Sussex Police has made to its approach to allegations of both stalking and harassment. We have also reviewed the work national organisations have done following the recommendations in our national report. We would like to thank Ms Bourne, the police and crime commissioner, and Sussex Police for their help throughout the inspection.

We found that Sussex Police has improved some aspects of its response. Leaders have made great efforts to ensure that the force treats stalking allegations seriously, although this did not always lead to effective and consistent responses from the officers tasked with responding to the allegations. We were pleased to find that Sussex Police had recently introduced some new practices, which other forces could learn from.

Sussex Police has taken positive steps to increase the number of stalking crimes that are recorded. The challenge now is to increase the proportion of these recorded crimes that result in a charge, as this is now lower than the England and Wales average. This will also be a problem for other forces, as their crime-recording practices improve.

National organisations such as the CPS have also made some good progress on some of our recommendations, and continue to work on others.¹ However, there is more work to do, and in some cases urgent work, to ensure that the police protect victims of both stalking and harassment from the moment when a victim reports a crime, throughout the criminal justice process, and thereafter.

¹ See page 45 for details of some work in response to some of these recommendations which the College of Policing and National Police Chiefs' Council lead launched on 3 April 2019, for instance.

Recently published recorded crime figures show that the number of stalking and harassment crimes has increased by 41 percent in 2018, compared with the previous year.² This is the largest increase of any crime category and means that there are more victims than ever who require an efficient, effective and caring police response. This increase in the number of recorded crimes could be because victims of both stalking and harassment are more confident in coming forward to report allegations, or that forces are now more proficient at recording such offences. Whatever the reasons, police forces must be vigilant in providing victims of these offences with the most effective service to keep them safe.

We will continue to monitor how the police respond to these serious and damaging crimes. Victims deserve no less.



Wendy Williams
HM Inspector of Constabulary

² [Crime in England and Wales: year ending September 2018](#), Office for National Statistics, 24 January 2019.

Introduction

About this report

In 2016/17, together with Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI), we carried out a thematic inspection of the way that the police and the CPS dealt with stalking and harassment. The resulting report, *Living in fear – the police and CPS response to harassment and stalking*, was published in July 2017. We visited Sussex Police as part of that inspection.

In the report, we concluded that both stalking and harassment crimes were relatively commonplace and could in some instances have a serious effect on victims. We found that the police response had often let down victims, and because of this we made several recommendations for improvement.

Partly because of our previous visit to Sussex Police, the police and crime commissioner for Sussex asked us to carry out a further detailed inspection of the Sussex Police response to stalking and harassment. [Part A](#) of this report deals specifically with what we found.

Since 2017, recorded stalking and harassment crimes have continued to increase significantly, sometimes with tragic consequences for the victims. Police forces and national organisations have all done some important work to improve the police response, and we give an update on progress against our recommendations in [Part B](#) of this report.

What is stalking or harassment?

Harassment

Harassment is a crime involving behaviour that takes place more than once, and the perpetrator's actions must have an unwanted effect on the victim.

Under the Protection from Harassment Act 1997, it is an offence for a person to pursue a course of conduct that amounts to harassment of another person, and that they know (or ought to know) amounts to harassment.³ The Act defines harassment and states: "References to harassing a person include alarming the person or causing the person distress."⁴

³ [Protection from Harassment Act 1997, section 1.](#)

⁴ [Protection from Harassment Act 1997, section 7\(2\).](#)

A ‘course of conduct’ in the case of harassment of a single person must involve conduct on at least two occasions. The course of conduct in relation to two or more persons means conduct on at least one occasion in relation to each of those persons.⁵

Stalking

After a consultation on stalking in 2011, and an Independent Parliamentary Inquiry into stalking in 2012, new offences of stalking were inserted into the Protection from Harassment Act 1997 in 2012. However, the Act does not go on to detail what particular circumstances distinguish these acts from harassment.

Section 2A of the 1997 Act prohibits a person from pursuing a course of conduct that amounts to stalking.

Section 4A of the 1997 Act prohibits a course of conduct which amounts to stalking and causes either the victim to fear, on at least two occasions, that the perpetrator will use violence against him or her, or causes the victim serious alarm or distress which has a substantial adverse effect on his or her usual day-to-day activities where the perpetrator knows or ought to know that their course of conduct will cause the relevant fear, alarm or distress.

In our thematic inspection of stalking and harassment we concluded that the police and the CPS often struggled to separate the offences of stalking and harassment. Because of this, we recommended that the Home Office should review the Protection from Harassment Act with reference to defining stalking more clearly. The Home Office decided not to undertake such a review and we consider this, and our other recommendations, later in this report ([Part B](#)).

Organisations representing victims of stalking often talk about the fixated and obsessive nature of the perpetrator’s actions as an element of stalking.⁶

This is echoed in the joint police and CPS protocol that sets out how stalking or harassment cases should be dealt with:

In some cases, the distinction between stalking and harassment will not be clear-cut, as the definitions can overlap. There is **no specific legal definition of stalking**. However, for police and prosecutors it is helpful to know that in cases of stalking there is a pattern of unwanted, fixated and obsessive behaviour which is intrusive. It can include harassment that amounts to stalking or stalking that causes fear of violence or serious alarm or distress.⁷

⁵ [Protection from Harassment Act 1997, section 7\(3\)](#).

⁶ For example, the [Paladin National Stalking Advocacy Service](#) and the [Suzy Lamplugh Trust](#).

⁷ [Protocol on the appropriate handling of stalking or harassment offences between the National Police Chiefs’ Council and the Crown Prosecution Service](#), NPCC & CPS, 23 May 2018, p6.

In the Sussex area, [Veritas Justice](#) supports some victims of stalking, and this organisation has adopted the following description of stalking:

Stalking is defined as a pattern of repeat and persistent behaviour that is intrusive and engenders fear. One person becomes fixated or obsessed with another and the attention is unwanted.⁸

In the absence of any more formal definition of stalking, in this inspection we have also taken the view that stalking differs from harassment because of the apparently fixated and obsessive actions of alleged perpetrators. However, as we concluded in our thematic report, because the assessment of the motivation of the perpetrator is subjective, this leads to errors, omissions and differences of interpretation which can have serious consequences for victims.

⁸ See Veritas Justice's page, [What is stalking?](#).

Part A: An inspection of the Sussex Police response to stalking and harassment

Background

In August 2016, Shana Grice was stalked and then murdered by Michael Lane in East Sussex. Sussex Police apologised for the way that it had handled the case, and the Independent Police Complaints Commission (IPCC) launched an investigation. Sussex Police set up a [Gold Group](#) to manage its response to the incident, including the initial recommendations from the IPCC investigation. The force also created a stalking improvement plan which senior officers would oversee.

In February 2017, Sussex Police was one of six forces which we visited as part of our national harassment and stalking inspection. In common with all the forces we inspected, we found a generally poor response to victims of both stalking and harassment in Sussex. The recommendations resulting from the inspection were also included in the force's stalking improvement plan.

About this inspection

Police and crime commissioners for police areas, and their mayoral equivalents, are democratically elected to represent their local communities, with responsibility for securing efficient and effective policing.

Police and crime commissioners can ask HMICFRS to carry out inspections in their police areas.⁹ In April 2017, the police and crime commissioner for the Sussex Police area, Katy Bourne, wrote to Her Majesty's Inspector Zoë Billingham¹⁰ asking us to inspect Sussex Police's response to stalking and harassment.

The police and crime commissioner asked us to examine specifically the following areas:

- the accuracy of the force's identification of stalking as a crime, to include consideration of any distinction being made between stalking in current and non-current intimate relationships;
- the powers the police are using in their response to stalking and harassment offences (such as harassment orders, stalking protection orders [SPOs], domestic violence protection orders [DVPOs] and Clare's Law), to include a review of the quality of the decisions to use these powers;

⁹ Under [Police Act 1996, section 54\(2BA\)](#).

¹⁰ HMI Zoë Billingham has responsibility for Sussex Police.

- the work of the stalking ambassadors¹¹ and the efficacy of their role, to include consideration of how they disseminate information and learning throughout the force, and their role in monitoring performance;
- the force's use of the domestic abuse, stalking, harassment and honour-based violence risk assessment (DASH) and other risk assessment tools;
- whether any bias exists in the way the force responds to, and investigates, stalking and harassment offences, with particular consideration of gender; and
- whether there is any wider and/or national learning that we have identified in other areas that could be brought into practice in Sussex.

Our inspection methodology is set out in [Annex A](#), and covers these areas.

We carried out the inspection over two weeks in November and December 2018.

Prevalence of stalking and harassment in Sussex

Nationally, harassment makes up 2 percent of all crime and stalking makes up 0.1 percent of crime. Malicious communications also make up 2 percent of crime. In Sussex, harassment makes up 9 percent of crime, stalking 2 percent and malicious communications 2 percent. So, this type of crime is quite common.

Summary of main findings

We found that Sussex Police has made some significant improvements to the way that it deals with stalking and harassment crimes. However, the force has much more work to do. Although we found some good examples of cases that the force had dealt with well, these were outweighed by the number of cases that it had not dealt with well enough. Within these, we found a small number of cases where we were not reassured that the force had properly safeguarded the victim as well as it could have done, and we asked the force to take immediate remedial action.

The main findings below are the most significant. Some are likely to have implications for the way that other forces deal with stalking and harassment crimes. Please read the whole report for a more complete picture of our findings, and some examples of effective and poor practice.

Crime-recording

Accurate crime-recording is essential for the effective response to all crimes. It helps forces to understand the nature of victimisation in their areas, and to decide where to allocate their officers and spend their money. It also helps police and crime commissioners to make informed decisions about what victim services they should commission in their areas.¹²

We found that the number of stalking crimes recorded by Sussex Police had increased by 98 percent in the 12 months to 30 September 2018, and that Sussex now records the second highest number of stalking offences in England and Wales. This is good

¹¹ Police officers and staff who receive enhanced training, mainly to give advice and support to other officers.

¹² Police and crime commissioners are responsible for providing victim support services in force areas.

evidence that the force is increasingly accurate in the identification and recording of stalking offences. However, we still found that many aspects of the recording of both stalking and harassment crimes were inadequate.

Improvements in the police response

Sussex Police has a policy that trained investigators will deal with all stalking offences, and most harassment offences. This is positive and should result in better outcomes for victims. However, we found that the force does not always adhere to this policy, and there was some inconsistency within the force area about the point when the officer taking the report should hand over to the investigator.

The force has made several positive changes to the response to stalking and harassment. These include:

- using stalking ‘flags’, a stalking marker on the crime system against the details of victims and perpetrators, to help the force identify repeat activity and safeguard victims more easily;
- providing an enhanced service to ‘high-risk’ stalking victims through the force’s cyber-crime unit (which is a joint project with Surrey Police);
- stopping the use of police information notices (PINs)¹³ for all cases of stalking and harassment;
- using stalking ambassadors; and
- including stalking crimes in the [daily management meeting](#) process to ensure these crimes have enhanced oversight by senior managers.

Risk assessments

We were disappointed to find that the force does not make risk assessments of stalking or harassment cases if they do not relate to domestic abuse. This is very disturbing, particularly as we raised this as a problem in our thematic report.

The force does require all cases of stalking and harassment to be subject to a screening process to identify stalking behaviours. The set of questions is called an S-DASH. However, we found that use of the S-DASH was inconsistent.

The identification of behaviour that may be stalking by using the S-DASH is not of itself a risk assessment process. It could best be described as the first part of a continuum of activity that seeks both to establish the likelihood of the behaviours continuing and to quantify the severity of the effect on the victim. This should lead to officers using professional judgment to establish the action that may be necessary to reduce the risks that have been identified, which is often called risk management.

In Sussex, some aspects of the response to stalking rely on a risk assessment process to take place, to decide what subsequent action is needed. For example, the Specialist Investigation Unit should investigate high-risk cases. The process will work in domestic abuse cases because a DASH risk assessment takes place.

¹³ Police information notices are used to inform alleged stalking and harassment perpetrators that their actions may constitute an offence.

However, in non-domestic abuse cases, because no risk assessment takes place, the force has no consistent way of ensuring that officers who have the right skills and training always investigate these cases. In addition, the force might not consistently assess the risks to victims and might not consistently safeguard victims as well as it could.

We also found in the cases we examined, if a risk assessment such as a DASH had been completed, it was more likely that a risk management plan would also be created.

This lack of a risk assessment process for non-domestic abuse stalking or harassment victims is likely to be a problem that continues to exist in other forces. We have considered this further in [Part B](#).

Breaches of restraining order

A court can impose restraining orders¹⁴ on a perpetrator either after conviction or acquittal. Many restraining orders will be imposed on behalf of victims who have been the subject of stalking or harassment. If the perpetrator then breaches the order on more than one occasion, for example by contacting the victim, this is further evidence of stalking or harassment (see '[Inspection findings: breaches of restraining orders](#)' for more on this subject).

It is important to take this view, so that the police do not treat the breach in isolation, but instead consider the full previous offending history when deciding what action to take.

In Sussex Police we found that the police were likely to treat breaches of a restraining order in isolation and, for example, might not record further crimes of stalking or harassment.

This is also likely to be the case in other forces. There is little guidance to help officers to understand that breaches of restraining orders might be a continuation and escalation of the behaviour for which the magistrates or judge originally imposed the order.

Although all forces should consider the findings in Sussex, and whether they can learn from them, we are so concerned about the ineffective response to breaches of restraining orders that we are taking the extraordinary step of making several new national recommendations.

Following our inspection, we alerted the Home Office to the problems we had found with the crime-recording guidance. We are pleased that the Home Office has told us that it intends to change the guidance to make it clear that crimes of stalking or harassment should be recorded as well as breaches of orders, when it is clear that the victimisation has taken place more than once after the order has been imposed.

¹⁴ Section 5 of the Protection from Harassment Act 1997 enables a criminal court to make a restraining order following a conviction under either section 2 or section 4 of the Act. Since 2009, section 12 of the Domestic Violence, Crime and Victims Act 2004 extended the power to impose orders for any criminal offence, and on acquittal as well as conviction.

Training

After the murder of Shana Grice in Sussex in 2016, the force worked with a local stalking service (Veritas Justice) to give training to officers and staff. This training was mainly designed to help officers and staff to understand stalking, and the way that it affects victims, more thoroughly.

This training programme was never fully completed. In most of the cases we examined, the investigating officers had not received this training.

In addition, the training itself contained little detail about actions that officers should take when they had identified stalking; for example, how they should record the crime correctly.

Online crime

In the cases we examined, we found a significant majority of cases had some element of digital or online offending. This form of victimisation seems to have increased significantly since we visited Sussex Police as part of our thematic inspection in 2016/17.

As stalking and harassment involve repetitive behaviour, and because offenders can commit offences online freely with victims being able to do little about it, this is a worrying trend. In some cases, we found that the police gave poor advice to victims about the ways they could protect themselves from online stalking or harassment.

The Home Office requires forces to identify cases that have an online element with a 'cyber-enabled' flag. Like most forces, Sussex are ill-placed to understand this increasingly common problem because the use of, and the knowledge of, the cyber-enabled flag is very poor. We also highlighted in our 2018 hate crime thematic report¹⁵ that this was a problem in the forces we visited.

Victim support

A local stalking support service, Veritas Justice, can support victims of stalking in Sussex. Veritas Justice is mainly funded by the Sussex police and crime commissioner.

We found that the process Sussex Police uses to refer victims of stalking to Veritas Justice was inconsistent. Veritas Justice only received about 200 referrals from the police in the year before our inspection. This compared with 984 recorded stalking offences during the same period. Of the cases we examined, the force had only referred one to Veritas Justice. This means the force is potentially missing opportunities to refer victims of stalking or harassment to specialist services that could provide additional support.

Victim Support provides more general victim support services. Although the police will automatically refer all victims in the Sussex area to Victim Support unless the victim asks them not to, the actual take-up of services in the stalking and harassment cases we examined was very low.

¹⁵ [*Understanding the difference: the initial police response to hate crime*](#), HMICFRS, 19 July 2018, p16.

Power of entry and search

The 2012 stalking legislation introduced a provision to allow officers investigating stalking offences under section 2A of the Protection from Harassment Act 1997 to apply to a magistrate for a warrant to enter and search premises for evidence.¹⁶

This power of entry and search allows officers to gather evidence and build strong cases against perpetrators. We found that Sussex Police did not use this power as often as it could have done.

Causes of concern and recommendations

For Sussex Police

Cause of concern

We are concerned that in cases of non-domestic abuse stalking or harassment, the force does not make risk assessments and therefore the force might not be properly protecting victims from the danger of becoming repeat victims.

Recommendation

We recommend that within three months the force decides how it can improve the risk assessment process for stalking and harassment.

Cause of concern

We are concerned that Sussex Police does not use the power of entry and search effectively, and therefore stalking investigations are not as thorough as they could be.

Recommendation

We recommend that within three months Sussex Police reminds officers of the need to consider the power of entry and search for stalking investigations, that the force dip-samples investigations to ensure that officers are considering this, and that the force introduces performance measures to find out if officers are using the powers effectively.

¹⁶ [Protection from Harassment Act 1997, section 2B.](#)

Cause of concern

We are concerned that Sussex Police is not properly protecting some victims of stalking or harassment who have been victimised online because:

- officers record some of these crimes incorrectly as malicious communications only; and/or
- the crime prevention advice the force gives to victims is not always appropriate.

Recommendations

We recommend that within three months the chief constable of Sussex Police reviews this crime type to ensure that the force records and classifies these crimes correctly, and treats victims appropriately as a result.

We recommend that within three months Sussex Police gives explicit guidance to officers and staff about the advice that they should give to victims of online stalking or harassment. In future, the force should incorporate this into the training of officers.

Cause of concern

We are concerned that Sussex Police's response to victims of stalking or harassment is not always as effective and consistent as it could be. This is because not all officers have received enhanced stalking training.

Recommendation

We recommend that within three months the chief constable of Sussex Police reviews whether the current training provision regarding stalking and harassment is adequate.

New national recommendations

Cause of concern

We are concerned that police forces are dealing with breaches of orders in isolation, and are not recognising or properly addressing the wider patterns of victimisation. As a result, forces might not be adequately assessing the risks to some victims, and might not be appropriately investigating and prosecuting cases.

Recommendations

- Within six months chief constables should ensure that forces record stalking or harassment crimes if appropriate when victims report breaches of orders.
- Within six months the National Police Chiefs' Council (NPCC) lead and the CPS lead should consider whether they can do more to inform police officers and lawyers of the importance of treating breaches of orders as evidence of a wider pattern of offending, and when and in what circumstances officers and lawyers should treat this as further evidence of stalking or harassment.
- Within six months chief constables should ensure that officers are aware of the importance of treating breaches of orders, where appropriate, as part of a wider pattern of offending, and ensure that force policy and guidance helps officers to do this.

Areas for improvement

- Within three months the force should review the role of stalking ambassadors and consider whether an ambassador should review all stalking crimes, and whether ambassadors should play a more proactive role in victim care in partnership with victim support organisations.
- So that officers record the outcomes of crimes accurately, within three months the chief constable of Sussex Police should ensure that officers understand outcome codes and use them correctly, and that the force has a robust process to ensure that officers do this.
- So that the force gives all victims of stalking the opportunity of receiving specialist support, within three months the chief constable of Sussex Police should review the process by which the force makes referrals. The chief constable should work with the appropriate service providers and the police and crime commissioner to ensure that there is sufficient capacity to offer this service.
- So that Sussex Police gives all victims of stalking or harassment an effective and consistent service, within three months the chief constable of Sussex Police should regularly monitor the national stalking protocol to ensure that the force is complying with it. The chief constable should consider the best way to do this.

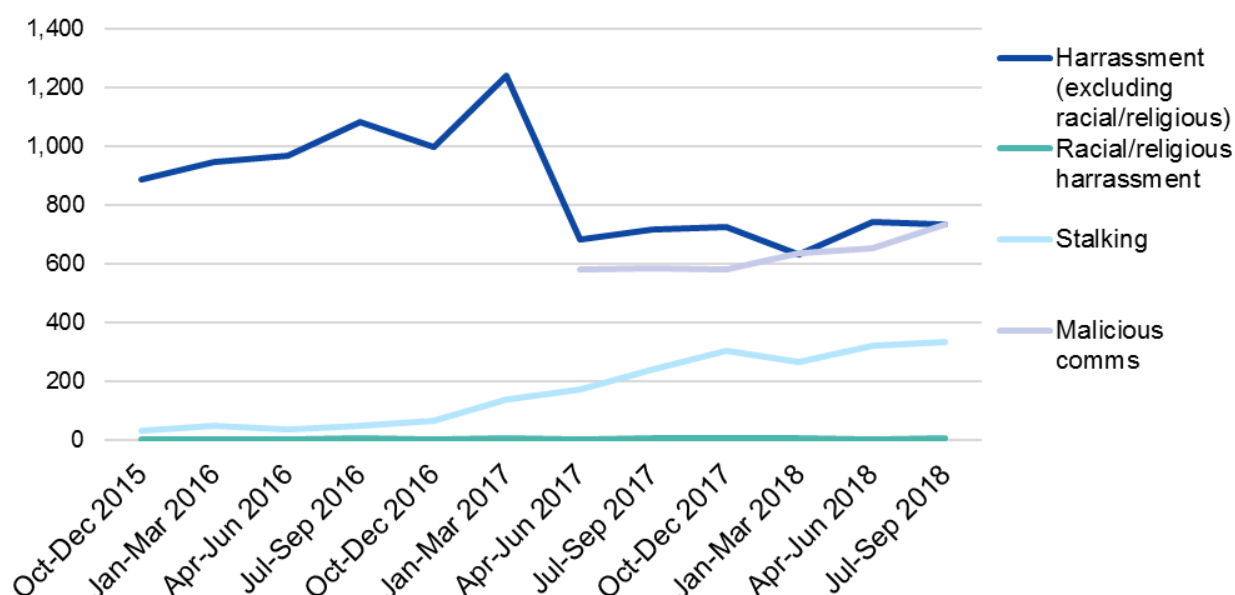
Part A: Inspection findings

Data

In the 12 months to 30 September 2018, Sussex Police recorded 1,228 stalking offences, the second highest number of stalking offences recorded by a force in England and Wales. This is an increase of 98 percent from the 621 recorded in the 12 months to 30 September 2017.

In contrast, in the 12 months to 30 September 2018, harassment offences declined by 22 percent on the previous 12 months, from 3,637 to 2,834. This decline may partly be because in 2017/18 a new category of malicious communications crimes was introduced.¹⁷ So crimes that were previously recorded as harassment offences were recorded as malicious communications instead. Some of this reduction in the number of recorded harassment crimes could also be because the force is recording stalking crimes instead.

Figure 1: Number of recorded stalking and harassment crimes in Sussex Police area 1 October 2015 to 30 September 2018

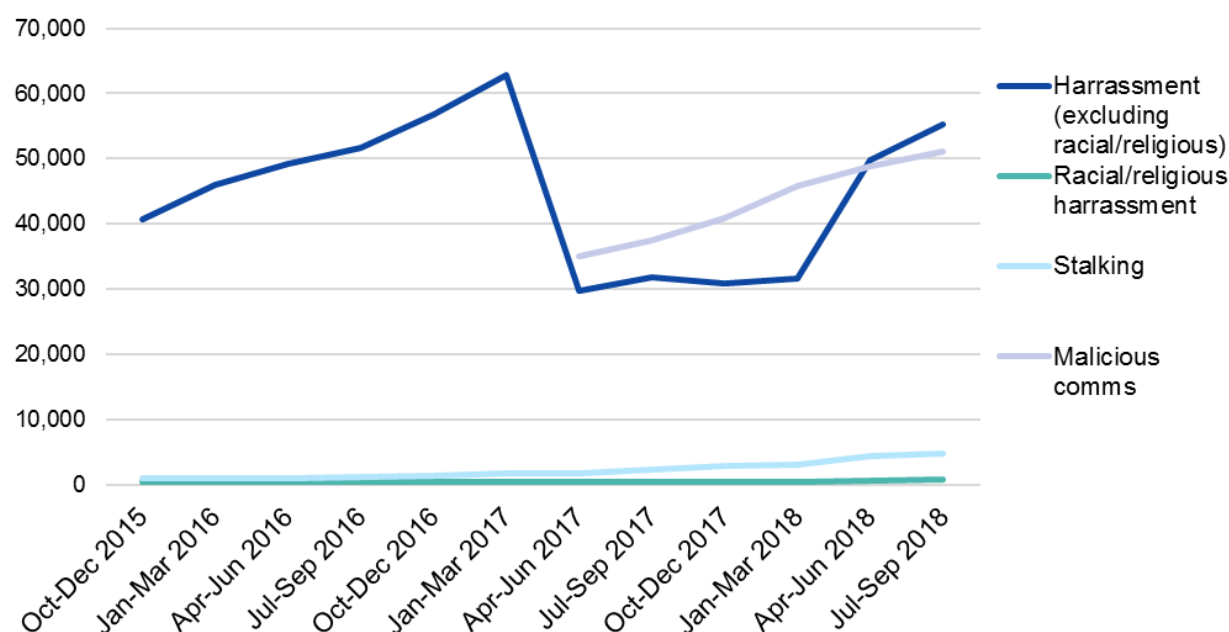


Source: Home Office data published by the Office for National Statistics

¹⁷ In the 12 months to 30 September 2018, Sussex Police recorded 2,612 malicious communications crimes contrary to section 1 of the Malicious Communications Act 1988.

The increase in recorded stalking crime, and the decrease in recorded harassment crime, is in line with the England and Wales trend for stalking and harassment crimes. The England and Wales average¹⁸ for stalking offences increased from 170 in the 12 months to 30 September 2017 to 354 in the 12 months to 30 September 2018, an increase of 108 percent. In contrast, the England and Wales average for harassment crimes decreased from 4,218 in the 12 months to 30 September 2017 to 3,897 in the 12 months to 30 September 2018, a decrease of 8 percent.

Figure 2: Number of recorded stalking and harassment crimes in England and Wales 1 October 2015 to 30 September 2018

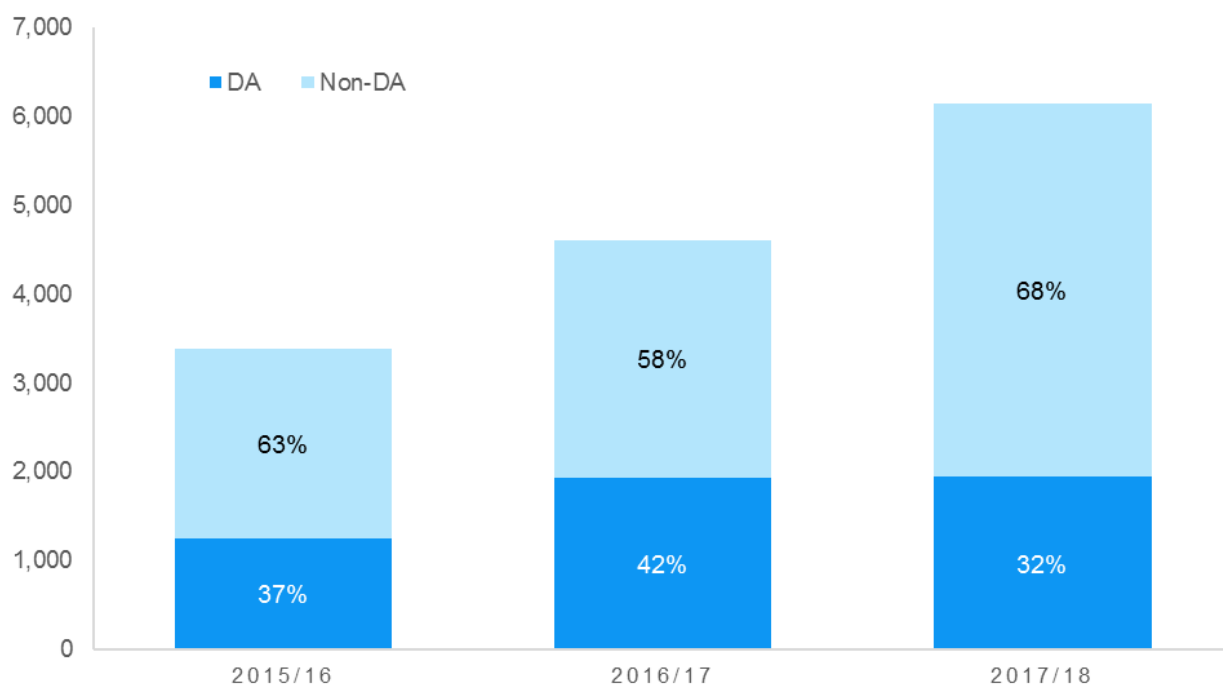


Source: Home Office data published by the Office for National Statistics

Overall, the proportion of non-domestic abuse stalking and harassment cases that Sussex Police recorded has increased from 58 percent in the 12 months to 30 September 2017 to 68 percent in the 12 months to 30 September 2018, while the proportion of domestic abuse-related stalking and harassment crimes fell by 10 percent, from 42 percent to 32 percent in this period.

¹⁸ The average for England and Wales is calculated by summing the number of the offences recorded by all forces in England and Wales and dividing the total by the number of forces (i.e. 43). The average is liable to be influenced by 'outlier' forces that are either much larger or much smaller than a 'typical force', but this measure can still provide a useful baseline for comparison.

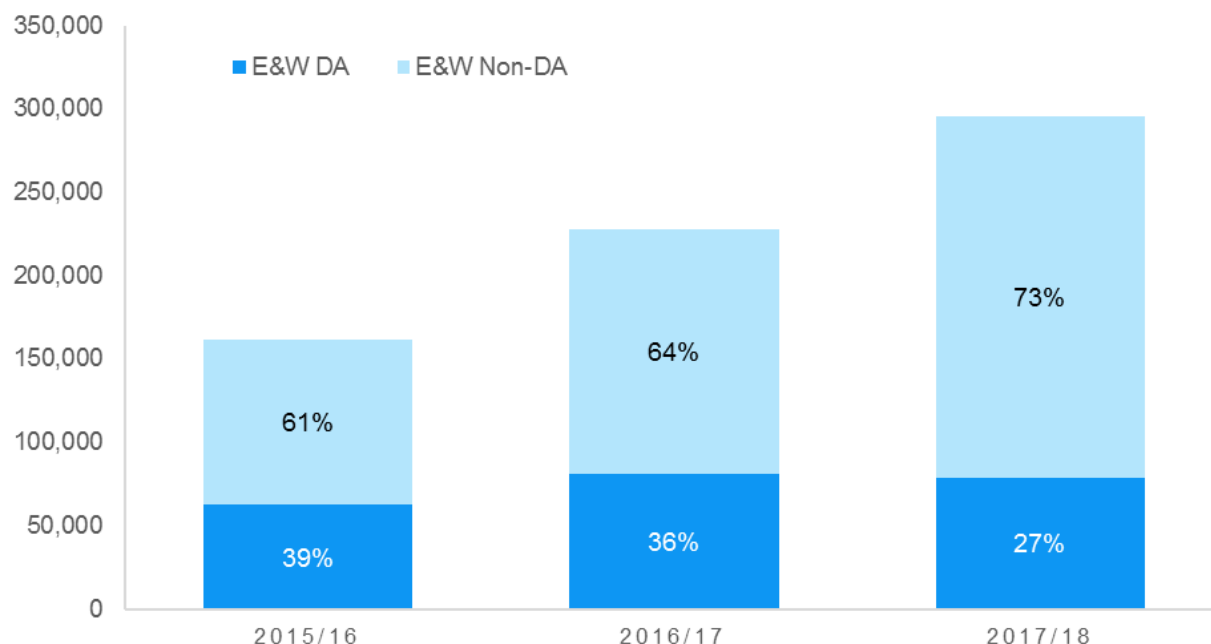
Figure 3: Percentage of recorded DA and non-DA stalking and harassment crimes in Sussex Police area 2015 to 2018



Source: Home Office data from the Home Office data hub

The proportion of stalking and harassment crimes that are flagged as being related to domestic abuse in Sussex Police is broadly similar to the national picture.

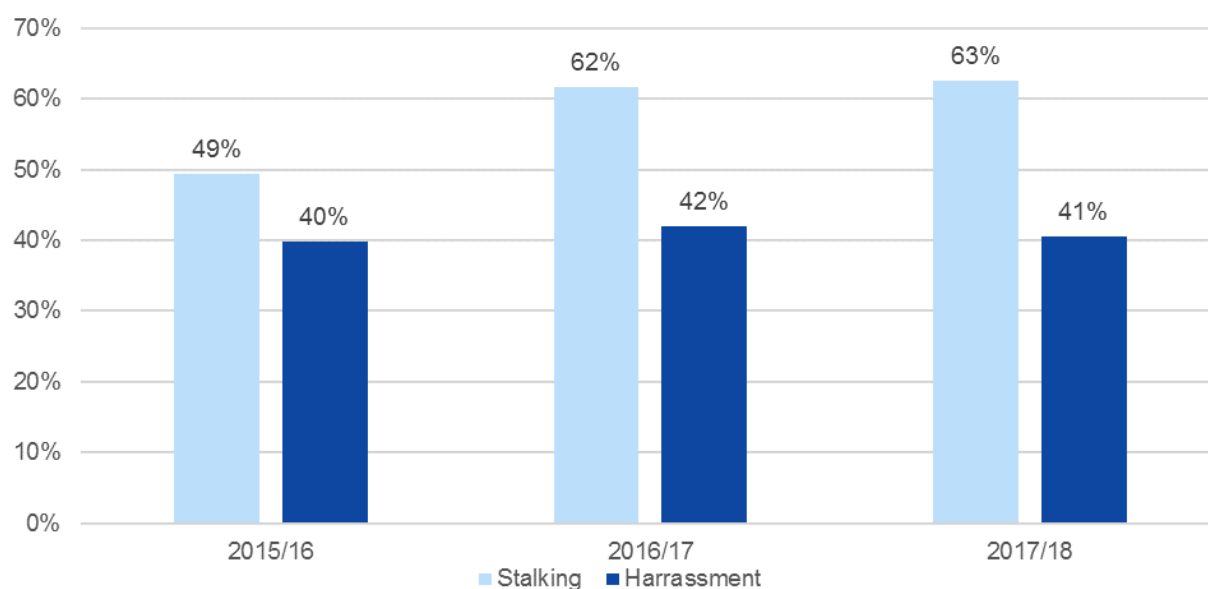
Figure 4: Percentages of recorded DA and non-DA stalking and harassment crime in England and Wales 2015 to 2018



Source: Home Office data from the Home Office data hub

However, there is a difference in the proportion of stalking cases that are domestic abuse-related, compared with harassment cases. In Sussex it appears that stalking is more likely to be domestic abuse-related than harassment.

Figure 5: Percentage of DA flags for stalking and harassment in Sussex 2015 to 2018



Source: Home Office data from the Home Office data hub

Nationally, harassment makes up 2 percent of all crime and stalking makes up 0.1 percent. Malicious communications also make up 2 percent of crime. In Sussex, harassment makes up 9 percent of all crime, stalking 2 percent and malicious communications 2 percent. So, this type of crime is quite common.

Although all the above figures give some useful indications about the nature of stalking and harassment, our inspections have shown that officers have difficulty distinguishing stalking from harassment. Therefore, we have reservations about the accuracy of the recorded crime statistics. We have also found in other inspections that officers do not always add the 'DA' flag to the crime report when they should.

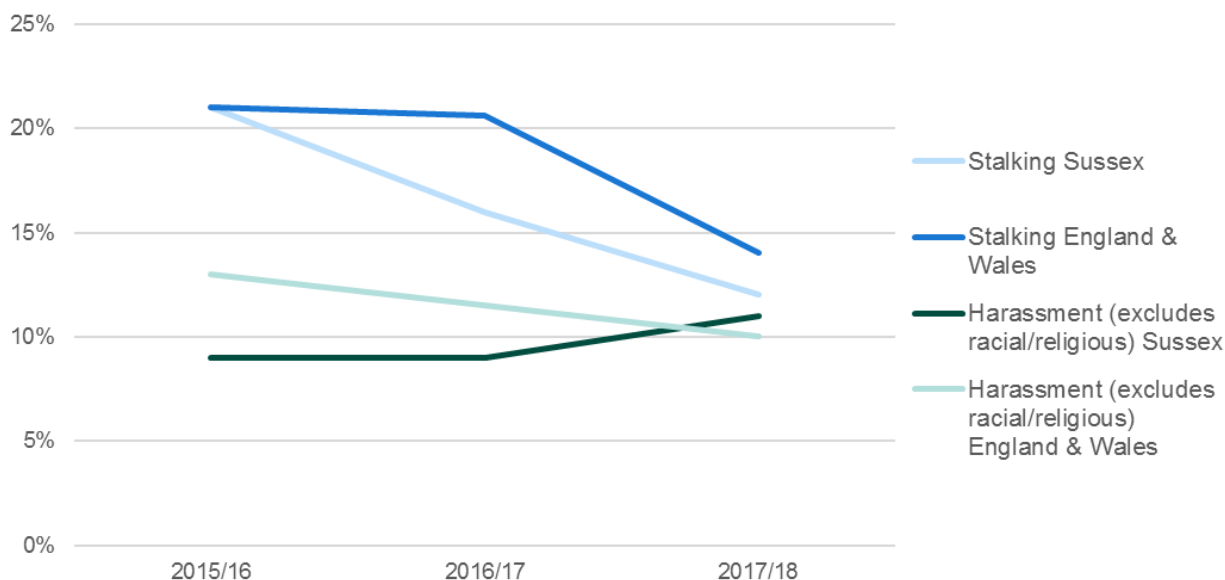
We also examined the recorded outcomes of stalking and harassment crimes in Sussex.

For stalking offences, the proportion that resulted in a charge/summons in the 12 months to 30 September 2018 was 12 percent. This is in line with the England and Wales rate of 14 percent for the same period. However, this is a large drop from the proportion that resulted in a charge/summons in the 12 months to 30 September 2017, which was 21 percent. It is important to note that the force's recording rate should be taken into account when interpreting outcome rates, because this could cause the outcome rate to appear lower. The actual number of charges over the above periods increased from 102 to 143, which is positive.

For harassment offences, the proportion that resulted in a charge/summons in the 12 months to 30 September 2018 was 11 percent; the England and Wales rate was 10 percent. This is slightly higher than the proportion that resulted in a

charge/summons in Sussex in the 12 months to 30 September 2017, which was 9 percent. There has therefore been a small but positive improvement in the percentage of harassment crimes that result in a charge in the last year.

Figure 6: Stalking and harassment crimes resulting in a charge or summons in Sussex compared to England and Wales in the 12 months to 30 September 2018



Source: Home Office data published by the Office for National Statistics

We do not know why the percentage of stalking charge/summons crimes is lower in Sussex than elsewhere. However, as we have shown above, Sussex Police now has a higher rate of recording for stalking crimes. This means that the charge/summons rate is calculated as a proportion of a larger number than other forces in England and Wales, making it seem comparatively low. We set out below some other factors that might explain why some crimes do not result in a charge.

For those cases that did not result in a charge, we found Sussex Police was more likely than the England and Wales average to record an outcome that the victim was not willing to support a prosecution. This in some cases could indicate that the police had not properly supported the victim throughout the investigative process, although the reasons why a victim might not want to pursue an allegation vary.

We also found that the force was more likely than the England and Wales average to record an outcome that an investigation had not identified a suspect, even though the victim would have been willing to support a prosecution. This in some cases could indicate that the investigation was not as thorough as it could have been. We found some evidence of this in our case assessments.

However, as with the charge/summons rate, differences in outcome rates could be the result of a larger number of offences being recorded by Sussex Police than by other forces in England and Wales.

In our inspection, we found some evidence that officers did not properly understand the outcome codes, and the force audit process was not robust enough to correct

these errors. This may explain some of the differences in the recorded outcomes of crimes that do not result in a charge. We have examined this in more detail below.

The police and crime commissioner's specific issues

The police and crime commissioner asked us to examine six specific areas of the police response to stalking and harassment, and we have detailed these below along with our findings. We also assessed various other aspects of stalking and harassment and these are contained in our 'Criteria and indicators' document contained in [Annex B](#). The additional findings are also listed below.

1. The accuracy of the force's identification of stalking as a crime, to include consideration of any distinction being made between stalking in current and non-current intimate relationships

As we have stated above, Sussex Police recorded substantially more stalking crimes in the 12 months to 30 September 2018 than in the 12 months to 30 September 2017. This is good evidence that the force is better at recognising stalking.

However, in the cases we assessed, we did find that the accuracy of the identification of stalking was inadequate. We found cases that:

- officers had incorrectly classified as harassment, rather than stalking;
- the investigating officer had recorded as harassment, but the crime management unit had re-classified as stalking;
- officers had recorded as section 2A stalking when there was evidence of the more serious offence of stalking under section 4A;
- officers had recorded as section 4A stalking when they should have recorded them as section 2A; and
- officers had recorded as breaches of restraining order when they should have recorded them as stalking or harassment (we consider this issue further under '[Breaches of restraining orders](#)' below).

This indicates that although reporting, investigative and supervisory officers have improved their ability to recognise stalking, it is still not good enough. We consider the possible reasons for this in the section '[Guidance, awareness-raising and training](#)' below.

The victim had ended an abusive relationship with the perpetrator. The perpetrator began to stalk the victim. However, the investigating officer had incorrectly identified the offence as harassment. The case was reviewed by a stalking ambassador who identified this error and gave a comprehensive explanation of stalking and a detailed investigation plan.

We did not find any evidence that the force makes an inappropriate distinction between stalking in current and non-current intimate relationships.

We found that Sussex Police had recently introduced a system of stalking 'flags' to be placed on the crime report when a victim reported an offence. The force had also

decided to place these flags on previously recorded stalking offences. This is positive as it will allow the force to analyse more stalking crimes to gain a more complete picture of the problem.

2. The powers the police are using in their response to stalking and harassment offences (such as harassment orders, SPOs, DVPOs and Clare's Law), to include a review of the quality of the decisions to use these powers

We found that officers had arrested perpetrators to protect victims appropriately in most of the cases we examined. In the cases that had resulted in a charge, we found that officers had considered the imposition of restraining orders appropriately. This is positive.

3. The work of the stalking ambassadors and the efficacy of their role, to include consideration of how they disseminate information and learning throughout the force, and their role in performance monitoring

Sussex Police operates a system of stalking ambassadors. These are officers and staff who receive enhanced training in stalking and who can:

- give advice and guidance to officers;
- reinforce messages regarding policy and best practice, including briefing other staff; and
- do one-off audits of stalking crimes.

We spoke to several stalking ambassadors during our inspection. We found that they were committed and well-informed, but the force was not using their skills and experience to best effect.

In the cases we examined, we only found evidence in one case that a stalking ambassador had given advice and guidance to the investigating officer. It is possible that this is happening, but is not being recorded: the guidance for stalking ambassadors does not require them to update the crime record when they have been consulted. However, without this, or any note to the same effect from the investigating officers, it was difficult for us or the force to assess how effective the stalking ambassadors had been in helping the effectiveness of the investigation.

There is an opportunity for the force to use the ambassadors in a more proactive way; for example, for an ambassador to review all cases of stalking. This could have a demonstrable effect on the quality of investigations and the care the force gives to victims – for instance, the ambassadors could be used to support victims and direct them to specialist support services.

The one case we found that a stalking ambassador had reviewed was an excellent example of the potential value a more proactive approach could bring. We include a suitably redacted version of this review in [Annex C](#).

Area for improvement

Within three months the force should review the role of stalking ambassadors and consider whether an ambassador should review all stalking crimes, and whether ambassadors should play a more proactive role in victim care in partnership with victim support organisations.

4. The force's use of DASH and other risk assessment tools

The force policy states that in all cases of stalking or harassment, officers should complete a single combined assessment of risk form (SCARF). A SCARF is an online tool that enables officers to risk-assess several different categories of crime. The risk assessment itself varies depending on the type of crime.

For stalking or harassment crimes that involve a victim of domestic abuse, the policy states that officers should make a DASH risk assessment. For stalking or harassment crimes that do not involve domestic abuse, officers must complete an S-DASH.

However, an S-DASH is not a risk assessment process. It is a series of questions that seek to describe the nature of the stalking or harassment, rather than to assess the risks of the offender's behaviour towards the victims in a quantifiable way. We provide examples of a DASH and S-DASH form in [Annex D](#).

In our thematic report we stated that the use of S-DASHs are:

insufficient on their own to properly assess the risks to the victim and should be read in conjunction with questions regarding the effect of the behaviour on the victim.¹⁹

In Sussex about 70 percent of stalking and harassment cases are not flagged as being related to domestic abuse, which suggests²⁰ that most victims are not risk-assessed. This is of considerable concern.

The victim contacted the police, reporting that she had received between 20 and 30 silent phone calls each night in the week before she made the report. Although the perpetrator did not speak, she could hear breathing on the other end of the line. The victim told police the first name of the person she suspected of making the calls. The police call-handler did not ask the victim who this person was, or why the caller suspected that person of harassing her. The call-handler did not make an initial risk assessment and although the call-handler recorded the crime, the report was closed, and no further investigation took place. There was no enhanced risk assessment or referral for support, even though the victim had a four-year-old son.

¹⁹ [Living in fear – the police and CPS response to harassment and stalking](#), HMIC and HMCPSP, 5 July 2017, p40.

²⁰ This conclusion is based on the assumption that all crimes have been correctly flagged. It is possible that the DA flag has not been added to crimes when it should have been, but we have no wider evidence of this from the inspection.

In April 2018, this problem was raised at the Sussex stalking and harassment working group, which decided to consider this further. Since that time the force has taken little positive action to resolve the problem.

Recommendation

We are concerned that in cases of non-domestic abuse stalking or harassment, the force does not make risk assessments and therefore the force might not be properly protecting victims from the danger of becoming repeat victims.

We recommend that within three months the force decides how it can improve the risk assessment process for stalking and harassment.

In our thematic report, we made two recommendations to the NPCC lead regarding the lack of risk assessments in stalking and harassment cases.²¹ We are disappointed that to date little progress has been made nationally on this problem, and we discuss this further in [Part B](#).

In the Sussex Police stalking or harassment cases we examined that also involved domestic abuse, we found that officers consistently completed a DASH risk assessment, although we did not always agree with the resulting risk grading. In some cases we considered that officers had assessed the risk as too low. This is important because the risk level influences subsequent work, such as the skills level of the investigator the force assigns to the case, and whether officers refer the case to a multi-agency risk assessment conference.

In the cases we examined, we found that if a secondary risk assessment such as a DASH took place, then it was more likely than not that a risk management plan would also be created. We consider this further under '[Risk management](#)' below.

The victim had been subjected to stalking. The perpetrator had been convicted of the offence and a restraining order issued by the court. The perpetrator continued to offend. Police attended but did not complete a risk assessment on the victim and as a result no risk management plan was put in place. The perpetrator was arrested but released under investigation, but he continued to stalk the victim.

5. Whether any bias exists in the way the force responds to, and investigates, stalking and harassment offences, with particular consideration of gender

In the cases we examined we did not find any evidence of bias in the way that the force deals with stalking or harassment allegations. However, our analysis of annual crime data shows that if a female victim makes an allegation, it is more likely that the police will charge the perpetrator than if a male victim makes an allegation. If a male victim makes an allegation, it is more likely that the investigation will not discover the identity of the suspect than if a female victim makes the allegation.

²¹ [Living in fear – the police and CPS response to harassment and stalking](#), HMIC and HMCPSP, 5 July 2017, p41.

We assessed in detail a comparatively very small number of crimes and because of this we cannot say why there appear to be differences in outcomes depending on the gender of victims.

6. Whether HMICFRS has identified any wider and/or national learning in other areas which could be brought into practice in Sussex

We have already examined the work of the stalking ambassadors. [In 2018 we made a thematic inspection of hate crime](#) and visited Gwent Police. Gwent Police operates a system of hate crime single points of contact (SPOCs) to give advice and support to both officers and victims. Gwent Police assigns the SPOCs to crimes and they play a proactive role in the investigations; they also contact victims to give support and direct them to specialist organisations.

Sussex Police could consider whether it could adapt the principles Gwent Police uses in relation to its hate crime SPOCs, to improve stalking and harassment investigations in Sussex and give better support to victims.

Also, some forces operate a system of ‘stalking units’. These are a multi-agency response to stalking that involves a combination of enhanced support for victims alongside a co-ordinated approach to try to address the motivations of the perpetrators. The overall aim is to protect the victims of stalking and attempt to prevent any further offending. We discuss these units in more detail in [Part B](#).

Sussex Police already works with several local partners and is well-placed to consider whether it could adopt this way of working in Sussex. In our view, a specialist stalking unit has the potential to improve the current police and partnership provision of services to stalking victims and is therefore worth considering in detail.

Other findings

As well as assessing the areas of the police response above, we also considered what else the police did to investigate allegations of stalking or harassment, and how it kept victims safe. We revisited some aspects that we had already considered in our thematic report, but we examined other areas – such as breaches of restraining orders – for the first time.

Breaches of restraining orders

Restraining orders, imposed by a criminal court, prohibit perpetrators from doing anything specified in the order, for the purposes of protecting victims or potential victims. Section 5 of the Protection from Harassment Act 1997 enables a criminal court to make a restraining order following a conviction under either section 2 or section 4 of the Act. Since 2009, section 12 of the Domestic Violence, Crime and Victims Act 2004 extended the power to impose orders for any criminal offence, and on acquittal as well as conviction.

In many cases, courts will impose restraining orders on perpetrators who have been stalking or harassing their victims. The purpose is to stop perpetrators from continuing to behave in this way. In some cases, courts will impose restraining orders in relation

to other related behaviour, such as coercive and controlling behaviour.²² If a perpetrator then breaches the order, victims can quite rightly believe that this is a continuation of the previous behaviour, rather than an isolated unrelated event.

While victims may see any breach of an order as a repetition of previous behaviour, legally the position is different. One single act in breach of an order cannot be treated as stalking or harassment, although there is an expectation that police and the CPS will take swift action to deal with the breach. However, when the perpetrator breaches an order more than once, a course of conduct has been established and stalking or harassment crimes may then have also been committed.

In Sussex, we examined seven cases that the force had recorded as breaches of a restraining order.

The [Home Office Counting Rules for Recorded Crime](#) gives guidance to forces on how to record such crimes. The [general guidance](#) indicates that if a breach of a restraining order also consists of a further crime of stalking or harassment, the force should only record the stalking or harassment.

The specific guidance in relation to breaches of restraining orders states:

“Breach of Harassment Injunction, Non-Molestation or restraining Order: *one crime for each offender*” [emphasis added]

However, the guidance goes on to say:

If a person commits offences whilst in breach of a harassment injunction / restraining or non-molestation order, *and these offences are distinct from the breach* [emphasis added], then count them in addition to the breach.²³

In a breach of a restraining order that consists of further stalking or harassment, this suggests that the police should only record one crime (that of stalking or harassment). If the behaviour is different, for example a burglary, then the police should record two offences (burglary and breach of restraining order). This is likely to confuse officers.

We examined seven cases of breaches of restraining orders. In our view, officers should have recorded all of them as stalking or harassment. We concluded that officers had treated the breaches of restraining orders in isolation, and had not considered the previous victimisation when deciding how to record the crime. It is also possible that the officers were not sufficiently aware of the crime-recording rules, and that the force was not good enough at checking that officers had recorded these crimes correctly.

²² Under the [Serious Crime Act 2015 part 5, section 76](#).

²³ [Home Office Counting Rules for Recorded Crime: Counting rules for violence against the person](#), 2019.

A perpetrator had been convicted of stalking and was subject to a restraining order preventing him from contacting the victim. However, the perpetrator started to stalk the victim again through social media and on the phone. The perpetrator also began to stalk the victim's new partner. Police acted promptly and arrested the perpetrator and sought a remand in custody. The perpetrator was charged with a breach of a restraining order. The management of the risk to victim was appropriate, and officers made a referral to a support group. However, there was no consideration of charging the perpetrator with stalking – either against the victim or the new partner.

We also found an example of a case which the force had recorded as stalking but where there was no evidence of any recent course of conduct or obsessive and fixated behaviour. In this case we considered that the force should instead have recorded it as a breach of a restraining order. This shows that there is some confusion about how officers should record such events.

An offender had stalked a victim and had been convicted by a court. The court had imposed a restraining order. Twelve months after the conviction, the offender walked past the victim's home address, which was a breach of the restraining order. The police arrested the offender and released him on pre-charge bail. Officers recorded the incident incorrectly as stalking. The offence was a breach of a restraining order because this was an isolated incident.

In our thematic report we found that accurate crime-recording, and in particular the identification and recording of stalking, is vital to producing good outcomes for victims. In some cases, it is possible that if officers do not recognise stalking but treat it instead as a case of a breach of an order, the police might not treat the case as urgently as they could do.

A perpetrator was convicted of harassment and the court imposed a restraining order. The perpetrator breached the restraining order over several days, and the behaviour became more severe. The victim reported this to the police. The police did not allocate the crime to an investigator immediately. The police arrested the perpetrator for the breach of the restraining order but did not consider the offence of stalking. The perpetrator was released under investigation. There were long delays in obtaining statements during which time the perpetrator continued to commit further offences against the victim.

Although the College of Policing and the CPS give some guidance to officers and lawyers about restraining orders, they give little information to help officers and lawyers consider whether the breach is part of a wider pattern of behaviour. Similarly, Sussex Police currently does not give specific guidance to officers about this.

The [*Protocol on the appropriate handling of stalking or harassment offences between the National Police Chiefs' Council and the Crown Prosecution Service*](#) states:

Police and CPS should be aware that breach of a restraining order (as well as being an offence itself) is often evidence of further stalking or harassment. When this occurs, the police will take expeditious and robust action to deal with the breach and to bring such alleged offending before the court in a timely manner.

So, it is not clear when and in what circumstances it is appropriate for officers to consider treating the breach of a restraining order as a further incident of stalking or harassment and investigate and prosecute it as such.

It is also the case that the problem we have identified, that officers might not treat breaches of restraining orders as further acts of stalking or harassment, does not relate solely to restraining orders. Victims can also be protected from further offending by other orders such as non-molestation orders²⁴ and DVPOs.²⁵ Victims can seek non-molestation orders privately without reference to the police, so any breaches victims report to the police might be the first indication the police have that the victim is being stalked or harassed.

We consider that the problems with restraining orders we have found in Sussex are also likely to exist in other forces, and therefore we have made several recommendations.

Following our inspection, we alerted the Home Office to the problems we had found with the crime-recording guidance. We are pleased that the Home Office has told us that it intends to change the guidance to make it clear that crimes of stalking or harassment should be recorded as well as breaches of orders, when it is clear that a course of conduct has taken place.

We believe that making changes to the guidance regarding the breaches of orders will help officers to recognise that the offending should not be treated in isolation, and that instead the whole offending history should be considered when dealing with victims.

²⁴ Victims, or their representatives, can currently obtain a non-molestation order under section 42(2) or section 45(1) (ex parte applications) of the [Family Law Act 1996](#), or a harassment injunction under [section 3 of the Protection from Harassment Act 1997](#).

²⁵ DVPOs were introduced in 2014 by [section 24 of the Crime and Security Act 2010](#).

Recommendations

We are concerned that officers are dealing with breaches of orders in isolation and are not recognising and properly addressing the wider patterns of victimisation. As a result, officers might not be assessing the risks to some victims adequately and might not be appropriately investigating and prosecuting cases.

Within six months chief constables should ensure that officers record stalking or harassment crimes when a victim reports a breach of an order.

Within six months the NPCC lead and the CPS lead should consider whether they can do more to inform officers and lawyers of the importance of treating breaches of orders as evidence of a wider pattern of offending, and when and in what circumstances officers should treat this as further evidence of stalking or harassment.

Within six months chief constables should ensure that officers are aware of the importance of treating breaches of orders, where appropriate, as part of a wider pattern of offending and ensure that force policy and guidance helps officers to do this.

Crime recording

We have already considered the accuracy of the force's identification of stalking as a crime. We concluded that although the force has made good progress, this is still not good enough. We have also concluded above that there are problems with the way the force records breaches of restraining orders.

Accurate crime-recording is important as it often influences subsequent work, for example, which department of a police force will investigate the crime. Forces also need reliable information to understand the nature of crime in their area and how to allocate their resources, and also to help provide support to victims. We explain why accurate crime recording is so important in our report [Crime-recording: making the victim count](#).

In addition to this inspection and our previous thematic inspections, since April 2016 we have been carrying out a [rolling programme of inspections examining the accuracy of crime-recording by police forces](#). In 2016 we inspected Sussex Police as part of this programme and it received a rating of good.²⁶ This inspection did not solely cover stalking or harassment crimes.

In the 42 cases we examined in our latest stalking and harassment inspection, we found problems with 18 cases which meant that they did not comply with [Home Office Counting Rules for Recorded Crime](#).

²⁶ [Sussex Police: Crime Data Integrity inspection 2016](#), HMIC, 25 August 2017.

The victim had received numerous phone calls, text messages and contact through social media from her estranged partner over a period. The police interviewed the perpetrator but did not arrest him. Officers did not record the incident as a crime and closed the case. The police did not refer the case to the CPS for a charging decision, even though this was a domestic abuse case. Although officers carried out a risk assessment on the victim, they only put limited safety measures in place.

At the time of our inspection the force had recently carried out its own review of stalking and harassment incidents and crimes, along with crime related incidents of malicious communications. The Sussex review concluded that out of 364 crimes which should have been recorded, 255 were recorded. Of the missing crimes two were stalking and 28 were harassment crimes. The force has used the results to identify where crime recording could be improved.

The Home Office requires forces to record the outcomes for recorded crimes.²⁷ It is important that officers record the outcomes correctly so that forces can understand whether officers are making investigations efficiently, or whether in some cases victims are failing to substantiate allegations and may need additional support.

In this inspection, we examined cases that had been finalised with the outcome of:

- a charge (outcome 1);
- officers had identified a suspect, but the victim did not want to proceed with the allegation (outcome 16); and
- the victim wanted to proceed with an allegation, but officers had not identified a suspect (outcome 18).

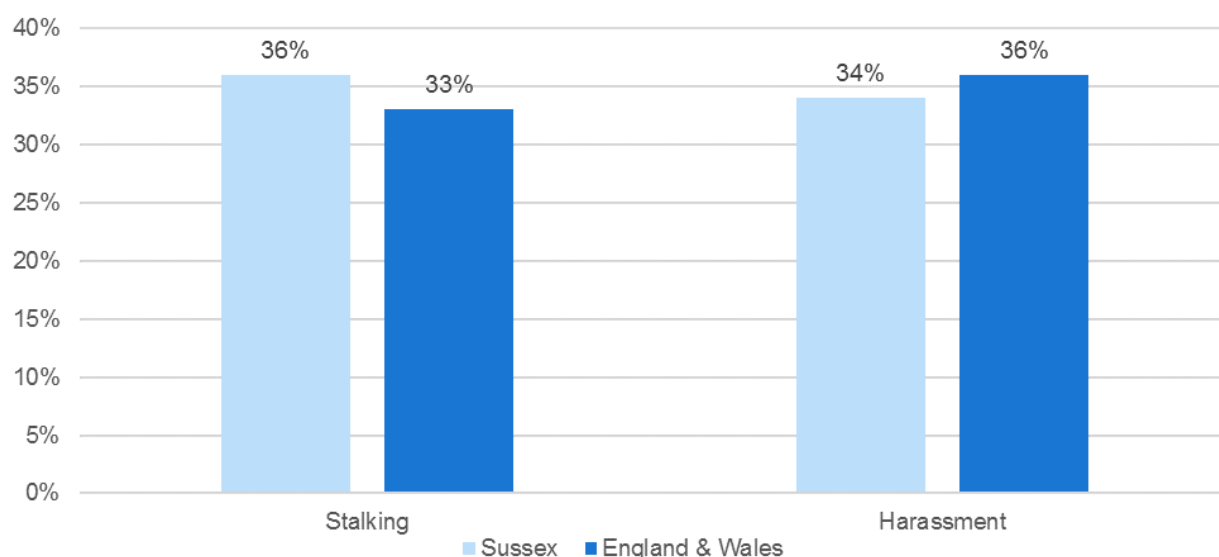
It is unlikely that errors exist in the data related to outcome 1. This is because there is little room to misinterpret what this means.

Outcome 16 is the most commonly used outcome code for stalking and harassment crimes in Sussex. At the time of our inspection the available data (12 months to 31 March 2018) showed that the force had finalised 38 percent of stalking and 38 percent of harassment crimes in such a way. Prior to our inspection, the force had run dip-sampling exercises to establish if the higher than average rate of use of this outcome was a cause for concern.

Since the inspection, more recent published data (12 months to 30 September 2018) has shown that the force finalised 36 percent of stalking and 34 percent of harassment crimes using outcome 16. This compares to the national rate of 33 percent for stalking and 36 percent for harassment in this period. The reduction in the proportion of cases that resulted in outcome 16 is positive.

²⁷ [Home Office Counting Rules for Recorded Crime: Crime recording general rules](#), Section H, 2019.

Figure 7: Percentage of stalking and harassment offences assigned outcome 16 in Sussex compared to England and Wales in 12 months to 30 September 2018



Source: Home Office

In the small number of cases we examined that the force had finalised with outcome 16, we did not find any apparent errors in the outcome code itself.

There are various reasons why victims might tell police about a crime and who had done it but then decide that they did not want to proceed with the allegation. One reason could be that victims fear what might happen to them, and do not feel that the police are supporting them adequately. We found no evidence of this, but in view of the higher than average number of times that officers use outcome 16 in Sussex to finalise cases of stalking, the force should monitor this closely.

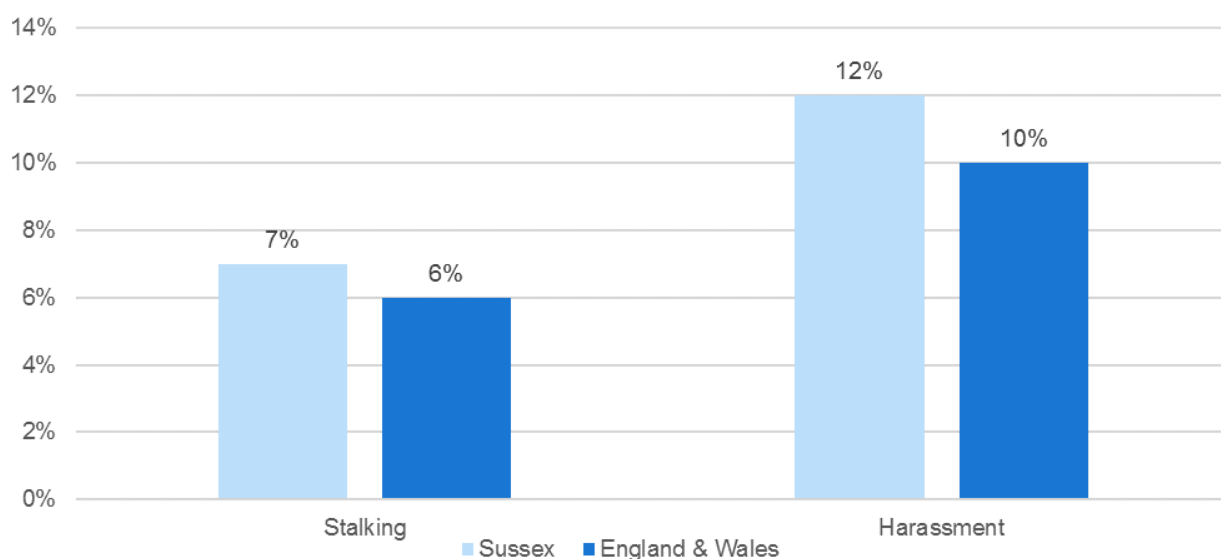
The use of outcome 18 should be unusual in stalking and harassment cases, as it is more often the case that victims know the identity of the alleged perpetrator.²⁸ If the rate of outcome 18 is high, it could indicate that forces are not investigating crimes effectively enough to identify perpetrators. Another reason is that forces may not be using this outcome code correctly.

At the time of our inspection, the available data (12 months to 31 March 2018) showed that the force had finalised 9 percent of stalking crimes and 12 percent of harassment crimes using outcome 18.

Since the inspection, more recent published data (12 months to 30 September 2018) has shown that in Sussex outcome 18 was the recorded outcome in 7 percent of stalking cases and 12 percent of harassment cases. This compares with the national rate of 6 percent for stalking offences and 10 percent for harassment.

²⁸ It is acknowledged that this may not always be the case in offending committed by digital means.

Figure 8: Percentage of stalking and harassment offences assigned outcome 18 in Sussex compared to England and Wales in 12 months to 30 September 2018



Source: Home Office

In this inspection we found a few cases where we did not agree that outcome 18 was the appropriate outcome code.

The victim reported that the perpetrator, her employer, had placed a tracking app on her mobile phone. Police did not attend to speak with the victim in person and two days later the victim withdrew her allegation stating that instead, her husband was going to speak to the employer. The incident was closed using outcome 18, indicating that no offender had been identified. As a result, the perpetrator was never spoken to by police.

Officers who we spoke to were not confident in the use of outcome codes more generally and had received little training about how to use them. Furthermore, in the cases we examined, the crime management unit did not challenge the officers' incorrect use of the outcome codes sufficiently robustly.

The problems that we have found with the use of outcome code 18 are likely to be present in all crimes, not just those of stalking or harassment. Although we found little evidence of this problem because of the limited nature of this inspection, it is also possible that the problem exists in relation to different outcome codes. We did not test the accuracy of outcome codes in our rolling programme of crime data integrity inspections, in which we gave Sussex a good grading in 2016.

Area for improvement

So that officers record the outcomes of crimes accurately, within three months the chief constable of Sussex Police should ensure that officers understand outcome codes and use them correctly, and that the force has a robust process to ensure that officers do this.

Risk assessment

For the purposes of this inspection we use the term risk assessment as meaning:

the process of estimating and regularly reviewing the likelihood and nature of a risk posed by a perpetrator to a particular victim, children or others.²⁹

During the inspection we considered risk assessments in two ways:

- whether, at the victim's initial point of contact with the police, officers had used a risk assessment screening tool to assess the risk to victims and families; and
- whether an 'enhanced' risk assessment had taken place subsequently.

Initial risk assessments help the police to consider the immediate risks to victims. Forces use them to determine the priority of their response, and to decide what methods officers should use to contact victims.

We were pleased to find that in most of the cases we examined, call handlers in the force control room had made a risk assessment using the [THRIVE](#) process to determine the appropriate initial police response.

Officers make enhanced risk assessments once they have spoken to a victim and are able to consider the victim's circumstances more fully. Attending officers usually complete enhanced risk assessments.

We have described (in the section '[The force's use of DASH and other risk assessment tools](#)') how we considered that the system for completing enhanced risk assessments was in some respects unsatisfactory.

Risk management

We have used the definition of risk management as:

the management of the responses adopted in cases where risk is identified, to minimise risk of further harm by the offender.³⁰

Risk management plans are a vital way of keeping victims safe because they enable the police to:

- understand the risks to the victim that officers have identified;
- consider what interventions are available; and
- choose and implement the most suitable actions to manage the identified risks and protect the victim.

Sussex Police uses the SCARF to record the initial steps officers should take to manage the risks to the victim. This is a good system because it prompts officers to manage the risks they have identified in the risk assessment. We advocated such an approach in our thematic report.

²⁹ [Authorised Professional Practice on domestic abuse: Understanding risk and vulnerability in the context of domestic abuse](#), College of Policing, 16 September 2015.

³⁰ As before.

In the cases we examined, we found that officers did not always complete a structured risk management plan for victims of stalking or harassment. Only 23 out of 42 cases had a risk management plan. This was because whether officers completed a risk management plan depended on whether they had completed a SCARF, which often they had not. Where we did find a risk management plan, we found that the plan was often limited to the initial actions officers should take and did not have a clearly defined structure. There was little evidence of officers reviewing risk management plans during investigations.

Officers can manage risks to victims by arresting perpetrators and appropriately imposing bail conditions or remanding perpetrators in custody. We found examples of such actions in the cases we examined, predominantly in the stalking cases. We also found that in the cases where offenders had been charged, officers routinely considered and applied for restraining orders to protect victims more comprehensively.

Allocation of investigations

Stalking and harassment crimes can be complex. An offender might have committed the offences over a long period of time. Offences now also increasingly involve the use of social media. Many crimes involve vulnerable victims, which means that officers must have specialised interview skills.

It is encouraging that the force has a policy that investigators will deal with all cases of stalking, and most cases of harassment. However, we found that the force does not always comply with this policy in practice, and we found examples of frontline officers dealing with such cases.

Of the 42 cases we examined, 24 cases were dealt with by an officer from investigations or the specialist investigation unit. In 18 of the 42 cases, the investigator was from a response, neighbourhood or other team.

The force policy states that officers from the specialist investigation unit will investigate all 'high-risk' cases.³¹ We found that this did not always happen. However, of greater concern was that the force based its crime allocation policy on the assessment of risk. We have stated above that for non-domestic abuse cases the force does not have a risk assessment process. So, the decision about whether a crime is high risk or not is subjective, and likely to be inconsistent.

³¹ Specialist investigation unit officers receive enhanced training and often investigate allegations of domestic abuse.

A couple had separated after the perpetrator had had an affair. The perpetrator began to stalk the victim, and his behaviour included breaking into and hiding in her home. Officers originally recorded the case incorrectly as harassment, but corrected this, and the force allocated the case to a trained investigator. Officers correctly graded the risks to the victim as high and put appropriate safety measures in place. Although there were delays to the investigation, this was mainly because the perpetrator lived outside Sussex. The perpetrator was arrested and was bailed with conditions to protect the victim. The victim, although at first reluctant to pursue the complaint, was supported by specialist police officers throughout.

Sussex Police told us that after a victim has reported an offence, the attending officer should only carry out initial enquiries, and then hand the case over to an investigator. However, we found some inconsistency throughout the Sussex Police area about the point when the attending officer should pass the case to an investigator. Sometimes, this had caused delays. For example, in one area we were told that the attending officer would only hand the case over to investigators after the officer had taken all initial victim statements. In other areas the responsibility for taking the statements would fall to the investigator and not the attending officer.

In 14 of the 42 cases we assessed, the force could have avoided the delays that we found.

A perpetrator, who lived outside Sussex, stalked a teenage victim through social media. When the victim reported this to the police, officers did not make an initial threat assessment. However, officers subsequently made a detailed risk assessment and put safety measures in place, including security locks and panic alarms. A neighbouring force did not arrest the perpetrator at once and the perpetrator was able to continue to offend against the victim until bail conditions were applied. The police applied to the court for a restraining order following consultation with victim support services.

The negative effect of delayed investigations on victims is significant. Delays may lead to increased anxiety, repeat victimisation and/or may lead to the victim becoming disillusioned and deciding not to support the investigation. This might be one explanation why some cases of stalking and harassment in Sussex did not proceed to a charge.

Victim care

We know that victims of stalking or harassment crimes can be vulnerable because they have often suffered repeated victimisation and abuse from perpetrators. Domestic abuse survivors who have suffered coercive and controlling relationships can also become the victims of an extension of this behaviour by way of stalking or harassment.

Within Sussex, Victim Support³² can provide support for victims of crime. Sussex Police automatically refers all victims of crime to Victim Support (unless the victim says that they would prefer that the police did not do this). This includes domestic abuse victims. We consider that this is positive.

The [Victims' Code of Practice](#) states:

If you are a victim of ... domestic violence, the police will seek your explicit consent before sending your details to victim support services.

In Sussex we were not convinced that officers understood the necessity of specifically asking victims whether they consented to an automatic referral in line with the Victims' Code of Practice. In the cases we examined, we found no specific reference to officers having asked victims about this.

In the cases of stalking and harassment we examined, the actual take-up of the services offered by Victim Support was very low. Only two victims out of 40 engaged with the service.³³

As well as help from Victim Support, victims of stalking in Sussex can get help from [Veritas Justice](#), a specialist stalking support service. Veritas Justice receives funding from the Sussex police and crime commissioner.

We found that the process the police used to refer victims of stalking to Veritas Justice was inconsistent. Veritas Justice had only received about 200 referrals from the police in the year before our inspection, despite the 984 recorded stalking offences during the same period. Of the 16 stalking cases we examined, the police had only referred one to Veritas Justice.

We were told that the process for Sussex Police referring cases to Veritas Justice was that the investigating officer should indicate on the SCARF that the officer had told the victim about the service, and that the victim had consented to a referral. The [multi-agency safeguarding hub \(MASH\)](#) covering the area where the victim lives considers SCARFs and is responsible for onward referrals.

However, we found that some of the MASHs in the force area were not consistently making referrals. Officers often made referrals directly by phone or email with little control or oversight.

We noted that Veritas Justice had limited capacity to provide all the services that they offer. This was partly caused by the rapid increase in the number of stalking offences that the force had recorded, and the corresponding increase in referrals.

³² [Victim Support](#) is an independent charity that is commissioned by the Sussex Police and Crime Commissioner to support people affected by crime.

³³ We examined 40 cases to assess the take-up of victim support.

Area for improvement

So that all victims of stalking are given the opportunity to receive specialist support, within three months the chief constable of Sussex Police should review the process by which the force makes referrals. The chief constable should work with the appropriate service providers and the police and crime commissioner to ensure that there is sufficient capacity for the force to provide this service.

Power of search

The less serious offence of stalking under section 2A of the Protection from Harassment Act 1997 is a summary-only offence, meaning that cases can only be heard in the magistrates' court. The law does not ordinarily allow officers to search premises for evidence when they investigate such offences.

However, the 2012 stalking legislation introduced a provision to allow officers investigating stalking offences under section 2A of the Protection from Harassment Act 1997 to apply to a magistrate for a warrant to enter and search premises for evidence.³⁴

In our previous thematic inspection, we saw very little sign of officers using this power.

In Sussex, in the eight cases in which officers could have used this power, they did not use it once. We noted that the force had told officers about the use of this search power, but it seems that officers are still not considering it sufficiently.

The victim reported that she believed that she had been contacted by her ex-partner using a false Instagram account. This was in breach of a restraining order. The ex-partner had a history of similar behaviour. The police arrested the ex-partner and examined his phone but found no evidence. However, as there was no consideration of stalking, the police did not search the ex-partner's address. As the police had not gathered sufficient evidence, no further action was taken.

The force told us that in the year before our inspection, officers only made four searches using the powers specifically contained within the Protection from Harassment Act 1997. This is set against a total number of 429³⁵ stalking crimes in which officers could have used the power.

Although we are encouraged that the force now has systems in place to identify the number of searches that officers have made, we believe that the force can do more to encourage greater awareness and use of this power.

³⁴ [Section 2B, Protection from Harassment Act 1997](#).

³⁵ Sussex Police told us that 429 section 2A stalking offences were recorded by it between November 2017 and October 2018.

Recommendation

We are concerned that Sussex Police does not use the power of entry and search effectively, and therefore stalking investigations are not as thorough as they could be.

We recommend that within three months Sussex Police reminds officers of the need to consider the power of entry and search for stalking investigations, that the force dip-samples investigations to ensure that officers are considering this, and that the force introduces performance measures to find out if officers are using the powers effectively.

Online offending

Stalking and harassment are crimes notable for the persistence with which the perpetrator contacts, or otherwise offends against, the victim. In a digital age, the ease and frequency with which offenders can commit these crimes is illustrated by the recent large increase in volume of these offences.

Online stalking or harassment can have a devastating effect on victims, because offences can take place anywhere, at any time, and can take place when victims might otherwise feel safe in their homes.

It is therefore important that forces have a good understanding of the problem, so that they can align resources and properly equip officers to respond to them.

To make sure there is a better understanding of online offending of all types, in 2015 the Home Office introduced a requirement for forces to flag cyber-enabled offences. This flag applies to offences that offenders have committed in full or in part through a computer, computer network or computer-enabled device.

In Sussex we found that knowledge and use of the flag was poor. The force had already recognised this as a problem. This means that the force is ill-placed to understand online crime of all types, in this case specifically stalking or harassment.

In 2018, in our thematic report about hate crime, we made a recommendation for all chief constables to improve the use of the cyber-enabled flag.³⁶ We will continue to monitor the progress of Sussex Police on this recommendation.

We found evidence of some use of digital and/or communications technology in 21 of the 42 stalking or harassment cases we examined. Examples included the use of social media, emails, texting and telephone calls.

³⁶ [*Living in fear – the police and CPS response to harassment and stalking*](#), HMIC and HMCPSP, 5 July 2017, p21.

The victim received some flowers at her home address and did not know who had sent them. She then received an email from someone she did not know. The victim discovered that someone had seen her profile on a dating website, and had employed a private investigator to find out where she lived. The victim was never seen in person, and the perpetrator was warned regarding his future behaviour.

In addition to the 42 cases we examined, we also dip-sampled crimes recorded under the category of malicious communications. Under the [Malicious Communications Act 1988](#) it is an offence to send, deliver or transmit a letter, electronic communication or other article for the purpose of causing distress or anxiety.

The force recorded 2,612 malicious communications crimes in the 12 months to 30 September 2018.

In the small number³⁷ of cases we examined, we found that officers should have recorded these crimes as stalking or harassment as well as malicious communications, because it was obvious that there had been a 'course of conduct'. For example, there had been a series of communications rather than one isolated incident.

Because the force had incorrectly recorded the crime just as malicious communications, rather than recording the stalking or harassment as well, the enhanced services that the force could have given to the victims, such as more detailed risk assessments and an enhanced investigative response, might not have been available.

It is also possible that crimes dealt with as malicious communications may not be subject to applications to courts for restraining orders to be imposed on perpetrators. This is because it may be less obvious that the behaviour has been repeated and is likely to continue, and that there is a continuing need to protect the victim.

The victim had previously been in a relationship with the perpetrator. However, the perpetrator harassed the victim through text messages and social media. Although reported to police, the incident was recorded as a malicious communications offence by police. The police told the victim that this was because she had responded to some of the text messages. The perpetrator was never spoken to and the investigation closed with no further police action.

³⁷ We examined four cases that had been recorded as malicious communications crimes.

Recommendation

We are concerned that Sussex Police is not properly protecting some victims of stalking or harassment who have been victimised online, because officers have incorrectly recorded some of these crimes as malicious communications only.

We recommend that the chief constable of Sussex Police reviews this type of crime to ensure that the force records and classifies these crimes correctly, and treats victims appropriately as a result.

We did note, and were encouraged by, the recent introduction of the cyber-crime unit to support victims of online crime. The force needs to be aware of the likely extremely high demand for this service and the likely risks in the management of this demand. This is because officers use a risk-assessment grading as the basis for referral to the service, even though, as we have said above, we are concerned about the lack of risk assessments in non-domestic abuse cases.

Crime prevention advice

As we have stated above, we have seen what appears to be a large increase in the use of digital methods by perpetrators who commit offences of both stalking and harassment. When victims report digital stalking or harassment, it is very important that officers and staff are well-informed about the advice that they should give to victims to keep them safe.

In our 2016/17 national inspection of the way that the police and the CPS dealt with stalking and harassment, we found that police officers and staff sometimes advised victims to change their phone numbers, or not to check their Facebook accounts. This advice can increase the risks to victims because it might cause perpetrators to find other ways of offending, for example by visiting the victim's home. It is also potentially unrealistic.

We made a recommendation for the College of Policing in the national report about crime prevention advice and we consider this further in [Part B](#).

In Sussex we found that out of the 21 cases that involved the use of digital and/or communications technology, according to the crime report officers only gave crime prevention advice to ten victims.

We were concerned to find some examples of officers giving poor and potentially dangerous crime prevention advice to victims who had suffered from online harassment and stalking, for example by suggesting that victims prevent the offender from contacting them. Such advice not only fails to recognise that this may cause the perpetrator to find other ways of offending, but it also does not allow the victim to monitor and understand the nature of the risks that they face and report them.

The victim and perpetrator were an estranged couple. The perpetrator harassed the victim through text messages and social media. Police spoke to the victim and provided crime prevention advice. The police told the victim to block the ex-partner's phone and advised her to change her mobile number. The police also told the victim to send a text message to the perpetrator, telling him not to contact her anymore and that if he did, it would be reported to the police. The police took no further action against the perpetrator. The police told the victim that if she had any further contact with the perpetrator, this might limit the police response.

As part of the guidance Sussex Police gives to officers, it provides several online links to resources that can help officers to understand what advice they should offer to victims of online crime.

Although this training outlines the type of behaviour victims might experience, it is not sufficiently explicit about what officers should advise the victims to do to prevent it from happening again. This more detailed guidance is available by accessing other websites.

Recommendation

We are concerned that the crime prevention advice Sussex Police gives to victims of online stalking or harassment does not always make victims as safe as they could be.

We recommend that within three months Sussex Police gives explicit guidance to officers and staff about the advice they should offer to victims of online stalking or harassment. In future, the force should incorporate this into the training of officers.

National stalking protocol

In May 2018, the NPCC and the CPS published a revised [*Protocol on the appropriate handling of stalking or harassment offences by the National Police Chiefs' Council and the Crown Prosecution Service*](#).

The purpose of the protocol is to improve the standard and consistency of the police and CPS response to victims of stalking or harassment. One of the important revisions is guidance to help officers and lawyers in distinguishing stalking from harassment.

In our thematic report, we recommended that compliance with the protocol should be monitored.³⁸

In Sussex, we were disappointed to find that so far there has been little joint monitoring of compliance with the protocol. We were told by the police that the local CPS area was in the process of gathering some information for presentation at the partnership stalking and harassment working group.³⁹ Although this group meets

³⁸ [*Living in fear – the police and CPS response to harassment and stalking*](#), HMIC and HMCPSP, 5 July 2017, p64.

³⁹ We found that this had also been documented in the working group minutes.

to discuss various aspects of the response to stalking and harassment, we are not convinced that this is the correct forum for holding either the police or the CPS to account.

We believe that Sussex Police should consider whether the process of monitoring compliance with the national stalking protocol should routinely be done with partners in the same way as for other criminal justice performance measurements.

Area for improvement

So that Sussex Police gives all victims of stalking or harassment an effective and consistent service, within three months the chief constable of Sussex Police should regularly monitor the national stalking protocol to ensure that the force is complying with it. The chief constable should consider the best way to do this.

Guidance, awareness-raising and training

Sussex Police has an appropriate policy on stalking and harassment that is easily available to officers. We noted that the force has recently reviewed and updated this.

We found that senior leaders are making a determined effort to ensure that all officers understand that stalking is a priority for the force. This message is backed up by regular communication from the force lead on the force intranet.

It is also vitally important that officers and staff receive relevant and up-to-date training, so that officers can give an appropriate and consistent response to victims of stalking and harassment.

The College of Policing introduced an e-learning National Centre for Applied Learning Technologies (NCALT) package in 2012. This online training module for stalking and harassment remains the primary means of teaching officers and staff how to recognise and deal with these offences.

Most of the officers we spoke to during our fieldwork had done the NCALT course, although many had forgotten the specific content. Some officers also told us that they had received some form of less specific training about stalking and harassment, for example as part of domestic abuse training.

In addition, Sussex Police's learning and development department has developed a stalking and harassment training package, which all new recruits receive as part of their initial training.

In partnership with Veritas Justice, Sussex Police gave specific stalking training to 604 officers and staff during 2017/18. The course was intended to help officers and staff to recognise stalking and to understand the possible effects on victims.

An examination of the training records indicated that the training of officers in frontline and investigative roles – the very people who would benefit from this information –

was not as good as it could have been. Only three of the cases we examined⁴⁰ were being investigated by officers who had received this training.

We asked Sussex Police to tell us how many officers had received this enhanced training. We show below the number of officers who received the stalking training and how this compares with the total number of officers in certain roles.

Table 1: Number of officers given enhanced training in comparison with total officers in role

Role	Number in role	Number received training	Percentage received training
Investigations	443	80	18
Prevention	102	101	99
Response	819	90	11
Safeguarding investigation unit	263	57	22

Source: Sussex Police

Therefore, although it is valuable, the Veritas Justice training provision might not have adequately covered the officers and staff who most need the training. Also, because Veritas Justice staff largely provided the training, and because it was designed to raise awareness of stalking and the risks it poses to victims, it did not appear adequately to cover the procedural aspects of the police response, such as police recording practice or the specific power of search under the stalking legislation. As our findings on crime recording show, there would be benefits if the force increased officers' knowledge of this subject. This would also improve the consistency of crime recording.

The fact that some officers and staff have not received enhanced stalking training, and that the training given to some officers did not cover some important aspects of the expected police response, may partly explain some of the inconsistent practice we have found in this inspection.

Recommendation

We are concerned that the Sussex Police response to victims of stalking and harassment is not always as effective and consistent as it could be.

We recommend that within three months the chief constable of Sussex Police reviews whether the current training provision regarding stalking and harassment is adequate.

⁴⁰ We examined a total of 40 cases to see if the officers had received this training.

Positive practice and innovation

As well as being impressed with the potential of the cyber-crime unit, we also saw some other practice we think is worthy of note and consideration by other forces.

The force had recently introduced a stalking 'flag' or marker on its crime management system. This is placed against the victim to alert other officers to the fact that the victim is vulnerable and likely to be the victim of repeated behaviour. There is also the facility to put a flag against a perpetrator so that the force can identify repeat offenders.

The force had also decided to place this flag onto previously recorded stalking crimes, which is a positive step. Although this system of flags is still new, it could allow the force to have a better understanding of stalking crime. It could, for example, allow the force to profile likely stalking victims and perpetrators and take preventative action.

The force has recently introduced a policy that daily management meetings should discuss stalking crimes. This should allow senior leaders to have more oversight of stalking crimes and ensure that the force deals with these crimes appropriately and consistently.

Conclusion

We are grateful to the police and crime commissioner for asking us to make this inspection. We see great value in working closely with police and crime commissioners to give independent reassurance of the effectiveness of police forces in specific areas of the police response to particular crimes.

This inspection has also allowed us an opportunity to review the progress of forces since we published our thematic report in 2017. In doing so, we have considered problems of national importance and made recommendations that we trust the relevant national leads will consider carefully.

In Sussex we found that the force has done much work to improve the response to stalking and harassment crimes. This includes the introduction of stalking ambassadors, the use of a stalking flag for victims and perpetrators and increasing the awareness of officers and staff of stalking and its effects on victims.

The most obvious result of this work is the increase in recorded stalking offences. This is commendable and demonstrates that the force is now better at recognising stalking. The force has also introduced several ways of working that should improve its response still further, such as the cyber-crime unit.

However, the force still has much work to do. The correct recording of crime is the foundation on which effective police work is built. We reached this conclusion in our thematic report, and this inspection has given more evidence of the importance of getting things right first time.

We have made some recommendations for the chief constable of Sussex Police. We are confident that, if implemented, the force will make further progress and that victims of stalking and harassment in the Sussex area will receive a consistently good service.

We are also concerned enough about some aspects of the police response to breaches of restraining orders that we have made national recommendations for other organisations. This is because we think that other forces need to be aware of the likely implications for victims of treating the breaches in isolation. Officers and staff should understand that the breaches may be further evidence of stalking or harassment, or in some cases coercive and controlling behaviour.

Part B: The police and CPS response to the 2017 harassment and stalking national thematic inspection report

Introduction

In 2016/17, together with HMCPSI, we carried out a thematic inspection of the way that the police and CPS dealt with stalking and harassment crimes. The report [*Living in fear – the police and CPS response to harassment and stalking*](#) was published in July 2017.

We made several important recommendations in the report to various people, government agencies and departments. More than one year has passed since we made the recommendations and we have decided that it is a good time to review progress against them, as well as to give an overview of changes in recorded crime since 2017.

We have listed below the [*recommendations we made in our 2017 report*](#), along with an update regarding the responses to the recommendations.

We have a ‘recommendations register’, which we use to monitor the response to our recommendations. For recommendations made for chief constables, we have a network of force liaison leads who are responsible for individual forces. Force liaison leads will consult forces to see if the forces have implemented the recommendations, and if not, why not. In some cases, the force liaison leads will test whether the forces have implemented the recommendations by attending meetings and speaking to officers. We call this ‘reality testing’.

As part of our continuing responsibility to promote improvements in policing, we also maintain relationships with important interested parties and attend national meetings about stalking and harassment. We have obtained some of the updates about our recommendations through these engagements.

We have also used information gained from our Sussex inspection to show how the recommendations we made have been put into practice.

In January 2018, Deputy Chief Constable Paul Mills of Wiltshire Police became the national policing lead for stalking and harassment. Since then, there has been a shift in the pace of progress, including against our original recommendations. Work has included:

- the provision of a dedicated staff officer to help bring sustained focus and drive improvements;
- the introduction of a quarterly national working group, well attended by partners;
- a quarterly meeting with the National Stalking Helpline and Advocacy Service aimed at identifying and resolving common problems faced by victims and the organisations that represent them;
- the development and introduction of the National Stalking and Harassment Improvement Plan 2018–2020, linked to the National Vulnerability Action Plan;
- a national police and CPS stalking and harassment conference in January 2019 (this was especially for force SPOCs and was also attended by a wide range of partners); and
- the introduction of national working groups to revise police guidance.

We have also included examples of other work led by the NPCC lead against specific recommendations in the relevant sections below.

We are very pleased with the progress that has been made. However, this review has highlighted that more work needs to be done, and in some cases urgent work. We have highlighted below where we have concerns and have made some additional recommendations to improve the police response.

To note: On 3 April 2019, after the inspection was completed, the College of Policing and NPCC lead wrote jointly to chief constables. The letter introduced new advice products for first responders and call handlers; recommended that forces adopt a common description of stalking; and asked chief constables to remove police information notices from use, pending a review of the impact of this in one year's time.

While the timing of these changes means they are not reflected in this report – and it is too early to assess the success of these measures – we welcome this significant step forward, and will consider how to inspect on its impact in the future.

Changes in recorded crime

We have detailed above on page 15 ([Figure 2](#)) the latest recorded crime data for both stalking and harassment. This shows that these crimes have increased significantly over recent years. This makes it even more important that forces act on the recommendations from our 2017 national thematic report.

Further recommendations

Because of this review of progress made against our 2017 national thematic report recommendations, we have made several further recommendations, to make sure that improvements continue to be made and victims are made safer.

Cause of concern

We remain concerned that there is no single definition of stalking that all police forces and government departments have adopted. As a result, police forces are not consistently identifying stalking, and are not protecting victims as a result.

Recommendation

We recommend that within six months the NPCC lead for stalking and harassment reviews whether all police forces should adopt one single definition of stalking, and that the Home Office works with the NPCC lead and partners nationally to review whether a cross-government definition of stalking could and should be adopted.

Cause of concern

We are concerned that forces have not properly implemented the changes made to the *Home Office Counting Rules for Recorded Crime*, as they relate to malicious communication offences, stalking or harassment. It is possible that forces might not be properly assessing the risks to victims and the likelihood of repeat offending.

Recommendation

We recommend that within three months the NPCC lead for stalking and harassment writes to chief constables to reinforce the importance of making sure that crimes which forces are recording as malicious communications are properly assessed, to see if forces should also be recording them as stalking or harassment.

Cause of concern

We are concerned that forces are not protecting victims of harassment as well as they could, because they are not using injunctions to prevent nuisance and annoyance consistently.

Recommendation

We recommend that within six months the NPCC lead for stalking and harassment reviews the use of injunctions to prevent nuisance and annoyance to protect harassment victims. Following this review, if necessary the NPCC lead should write to chief constables to ensure that forces routinely consider such powers when dealing with victims of harassment.

Cause of concern

We are concerned that police forces do not use the power of entry and search effectively, and therefore stalking investigations are not as thorough as they could be.

Recommendation

We recommend that within three months the NPCC lead for stalking and harassment reminds chief constables of the need to ensure that:

- officers are aware of the powers of entry and search for stalking, and use them appropriately; and
- forces compile adequate records of these searches for audit and compliance purposes.

Area for improvement

Within three months the NPCC lead for stalking and harassment should remind chief constables that they should regularly monitor compliance with the national stalking protocol, and ensure that suitable governance arrangements are in place for them to do so.

Recommendations from the 2017 thematic report

We have listed below the recommendations from our [thematic report](#) and given an update on progress. We have also reviewed whether more can be done to make sure that victims of both stalking and harassment receive the best possible service.

Recommendation 1

The Home Office should undertake a review of the Protection from Harassment Act 1997 with particular reference to:

- including a provision for harassment causing serious distress to bring this into line with the stalking provisions; and
- defining stalking more clearly.

After we published our report, we engaged with the relevant stalking and harassment leads in the Home Office. They told us that the Home Office did not intend to review the Protection from Harassment Act because they did not consider that there was sufficient need to do this.

Regarding the need to define stalking more clearly, this inspection has shown that police officers are still very uncertain about the difference between stalking and harassment, and the differences between the stalking offences themselves. The accurate identification of stalking at the first possible opportunity is of paramount importance to the subsequent response.

Sussex Police has seen a very large percentage increase in the overall number of stalking offences it has recorded, and has devoted time and resources to helping officers to understand what stalking is and how to recognise it. However, if there is still a recurring and persistent confusion with the accurate identification of stalking, then this again tells us that the problem is more fundamental, and the solution requires more thought.

There is still no one single definition of stalking which all government departments and police forces have adopted. In contrast, a cross-government definition of domestic abuse has existed for several years, and the government has recently said that it intends to legislate for a statutory definition. A consistent and national definition of stalking would:

- help officers to identify stalking in the first place;
- help officers to form common ground with the CPS when seeking charging advice;
- help CPS lawyers to give consistent charging advice; and
- help probation service officers, and others involved in the rehabilitation of offenders, to understand stalking and the risks that this form of offending poses to victims.

We have been told that the reason that stalking was not specifically defined in law was to avoid inadvertently excluding certain behaviours from being treated as stalking. However, given the continuing inconsistencies in understanding and categorising stalking, we believe there is still merit in introducing a common definition throughout policing and government.

On 3 April 2019, the College of Policing and NPCC lead wrote jointly to chief constables asking them to adopt a common description of stalking.

We are also aware that the Home Office will be working with partners to develop statutory guidance on stalking protection orders to increase police understanding of stalking, what stalking behaviour involves, and how it differs from harassment. However, in our view, on its own this will be unlikely to lead to changes in operational practice.

New recommendation

We are concerned that there is no single definition of stalking that all police forces and government departments have adopted. As a result, police forces are not consistently identifying stalking and are not protecting victims.

We recommend that within six months the NPCC lead for stalking and harassment reviews whether all police forces should adopt one single definition of stalking, and that the Home Office works with the NPCC lead and partners nationally to review whether a cross-government definition of stalking could and should be adopted.

Recommendation 2

The Home Office should ensure better recording practices for harassment and stalking crimes, by changing the Home Office Counting Rules for recorded crime so that harassment crimes are recorded in preference to any other crimes (in particular malicious communications) where it is obvious that there has been a 'course of conduct'.

We are pleased that following this recommendation, the Home Office changed the Home Office Counting Rules for Recorded Crime.

Our analysis shows that in England and Wales, malicious communications crimes were 38 percent higher in the six months⁴¹ to 30 September 2018 than in the six months to 30 September 2017.

The large increase in malicious communication crimes is most likely to be the result of the introduction of the malicious communications crime-recording category, which includes offences that may have previously been classified under the general harassment offence category. It could also be explained by the increased use of digital means to commit crimes.

Our analysis also shows that harassment crimes have declined over the same period, but recorded stalking crime has increased. It is possible that some crimes previously recorded as harassment are now recorded as either stalking or malicious communications. If it is the former, then this is positive because it shows that officers are better at distinguishing between stalking and harassment.

In our Sussex inspection, we dip-sampled several cases of crimes that the force had recorded as [malicious communications](#). We found that in the small number of cases we examined, officers should also have recorded the crimes as stalking or harassment because there had been a course of conduct in the way that the offender behaved.

We made the above recommendation because we believed that police forces are likely to treat crimes such as malicious communication in isolation, and do not consider the full nature of the previous offending. We believed that it was possible that police forces would, therefore, not properly consider the full nature of the risks to the victim, and the likelihood that the offender would repeat the behaviour.

Although the number of cases we examined in Sussex was small, we believe that the problem is likely to be one that still exists in other forces. In a digital age we can expect this type of offending to increase, so we believe that the NPCC lead for stalking and harassment should take further action.

⁴¹ The data is currently too new to enable a 12-month comparison.

New recommendation

We are concerned that forces have not properly implemented the changes made to the *Home Office Counting Rules for Recorded Crime* where these relate to malicious communication offences, stalking or harassment. It is possible that forces are not properly assessing risks to victims and the likelihood of repeat offending.

We recommend that within three months the NPCC lead for stalking and harassment writes to chief constables to reinforce the importance of ensuring that crimes which police forces are recording as malicious communications are properly assessed to see if forces should also be recording them as stalking or harassment.

Recommendation 3

The Home Office should introduce protection orders for harassment crimes to close a gap in the current (and proposed) provision of orders.

At the time of making this recommendation, the government had announced its intention to introduce SPOs. It was felt by a few national partners that to introduce a harassment protection order would dilute the work that had already been done to introduce SPOs. It is now likely that the government will introduce SPOs at some point later this year.

However, during our original inspection and in subsequent inspections since then, for example the inspection of hate crime⁴² and this Sussex inspection, we found examples of victims who had been harassed in a concerted and sustained way with very serious consequences, with little consideration from the police of measures to protect them.

The victim had been subject to racial abuse and threats from a neighbour since 2013. The victim had sealed up his letter box because he had a strong fear that the offender was going to put something dangerous through it. The police did not pay sufficient attention to the previous incidents. It took police three months to take the victim's statement, and they did this over the telephone. During this time the police had not taken any steps to protect the victim from repeat offending. The police classified the crime incorrectly as harassment and overlooked the racial aspect of the offending.

⁴² [*Understanding the difference: the initial police response to hate crime*](#), HMICFRS, 19 July 2018.

The College of Policing gives examples of similar cases in its [guidance on critical incidents](#):

Case study – Fiona Pilkington

The Fiona Pilkington case had its origins in harassment and ASB. Fiona and her daughter suffered frequent and sustained local disorder, often directed at their home, over a period of several years. This was reported to the police, but ‘incidents were too often dealt with by police officers in isolation and with an unstructured approach’ (IPCC, 2011). This and other factors, such as not identifying the family as vulnerable, and not recognising the ASB and harassment as targeted hate crime, caused frustration. Fiona eventually took her own life and that of her disabled daughter, Francecca.

Case study – David Askew

David Askew collapsed and died after an incident in which youths were reportedly causing a nuisance at his home in Hattersley. Greater Manchester Police had been in contact with Mr Askew and his relatives over a number of years in relation to repeated allegations of ASB. An IPCC investigation was subsequently undertaken and the findings published 21 March 2011.

We therefore consider that there is still an obvious need for the police to consider what powers are available to protect victims of harassment in similar circumstances.

In 2014, civil injunctions,⁴³ often known as injunctions to prevent nuisance and annoyance (IPNAs), replaced anti-social behaviour orders. In the cases we examined in our original thematic inspection, and subsequently in both our hate crime inspection and this inspection, we have found no evidence that officers are considering the use of IPNAs to protect victims of harassment.

While the purpose of IPNAs is to prevent anti-social behaviour, we believe that if they are used correctly they could also contribute to protecting victims from harassment.

With the introduction of SPOs, the differences in how forces approach protecting victims of stalking and protecting victims of harassment are likely to widen. This is not a satisfactory position, because victims of harassment may be just as vulnerable to repeated and accumulative behaviour, and sometimes this will also have tragic consequences.

⁴³ Under [Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014](#).

New recommendation

We are concerned that forces are not protecting victims of harassment as well as they could if they were to use injunctions to prevent nuisance and annoyance.

We recommend that within six months the NPCC lead for stalking and harassment reviews the use of injunctions to prevent nuisance and annoyance to protect harassment victims. Following this review, if necessary, the NPCC lead should write to chief constables to ensure that they routinely consider such powers when dealing with victims of harassment.

Recommendation 8

Chief constables should stop the use of Police Information Notices and their equivalents immediately, to ensure that all victims of harassment and stalking are protected, and crimes are investigated appropriately.

We are pleased that most chief constables have decided to stop using PINs. Deputy Chief Constable Paul Mills, the NPCC lead for stalking and harassment, told us that he supports our recommendation and that he would like to see all forces stop using them.

On 3 April 2019, the College of Policing and NPCC lead wrote jointly to chief constables asking them to remove police information notices from use, pending a review of the impact of this in one year's time.

In Sussex, we found that the force no longer uses PINs. In the cases we examined, we did not find any evidence of any adverse consequences from their removal. On the contrary, in two of the cases we examined, the previous ineffective use of a PIN had resulted in the victim reporting further offences to the police, one of which related to stalking.

In other forces that have stopped using PINs, we have been told that there has been a demonstrable increase in correctly recorded crime and effective investigations.

We will continue to monitor this situation as we continue to believe that PINs are unnecessary and act as a barrier to the effective investigation of allegations and all the circumstances that surround them.

Recommendation 9

Chief constables should make sure stalking investigations are improved by ensuring that:

- officers are aware of the powers of entry and search for stalking, and use them appropriately; and
- adequate records of these searches are compiled for audit and compliance purposes.

According to our recommendations register, only 11 forces have satisfied us that they have acted on this recommendation. This is disappointing, as the power of search for

stalking should be an effective and widely used means of collecting evidence after an allegation of stalking has been made.

In our previous thematic inspection, we saw forces making very little use of this power. In Sussex, as we have detailed above, the power is still little used.

There may be several reasons why the power of entry and search might not be being used as often as it could be. In view of all the above, we think it is likely that officers are still not sufficiently aware that the power of entry and search exists.

New recommendation

We are concerned that police forces do not use the power of entry and search effectively, and therefore stalking investigations are not as thorough as they could be.

We recommend that within three months the NPCC lead for stalking and harassment reminds chief constables of the need to make sure that:

- officers are aware of the powers of entry and search for stalking, and use them appropriately; and
- forces compile adequate records of these searches for audit and compliance purposes.

Recommendation 10

Chief constables should work with criminal justice partners to identify what programmes are available to manage offenders convicted of harassment and stalking offences in their respective force areas. In the absence of such programmes, they should review whether interventions could and should be established.

Only nine forces, according to our register, have so far completed this recommendation. Again, we are disappointed that forces have been slow to begin and slow to complete this work because this recommendation was intended to increase the focus of police forces and partners on considering and addressing the motivations of perpetrators.

As we have stated above, we are aware of three forces⁴⁴ which have introduced specialist stalking units. These multi-agency stalking intervention programmes have received Police Transformation Funding until March 2020, and we expect other forces to watch these developments closely and to use the evaluated results as a basis for implementing the above recommendation.

While the recommendation was for the police to work with criminal justice partners, we are aware that some forces are also working with partners in the health sector. This is a positive development because it helps partners to understand the motivations of perpetrators and tailor their responses accordingly.

⁴⁴ Metropolitan Police Service, Hampshire Police and Cheshire Police.

Recommendation 11

Chief constables and CPS Area leads should monitor and ensure compliance with the national stalking protocol.

In May 2018, the NPCC and the CPS published a revised [*Protocol on the appropriate handling of stalking or harassment offences between the National Police Chiefs' Council and the Crown Prosecution Service*](#).

We welcome this development and the increased rigour that it should bring to the investigation and prosecution of stalking and harassment crimes. However, without scrutiny to ensure that forces are using the protocol and applying it correctly, some of the benefits of the revised approach may be lost.

Our recommendations register shows that only 13 forces have so far completed this recommendation to the satisfaction of the HMICFRS force liaison lead. In our Sussex inspection, we found that so far the force has done little monitoring of the protocol to make sure that it was using it correctly and complying with it. We therefore think that more can be done to remind chief constables of the importance of the protocol.

New area for improvement

Within three months the NPCC lead for stalking and harassment should remind chief constables that they should regularly monitor compliance with the national stalking protocol, and make sure that suitable governance arrangements are in place to do so.

Recommendations 13, 14, 15 and 16

The College of Policing should ensure that there is a consistent and appropriate approach to harassment and stalking investigations by publishing the new harassment and stalking Authorised Professional Practice as a matter of urgency. This should include:

- highlighting the complexities and risks associated with harassment and stalking offences, and advising forces to consider them as part of the crime allocation process;
- using data on the power of search in stalking cases as best practice in audit and performance arrangements; and
- providing improved guidance to officers on crime prevention advice for victims, particularly about online offending.

The College of Policing and the NPCC lead formed a working group to consider changes to the guidance given to officers. We have been involved in this work. At the time of our Sussex inspection, one important product of the working group – the guide for first responders – had not been published.

On 3 April 2019, the College of Policing and NPCC lead wrote jointly to chief constables introducing new advice products for first responders and call handlers.

Work is continuing on the next phase of the guidance, which will be for secondary investigators.

In our recommendation, we had hoped that this work would have been completed with some urgency. Although progress has been slow, we are satisfied that what has been produced has covered, or will cover in the future, the areas of concern that we highlighted.

Recommendation 12

The College of Policing should consider how to raise awareness of the differences between harassment and stalking, including how to ensure that these crimes are correctly recorded. As part of this review, we propose that the training provided to force crime registrars incorporates a specific module on harassment and stalking.

As we have stated above, we are satisfied that work is continuing to give better guidance to officers.

The College of Policing has introduced a vulnerability training package which includes stalking and harassment case studies.

Regarding the part of the recommendation about the training of crime registrars, we are pleased that the training course now covers the recording of a stalking case.

Recommendations 18, 21 and 22

The CPS should ensure that improvements are made to the prosecution of harassment and stalking offences by:

- reinforcing and reiterating guidance to prosecutors on accepting pleas to harassment instead of pursuing stalking charges;
- ensuring that all prosecutors have received training about harassment and stalking;
- monitoring and ensuring compliance with the national stalking protocol; and
- considering the contents of this report, and the College of Policing Authorised Professional Practice when published, and reviewing the current CPS legal guidance.

The CPS has updated its guidance to prosecutors on accepting pleas to harassment instead of pursuing stalking charges. In addition, this prompt has been incorporated into the checklist which must accompany all cases of stalking or harassment.

The CPS updated its two e-learning modules on stalking and harassment, and on restraining orders, in 2017–18. The CPS told prosecutors that they had to complete the training by the end of September 2018 following the introduction of the revised stalking protocol.

The CPS told us that area SPOCs are monitoring local compliance with the revised protocol and are sending the results to the national lead.

Because the College of Policing has yet to revise the Authorised Professional Practice fully, the CPS has not yet had cause to review its own legal guidance to ensure that it is compatible.

Recommendations 19 and 20

The CPS should ensure that the prosecution of harassment and stalking offences is subject to continual improvement by:

- introducing a process into scrutiny panels to examine harassment and stalking cases on a regular basis; and
- improving the process whereby lessons learned can be passed between CPS Direct and CPS Areas.

The CPS told us that all local scrutiny and inclusion panels (LSIPs) considering matters that relate to violence against women and girls should be considering stalking cases.

To increase understanding further about these cases, the CPS prepared a PowerPoint presentation in 2018 for all LSIPs with a recommendation that inclusion and engagement managers and stalking leads show this to panel members before stalking cases are heard. This should ensure that they consider the relevant matters when they review these cases. As well as including stalking cases as part of continuing LSIPs, some CPS Areas have also chosen to have a panel meeting dedicated to cases of stalking and harassment.

All CPS Areas (including CPS Direct) are now asked to give feedback to the national CPS lead on best practice and lessons learned. The national CPS lead also ensures Area stalking leads are made aware of learning gathered at scrutiny panels and other national points of learning.

Recommendation 17

The College of Policing and the CPS should ensure that victims are properly protected through the use of restraining orders by respectively:

- revising the summary of evidence form to ensure a consistent and appropriate response to such applications; and
- providing clear guidance about applications for restraining orders.

The summary of evidence form has not been revised. Instead this recommendation has been incorporated into the stalking checklist which must accompany all cases of stalking or harassment that the police submit to the CPS. When they use the checklist, police officers must answer this question: 'Restraining Order – does the complainant want one and if so with what terms?'

The same checklist also prompts prosecutors to make sure that they make timely applications, and the CPS guidance reinforces this.

Recommendations 6 and 7

The National Police Chiefs' Council lead and the CPS policy lead for harassment and stalking should ensure that the investigation and prosecution of harassment and stalking offences is improved by:

- reviewing and re-issuing the national stalking protocol to forces and CPS Areas; and
- reviewing the stalking single point of contact (SPOC) system and ensuring that it is fully effective and operating consistently for victims in all areas.

In May 2018, the NPCC lead and the CPS issued a revised national stalking protocol. We are certain that this new protocol will improve the service that victims receive, and we are grateful for the work which was done to produce this document.

The NPCC lead has also reviewed the SPOC system, and now keeps an up-to-date list of all SPOCs. Also, forces are grouped geographically, and each area is represented at the NPCC national working group. This allows important messages to be passed from the NPCC lead to forces, and allows the NPCC lead to personally test the progress of forces.

In addition, the NPCC lead recently held a well-attended training event for SPOCs, and the NPCC lead also invited other partners and interested parties.

Recommendations 4 and 5

The National Police Chiefs' Council lead should ensure that the risks to victims of harassment and stalking are properly assessed and managed by:

- commissioning work to develop an evidence-based approach to risk assessment in harassment and stalking crimes;
- ensuring that any review considers whether a risk management plan should be included with any risk assessment tool; and
- advising forces that until the above review has been completed, forces should use a domestic abuse, stalking, harassment and honour-based violence risk identification, assessment and management model (or equivalent) for all harassment and stalking crimes as an interim measure.

We are disappointed that there has been little progress against this recommendation. To our knowledge, the NPCC has so far given no advice to forces about how they should assess risks to victims of stalking or harassment in cases which do not involve domestic abuse. In our Sussex report we have shown that this is a problem which is still of considerable concern.

We are aware that the NPCC lead has now started work on this recommendation, and the national working group is co-ordinating this.

Also, more generally, the College of Policing is working on guidelines that will deliver support to officers to identify and respond to vulnerability. The guidelines will support organisations in developing practitioners' skills and helping them to use professional judgment to identify and respond to vulnerability and risk.

Conclusion

The recommendations in our 2017 joint thematic report were varied and related to many people, government departments and agencies. This was because we found that victims were too often being let down, and we believed that different organisations, in different parts of the criminal justice process, needed to act urgently.

In the foreword to our original report, Her Majesty's Inspector of Constabulary Wendy Williams said:

This report must be a catalyst for change and improvement: in some cases victims' lives will depend on it.⁴⁵

This statement remains true. Since 2017 more victims have died after they had been stalked or harassed. Therefore, we consider that our continued emphasis on improving this aspect of policing is of critical importance.

In our thematic report we made recommendations to various organisations and individuals. We are pleased with some of the progress made in relation to some of our recommendations. However, the response to some of our recommendations has been too slow, or non-existent. Because of this, we have made further recommendations in this report. We have also made recommendations where we believe that the findings from our Sussex inspection are likely to have national implications.

We have seen that when organisations and people are committed to changing practice and procedure, this can have a positive effect on victims, helping to protect them from crimes which can have serious, and sometimes tragic, consequences.

We will continue to monitor and report on progress against our recommendations, and we will work closely with the NPCC lead, the College of Policing and the Home Office to ensure that everyone maintains momentum.

⁴⁵ [*Living in fear – the police and CPS response to harassment and stalking*](#), HMIC and HMCPSP, 5 July 2017, p4.

Annex A: Fieldwork methodology

Introduction

This thematic inspection of stalking and harassment has been commissioned by the Sussex Police and Crime Commissioner, Katy Bourne.

In her commissioning letter to HMICFRS, the commissioner states that she recognises that Sussex Police operates on a continuous improvement model and findings from previous inspections will already have led to improvements in practice. However, she wants to understand the effectiveness of any changes and establish where further improvements could be made.

The commissioner has also asked that the following areas are assessed in the inspection:

- the accuracy of the force's identification of stalking as a crime, to include consideration of any distinction being made between stalking in current and non-current intimate relationships;
- the powers the police are using in their response to stalking and harassment offences (such as harassment orders, SPOs, DVPOs, and Clare's Law), to include a review of the quality of the decisions to use these powers;
- the work of the stalking ambassadors and the efficacy of their role, to include consideration of how they disseminate information and learning throughout the force, and their role in performance monitoring;
- the force's use of DASH (domestic abuse, stalking and honour-based violence) and other risk assessment tools;
- whether any bias exists in the way the force responds to and investigates stalking and harassment offences, particularly with regard to gender; and
- whether there is any wider and/or national learning that HMICFRS has identified in other areas that could be implemented in Sussex.

The purpose of this document is to provide an outline of the methodology for the fieldwork part of the inspection.

Background

Sussex Police was inspected as part of the joint HMICFRS and HMCPSP [harassment and stalking thematic inspection](#) in February 2017. The principal findings that were specific to Sussex Police were that:

- it would be beneficial to have a comprehensive problem profile to help understand the nature of stalking and harassment in the area;
- sometimes, inappropriate action or no action at all was taken in response to the reporting of allegations;
- victim care needed to be improved in the criminal justice system; and
- case file quality was poor.

The thematic report also contained some recommendations for all chief constables.

The Independent Police Complaints Commission made six further recommendations to Sussex Police in April 2017, following the death of Shana Grice.

To satisfy the terms of the commission, the inspection will make sure there is a focus on the progress made by Sussex Police on all the above matters.

The specific additional areas the commissioner has asked to be assessed will be inspected using the methods described below.

Fieldwork methodology

The inspection will be carried out in two distinct phases:

Case file assessments

Inspection officers from HMICFRS will examine 45 cases related to stalking and harassment in the week commencing 19 November 2018.

These cases will be split as follows:

- 15 harassment incidents;
- 15 stalking incidents;
- five malicious communications;
- five breaches of restraining orders; and
- five harassment incidents that have not been recorded as crimes.

The stalking and harassment cases will be divided equally between those finalised by a charge, by outcome 16 and by outcome 18.⁴⁶

The cases will be chosen at random from a list that will be supplied by the force and have been finalised in the six months before the inspection.

⁴⁶ Outcome 16 is used for cases finalised as suspect identified, but victim does not wish to proceed, and outcome 18 for cases finalised, but no suspect identified.

To make sure the sample contains as wide a range of elements as possible, chosen cases in each category will not have a domestic abuse flag on police systems. Current data from Sussex Police suggests that only one third of harassment and stalking cases are flagged 'DA', so cases will be selected based on one-third being domestic abuse-related and two-thirds being non-domestic abuse-related.

During the case assessment process, if, in the view of the inspectors, any cases require remedial action to prevent harm or potential harm to the victim(s) concerned, the relevant cases will be brought to the attention of the force, with an expectation that it will provide an update as soon as possible on any action taken.

After the case assessment process, the force will be provided with a list of the case reference numbers, the officers who have dealt with the cases and the supervisors concerned. The force will be asked to ascertain whether these officers have been trained in stalking and harassment, and the nature of the training. This information will be anonymised and compared against the judgments for the case and, in so doing, will establish the value and effectiveness of the training provision.

In addition, where possible, the officers involved in the sampled cases should be among those selected by the force to take part in focus groups, as below.

The force and the commissioner will also be provided with a list of the cases that have been assessed and a summary of the judgments made about them.

In-force interviews and focus groups

This element of the fieldwork is scheduled to take place in the week beginning 10 December 2018 and will consist of interviews and focus groups, to include:

- an interview with the force stalking and harassment strategic lead;
- an interview with the force stalking and harassment operational lead (if different);
- an interview with the force crime registrar;
- an interview with local stalking and harassment-specific victim support groups;
- a focus group (operational frontline), where possible comprising officers identified as dealing with cases assessed as above;
- a focus group (investigative specialists who deal with stalking and harassment cases), where possible comprising officers identified as dealing with cases assessed as above; and
- a focus group of stalking and harassment ambassadors.

Feedback

Feedback will be given to the commissioner and the force strategic leads on 19 December 2018. It is anticipated that this will include the results of the case file assessments as above, including the final judgments and rationales.

Annex B: Inspection criteria and indicators

Sussex Police stalking and harassment criteria and indicators

1. There are effective strategies and processes in place and strong leadership is demonstrated at force level.

- 1.1 There is effective strategic leadership at force level.
- 1.2 The force has an effective operational lead for stalking and harassment.
- 1.3 The force understands the nature and extent of stalking and harassment.
- 1.4 The force has effective partnership arrangements in place.
- 1.5 The force has effective processes for the allocation of investigations relevant to stalking and harassment cases.
- 1.6 The force has an updated, effective, clearly stated policy on stalking and harassment.
- 1.7 The force has oversight and performance-management arrangements in place for stalking and harassment.
- 1.8 The force provides effective training to officers who respond to and investigate stalking and harassment offences.
- 1.9 The force has effective planning in place to identify and meet current and future demand for dealing with stalking and harassment.
- 1.10 The force demonstrates that it seeks to improve its response to harassment and stalking by implementing recommendations from relevant reports, audits and investigations.

2. The police have a good understanding of stalking and harassment, and identify reports effectively.

- 2.1 The police recognise reports of stalking and harassment, including offences committed via digital means.
- 2.2 The police recognise the likely impact of stalking and harassment offences on victims.
- 2.3 The police understand the links between stalking and harassment and domestic abuse, and the likely risks to victims.

2.4 The police record stalking and harassment crimes correctly and in accordance with the National Crime Recording Standard.

3. The police assess and manage the risk to victims from offenders effectively.

3.1 The police use risk assessment screening tools effectively to assess risk to victims and their families.

3.2 The police can identify and highlight repeat victims and repeat offenders.

3.3 The police respond appropriately to manage risks from offenders to stalking and harassment victims.

4. Victims receive appropriate care and support from agencies.

4.1 The police are responsive to the needs of victims.

4.2 Victims receive the enhanced entitlements of the Code of Practice for Victims of Crime.

5. Police investigations are conducted effectively.

5.1 Police investigations are timely and thorough.

5.2 Investigations are effectively supervised.

5.3 Decisions about the disposal of cases are appropriate and taken at the right level (i.e. police/CPS) in accordance with guidance/protocols.

5.4 Victims are notified of decisions in a timely manner to ensure they are kept safe, especially where there is higher risk.

6. The police work with partners to progress cases involving stalking or harassment to court effectively.

6.1 Police case files accord with national file standards.

6.2 The National Police Chiefs' Council / Crown Prosecution Service protocol is embedded and used effectively.

6.3 The needs of victims and witnesses are met throughout the criminal justice process.

7. Post-conviction, offenders are managed appropriately to reduce the risk of reoffending.

7.1 Suitable programmes are available for offenders sentenced to stalking and harassment offences.

Annex C: Example of stalking ambassador entry on a crime report investigation log

This matter which is crime to be harassment clearly shows signs of being a section 2A stalking and should be investigated as such.

Stalking is a pattern of unwanted, fixated and obsessive behaviour which is intrusive and causes fear of violence or serious alarm or distress. It includes repeated attempts to impose unwanted communication and/or contacts on another in a manner that could be expected to cause distress and/or fear in any reasonable person.

Direct behaviours may include calls, texts, letters, e-mails, following, waiting for, turning up, approaching, accosting, sending or leaving unsolicited gifts, messages on social networking sites, threats and/or violence.

Indirect behaviours may include graffiti, cancelling/ordering goods, making/getting others to make vexatious complaints, contacting others, entering victim's workplace or home, cyberstalking, threats, property/vehicle damage, leaving dead animals and violence.

Section 2A is a summary only offence however Section 4A which is stalking involving fear of violence or serious alarm or distress which impacts on the victim's day to day activities. We should always look to charge section 4A which carries a 10 year sentence and also gives us additional powers of search following arrest.

Investigators must consider the risk of serious harm posed by the stalker, details of the behaviour are crucial to this.

This being an ex-intimate case a full DASH assessment and the S-DASH should be completed.

The direct behaviours we have in this case relating to Sussex are:

1. Unwanted contact
2. Emotional manipulation
3. Attempting to locate
4. Located place of work
5. Contacted work purporting to be brother
6. Unwanted cash gifts paid into victim's bank account

Direct behaviours we have relating to events in XXXXX are:

1. Controlling and cohesive behaviour
2. Abuse
3. False statement made to victim's employer

The list is likely to be far more comprehensive and that will need to be explored by way of PND and further more detailed statement from victim.

Being that we are now investigating a section 2A offence which is summary only we may only be looking to charge the more recent causes of conduct but the history would be required.

Actions to be completed or considered:

- Believe the victim and ensure they are aware you believe them.
- Refer the victim to Veritas and signpost to portal support if not already completed.
- Collect ALL available evidence. Stalkers will involve third parties for a number of reasons including to upset the victim, obtain information, remove perceived obstacles and/or punish those perceived as helping or shielding the victim.
- Work colleagues that are aware of the above or involved in the above direct behaviours are to be interviewed and statements taken. Copy of recorded phone call made to victim's place of work to be obtained.
- Discuss with victim if this is affecting her health for which she is receiving medical treatment, if so consider statement from GP.
- Further statement to be taken from the victim to record in detail the substantial adverse effect on usual day-to-day activities and the victim's perception of the risk of harm, obtain medical consent "this is all evidence."
- VPS completed but consideration to be given to regularly updates.
- Build a profile of the suspect, check for any relevant history, cautions, court orders or PINs.
- Ensure the victim is part of the risk management plan. Ensure they are aware of the 6 Golden Rules and are advised to keep a diary of all stalking incidents and retain all messages, gifts etc.

Do Not

- Do not ask the victim 'what do you want us to do?' You would not ask that for a GBH!
- Do not think it any less serious because no physical violence.
- Do not suggest that the victim talk/meet with the stalker to resolve issues.
- Do not tell the victim to change their phone number, this will not stop the behaviour. They will find other means of contact.
- Do not mediate.

Further review to be completed once PND result obtained and the extent of the offending in XXXXX obtained.

Annex D: DASH and S-DASH forms

We show on pages 79–84 an example of the single combined assessment of risk form (SCARF) which the police use for dealing with stalking and harassment cases. This includes DASH and S-DASH forms. The S-DASH is called ‘Stalking questions’ on the SCARF.

DASH forms contain important questions that the S-DASH do not.

Some questions on the DASH form help police to understand the effect of the behaviour on the victim:

- What are you afraid of?
- Do you feel isolated from family/friends?
- Are you feeling depressed or having suicidal thoughts?

Some DASH questions help police to understand the nature and scale of the repetition and escalation:

- Is the abuse happening more often?
- Is the abuse getting worse?

Other DASH questions help the police to understand the perpetrator:

- Do you know if they have ever been in trouble with the police or have a criminal record?
- Is there intelligence on the suspect?

RESTRICTED (when complete)

SCARF – Single Combined Assessment of Risk Form

SCARF Version 5.2 – Page 1 of 6

Current / Last user as of is: [Link To SCARF Guidance](#)

Occurrence Details

OIC:	Offence:	CAD No:	Occurrence No:
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Occurrence Summary:		Occurrence Location	
Occurred On:	Reported On:	<input type="text"/>	
Officer Account	Copy for HMICFRS Stalking and Harassment Inspection		

Force / Area:
(Mandatory) **Brighton and Hove**

Completing Officers Name: Date Form Completed: (dd/mm/yyyy)

Today

Details of Person At Risk

Type	<input type="text"/>		
Name	Classification	Gender	<input type="text"/>
Date of Birth	Age	Ethnicity	<input type="text"/>
Address	<input type="text"/>		
Contact No.	Safe Contact No. <i>If different</i>	<input type="text"/>	
Occupation	When Is It Safe To Contact?	<input type="text"/>	
Nationality	Self-Defined Ethnicity	<input type="text"/>	
PNC ID	Email Address	<input type="text"/>	
GP Surgery & Phone (If Relevant) <input type="text"/>			
Disability / Vulnerability / Substance Misuse		Does this person have knowledge of the referrals? <input type="text"/>	
<input type="text"/>		Report Made By <input type="text"/>	
Details...		Do They Have Children? <input type="text"/>	
<i>If the reports is made by a third party, ensure that their details are on the form. If not, add them as an additional person.</i>			

Children Only

Witness to the incident? School

Are there any passport or legal status issues? Consider HBV

Yes

Is there a communication barrier?	<input type="text"/> Yes	If Yes, what is the spoken language or method of communication?
Was an interpreter used?	<input type="text"/> Yes	<input type="text"/>
Was the interpreter a member of the family or community?	<input type="text"/> Yes	If Yes, please name them <input type="text"/>

Other People Involved

Type	<input type="text"/>		
Relationship	<input type="text"/>		
Name	To Whom	<input type="text"/> Main Person <input type="text"/> P3 <input type="text"/> P4 <input type="text"/> P5 <input type="text"/> P6	
Date of Birth	Age	Ethnicity	<input type="text"/>
Address	<input type="text"/>		
Contact No.	Occupation	<input type="text"/>	
Disability / Vulnerability / Substance Misuse		Self-Defined Ethnicity	PNC ID
<input type="text"/>		<input type="text"/>	<input type="text"/>
Details...			
Do they have children?	<input type="text"/>		
Witness to the incident?	<input type="text"/>		
		The following two questions are for children only	
		School <input type="text"/>	

Type	<input type="text"/>		
Relationship	<input type="text"/>		
Name	To Whom	<input type="text"/> Main Person <input type="text"/> P2 <input type="text"/> P4 <input type="text"/> P5 <input type="text"/> P6	
	Classification	<input type="text"/>	
	Gender	<input type="text"/>	

This data is shared with partners in adult and children's social care, IDVA services and education for the purpose of safeguarding. Wider sharing may breach the Data Protection Act unless the express permission is obtained from the data owner.

Date of Birth		Age		Ethnicity	
Address			Email Address		
Contact No.		Occupation			
Disability / Vulnerability / Substance Misuse			Self-Defined Ethnicity		PNC ID
< Select > Details...					
Do they have children?	< Select >		The following two questions are for children only		
Witness to the incident?	< Select >		School		

Type	< Select >		Person 4		
Relationship	< Select >		To Whom	<input type="checkbox"/> Main Person <input type="checkbox"/> P2 <input type="checkbox"/> P3 <input type="checkbox"/> P5 <input type="checkbox"/> P6	
Name			Classification	Gender	
Date of Birth		Age		Ethnicity	
Address			Email Address		
Contact No.		Occupation			
Disability / Vulnerability / Substance Misuse			Self-Defined Ethnicity		PNC ID
< Select > Details...					
Do they have children?	< Select >		The following two questions are for children only		
Witness to the incident?	< Select >		School		

Type	< Select >		Person 5		
Relationship	< Select >		To Whom	<input type="checkbox"/> Main Person <input type="checkbox"/> P2 <input type="checkbox"/> P3 <input type="checkbox"/> P4 <input type="checkbox"/> P6	
Name			Classification	Gender	
Date of Birth		Age		Ethnicity	
Address			Email Address		
Contact No.		Occupation			
Disability / Vulnerability / Substance Misuse			Self-Defined Ethnicity		PNC ID
< Select > Details...					
Do they have children?	< Select >		The following two questions are for children only		
Witness to the incident?	< Select >		School		

Type	< Select >		Person 6		
Relationship	< Select >		To Whom	<input type="checkbox"/> Main Person <input type="checkbox"/> P2 <input type="checkbox"/> P3 <input type="checkbox"/> P4 <input type="checkbox"/> P5	
Name			Classification	Gender	
Date of Birth		Age		Ethnicity	
Address			Email Address		
Contact No.		Occupation			
Disability / Vulnerability / Substance Misuse			Self-Defined Ethnicity		PNC ID
< Select > Details...					
Do they have children?	< Select >		The following two questions are for children only		
Witness to the incident?	< Select >		School		

To complete SCARF sections press the  Complete SCARF Sections button on the toolbar above. In later versions of Microsoft Word, this will be within the ADD-INS tab.

Add Additional Involved Persons

DASH

DASH Questions

1. Has the current incident resulted in injury?	No
---	----

This data is shared with partners in adult and children's social care, IDVA services and education for the purpose of safeguarding. Wider sharing may breach the Data Protection Act unless the express permission is obtained from the data owner.

Comment				
2. Are you very frightened?				No
Comment				
3. What are you afraid of? Is it further injury or violence?				No
Kill:				
Further Injury & Violence:				
Please Specify:				
4. Do you feel isolated from family/friends?				No
Comment				
5. Are you feeling depressed or having suicidal thoughts?				No
Comment				
6. Have you separated or tried to separate from them within the past year?				No
Comment				
7. Is there conflict over child contact?				No
Comment				
8. Do they constantly text, call, contact, follow, stalk or harass you?				No
Comment				
9. Are you currently pregnant or have you recently had a baby in the past 18 months?				No
Comment				
10. Are there any children, step-children that aren't the abuser's in the household? Or are there other dependants in the household?				No
Comment				
11. Have they ever hurt the children/dependants?				No
Comment				
12. Have they ever threatened to hurt or kill the children/dependants?				No
Comment				
13. Is the abuse happening more often?				No
Comment				
14. Is the abuse getting worse?				No
Comment				
15. Do they try to control everything you do and/or are they excessively jealous?				No
Comment				

This data is shared with partners in adult and children's social care, IDVA services and education for the purpose of safeguarding. Wider sharing may breach the Data Protection Act unless the express permission is obtained from the data owner.

16. Have they ever used weapons or objects to hurt you?	No
Comment	
17. Have they ever threatened to kill you or anyone else and you believed them?	No
Comment	
18. Have they ever attempted to strangle/choke/suffocate/drown you?	No
Comment	
19. Do they do or say things of a sexual nature that makes you feel bad or physically hurt you or someone else?	No
Comment	
20. Is there any other person who has threatened you or of whom you are afraid?	No
Comment	
21. Do you know if they have hurt anyone else?	No
Comment	
22. Have they ever mistreated an animal or the family pet?	No
Comment	
23. Are there any financial issues?	No
Comment	
24. Have they had problems in the past year with drugs (prescription or other), alcohol or mental health leading to problems in leading a normal life?	No
Comment	
25. Have they ever threatened or attempted suicide?	No
Comment	
26. Have they ever breached bail, an injunction or any agreement when they can see you or the children?	No
Comment	
27. Do you know if they have ever been in trouble with the police or have a criminal history?	No
Comment	
Suspect / Person Complained Of Intelligence Checks	
Do they have a criminal record? (PNC Check)	
Comment	

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Is there a history of violence, domestic or other?		
Is there a history of violence with other partners or anyone else?		
Is there intelligence on suspect/person complained of? (Niche Check)		
Does the victim/perpetrator have access to firearms? (NFLMS Check)		
Existing bail conditions?		
Additional Comments		
Risk Assessment Result		
No. of Yes answers	0	Risk Standard

Stalking Questions

1. Is the victim very frightened?

2. Is there previous domestic abuse and harassment history?

3. Has the abuser vandalised or destroyed property?

4. Has the abuser turned up unannounced more than three times a week?

5. Is the abuser following the victim or loitering near the victim?

6. Has the abuser threatened physical or sexual violence?

7. Has the abuser been harassing any third party since the harassment began (i.e. family, children, friends, neighbours, colleagues)?

8. Has the abuser engaged others to help (wittingly or unwittingly)?

9. Has the abuser been abusing alcohol/drugs?

10. Has the abuser been violent in the past?

Child to Notice**Vulnerable Adult at Risk****Hate & Anti-Social Behaviour**

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RESTRICTED (when complete)

SCARF – Single Combined Assessment of Risk Form

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Operation Signature – *Vulnerable Victim Fraud*

Risk Management

Supervisor Comments

Specialist Unit Comments

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Annex E: About the data

The information presented in this report comes from a range of sources, including official crime statistics, case file reviews, and interviews and focus groups with police officers.

Police Recorded Crime and Outcomes

Data on the volume of recorded stalking and harassment (S&H) crimes and outcomes is provided by the Home Office for England and Wales. An annual period, in this report, runs from October to September, unless otherwise stated.

HMICFRS case file reviews

HMICFRS completed assessments of 42 case files relating to S&H crimes and incidents in Sussex Police. The cases comprised 37 crimes and five incidents.

HMICFRS interviews and focus groups

Inspection officers conducted one-to-one interviews with officers of different ranks. Focus groups were also held.

Home Office data on victim gender

Data on the volume of S&H crimes and outcomes disaggregated by victim gender was provided by the Home Office data hub for Sussex Police. This is unpublished data.

Home Office data on domestic-abuse stalking and harassment crimes

Data on the volume of S&H crimes that involved domestic abuse was provided by the Home Office data hub for Sussex Police. The average number of such crimes that were domestic abuse-related across all forces in England and Wales was also provided. This is unpublished data.

April 2019 | © HMICFRS 2019 | ISBN: 978-1-78655-789-6

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