



Stalking and Harassment Policy

Policy

1. Introduction

- 1.1 This Policy outlines the overarching statement of intent for Surrey Police in relation to dealing with Stalking and Harassment; guidance for staff is provided within the Stalking and Harassment Procedure.
- 1.2 There is a collective responsibility to ensure allegations of Stalking and Harassment are correctly identified as such, taken seriously and that this policy is adhered to.

1. Policy Statement

2.1 Surrey Police will take all reports of Stalking and Harassment extremely seriously. We will recognise that any incident, regardless of severity in isolation, can be catastrophic when added to a catalogue of other seemingly insignificant incidents. Victims will be protected, and their allegations thoroughly investigated whilst offenders will be brought to justice.

2.2 The overarching aims are:

- To protect the lives and welfare of both adults and children who are affected by Stalking and Harassment
- To investigate all reports of Stalking and Harassment thoroughly.
- To deliver the best quality of service to victims and potential victims.
- To empower victims to recognise that this is a serious problem and not something that they should be ashamed or embarrassed about.
- To adopt a multi-agency approach in preventing and reducing Stalking and Harassment.

To facilitate effective action against offenders.

Procedure

1. Introduction

1.1 The impact on the quality of life for those affected by harassment or stalking can be severe. It can affect people's self-esteem, their perceived safety in their own home and their mental and physical wellbeing. It can be perpetrated by people of all gender identities and is not limited to ex-intimate partner relationships.

The purpose of this procedure is to provide guidance on risk management and investigation in order to reduce the risk of serious harm or homicide and increase the safety, health and well-being of victims, as well as any children involved in cases of Stalking **and** Harassment.

Surrey Police will focus on the four key points below when investigating Stalking and Harassment:

Focus on risk first – your primary task is to make people safe.
Risk is dynamic and needs continual reassessment.

Investigate fully – make sure you understand the full history and any escalation.

Listen to the victim, particularly their view about changing risk.

The motivation of the suspect and the context and effect of the behaviour on the victim are important factors to understanding and helping with your decision making.

Officers and Staff will ensure they correctly differentiate between Stalking and Harassment; **Stalking** will often focus on a **person**, whereas **harassment** will often focus on **disputes**.

If there is evidence to suggest that if the problem was resolved, the behaviour will stop, then this is likely to be harassment. Consider the stalking mnemonic **FOUR**; it is stalking of the behaviours are:

Fixated
Obsessive
Unwanted
Repeated

This procedure will be followed alongside the APP for Stalking and Harassment the ACPO Practice Advice on Stalking & Harassment 2009 and the CPS and NPCC Stalking and Harassment Protocol.

2. Definitions

2.1 Harassment

Harassment is defined (by the ACPO Guidelines 2009) as 'A behaviour which is repeated and unwanted by the victim and causes the victim to have a negative reaction in terms of alarm or distress.

It occurs regardless of the victim's age, religion, sexual orientation, gender, disability, ethnicity, or any other protected characteristic. It is experienced by people of all gender identities and can be committed by one or more suspects against an individual or against more than one victim.

2.2 Stalking

Stalking is described as; following a person, contacting, or attempting to contact a person by any means, publishing any statement or other material - relating or purporting to relate to a person, or purporting to originate from a person, monitoring the use by a person of the internet, email or any other form of electronic communication, loitering in any place (whether public or private), interfering with any property in the possession of a person, watching or spying on a person.

2.3 Course of Conduct

Course of conduct means conduct on at least 2 occasions under Section 7(3)(a) of the [Protection from Harassment Act \(PHA\) 1997](#). This conduct can comprise of words and/or actions. Each individual incident towards a course of conduct does not necessarily have to cause harassment, alarm or distress. It is sufficient that only the most recent incident of a course of conduct causes harassment, alarm or distress. Incidents may be far apart but still constituting a course of conduct. Each case is determined on its own facts.

When dealing with incidents where a person, whose course of conduct is in question, ought to know that it amounts to harassment, a test of reasonableness should be applied, in that, would a reasonable person in possession of the same information think the course of conduct amounted to harassment, given all the circumstances. No specific intent has to be proved and the offences can be committed anywhere.

IMPORTANT: The '2 occasions' **DO NOT** have to have been previously reported to the police

3. Offences

3.1 There are 7 main offences relating to the [Protection from Harassment Act 1997](#) as amended by [The Protection of Freedoms Act 2012](#):

- **Section 2** - Harassment - A person must not pursue a course of conduct which amounts to harassment and which he/she knew, or ought to have known, amounted to harassment.
- **Section 2A** - Stalking (this also contains a power of entry exercisable by warrant to investigate stalking offences under Section 2B) – see section 4 of this policy.
- **Section 3** - Breach of a Civil Injunction
- **Section 4** - Putting people in fear of violence - A person must not pursue a course of conduct which they knew or ought to have known would cause fear of violence.
- **Section 4A** - Stalking involving fear of violence or serious alarm or distress
- **Section 5** - Breach of Restraining order on conviction
- **Section 7** - Collective harassment (s2 or s4)

3.2 The PHA does not define harassment, however case law defines it as conduct which is "oppressive and unreasonable" (Lord Philipps in Thomas -v- News Group Newspapers Limited (2001) EWCA).

3.3 There are 2 main offences relating to the Crime and Disorder Act 1998:

- Section 32(1)(a) and (3) - Harassment Racially or Religiously Aggravated - A person must not pursue a course of conduct which they knew or ought to have known amounted to harassment and the offence is racially or religiously aggravated.

A racially or religiously aggravated section 2A "Stalking" offence is also committed under section 32(1)(a).

- Section 32(1)(b) and (4) - Putting people in fear of violence Racially or Religiously aggravated - A person must not pursue a course of conduct which they knew or ought to have known would cause fear of violence and the offence is racially or religiously aggravated.

A racially or religiously aggravated section 4A "Stalking involving fear of violence or serious alarm" offence is also committed under section 32(1)(b).

It is extremely important for the distinction between STALKING and HARASSMENT to be understood and the correct offence recorded and investigated.

3.4 Section 4A of the 1997 Act prohibits a course of conduct relating to the offence of stalking involving fear of violence or serious alarm or distress.

- The first arm of the offence prohibits a course of conduct that causes the victim to fear, on at least two occasions that violence will be used against them (which is similar to the existing section 4 offence).
- For the purposes of section 4A, (b) (i) a person (A) ought to know that A's course of conduct will cause another B to fear that violence will be used against the other person on any occasion if a **reasonable person** in possession of the same information would think the course of conduct would cause B so to fear on that occasion.
- The second arm of the offence prohibits a course of conduct which causes "serious alarm or distress" which has a "**substantial adverse effect on the day-to-day activities of the victim**".

It is designed to recognise the **serious impact** that stalking may have on victims, even where an explicit fear of violence is not created by each incident of stalking behaviour.

- The phrase “substantial adverse effect on the usual day-to-day activities” is not defined in section 4A, and thus its construction will be a matter for the courts via judicial interpretation. However, the **Home Office considers that evidence of a substantial adverse effect when caused by the stalker may include: -**

(a) the victim changing their routes to work, work patterns, or employment.

(b) the victim arranging for friends or family to pick up children from school (to avoid contact with the stalker).

(c) the victim putting in place additional security measures in their home.

(d) the victim moving home.

(e) physical or mental ill-health.

(f) the victim’s deterioration in performance at work due to stress.

(g) the victim stopping /or changing the way they socialise.

- Although some victims try to continue their existing routines in defiance of a stalker, they may still be able to evidence substantial impact on their usual day-to-day activities, depending on the individual case.
- For the purposes of section 4A (b)(ii), A ought to know that A’s course of conduct will cause B serious alarm or distress which has a substantial adverse effect on B’s usual day-to-day activities if a reasonable person in possession of the same information would think the course of conduct would cause B such alarm or distress.

4. Defences

4.1 The offence of harassment or stalking under Section 2 and 2A of the [Protection from Harassment Act 1997](#) does not apply to a course of conduct if the person who pursued it shows:

- That it was pursued for the purpose of preventing/detecting crime,
- That it was pursued under any enactment or rule of law or to comply with any condition or requirement imposed by any person under any enactment, or
- That in the particular circumstances the pursuit of the course of conduct was reasonable e.g. reasonable for the protection of suspect or another person, or for the protection of property.

Putting People in Fear of Violence Section 4A of the [Protection from Harassment Act 1997](#) includes the following statutory defences. It is for the defendant to show that:

- the course of conduct was pursued for the purpose of preventing or detecting crime.

- the course of conduct was pursued under any enactment or rule of law or to comply with any condition or requirement imposed by any person under any enactment; or
- pursuit of the course of conduct was reasonable for the protection of him or herself or another or for the protection of her, his or another's property.

There is a defence to Stalking involving fear of violence or serious alarm or distress, as set out in section 4 A (3), where it can be shown that the course of conduct was:

- pursued for the purpose of preventing or detecting crime.
- the conduct was pursued under any enactment or rule of law; or
- the pursuit of A's course of conduct was reasonable for the protection of A or another or for the protection of A's or another's property.

For further details about the offence and legislation officers/staff are to read:

College of Policing Briefing note - Stalking and Harassment amendment-2013

5. Power of entry in relation to offence of stalking

All officers and staff investigating possible stalking offences are reminded that Section 112 of the [Protection of Freedoms Act 2012](#) gives police additional power of entry in relation to the offence of stalking under section 2A of the [Protection from Harassment Act 1997](#). (Section 2B Power of entry in relation to offence of stalking)

The power of entry is exercisable by warrant and allows the police to enter and search premises if there are reasonable grounds for believing that an offence under **S**

Section 2A has been or is being committed and that there is material on the premises which is likely to be of substantial value (whether by itself or together with other material) to the investigation of the offence.

A constable may also seize and retain anything for which the search has been authorised. It is sometimes difficult to link the stalking behaviour of the offender to the victim without seizing the equipment used to stalk the victims. A power to search for and seize computers or other electronic equipment that may have been used to commit the offence would potentially strengthen the prosecution case.

6. Risk Assessment and Management

All officers/staff responding to, and investigating cases of, reported harassment will INITIALLY consider whether an offence of STALKING has occurred.

Only once Stalking has been ruled out may a crime of harassment be recorded.

All allegations of harassment or stalking will be subject to an **initial** and an **ongoing** risk assessment; the two processes are distinct.

- The initial risk assessment is made by the call taker to determine the appropriate level of response. Call takers must use the THRIVE risk assessment models as appropriate.
- The secondary risk assessment is conducted as a result of an officer attending the scene. This is an initial determination of whether the risk to the victim is deemed standard, medium, or high. This in turn informs the extent and urgency of the following investigation.
- S-DASH is no longer in use and has been superseded by the Stalking Screening Tool (SST). The SST is designed to assist officers in correctly identifying cases of stalking, as well as highlighting 'urgent action indicators', where behaviours are present which cause immediate concern and require an urgent safeguarding strategy to be implemented. DARA must still be completed in domestic related stalking cases, but SST is mandatory for all stalking incidents, whether domestic or otherwise.
- The SST is designed to assist officers in identifying cases of stalking and being able to differentiate between stalking, harassment, and other offences such as malicious communications, through the breaking down and simplifying of the FOUR mnemonic.
- These questions are important to ask in stalking incidents as the answers will give you an indication of exactly what is happening. This information must then be used to inform the risk management plan.
- Do not think it is any less serious if there has been no physical violence.
- Officers will use SST for all cases of stalking. The questions to identify urgent action indicators are listed below:
 - **Does the suspect put themselves in close physical proximity to you?** (e.g. loitering, spying, physically touching, following, moving homes, changing jobs, attending events)
 - **Has the suspect put themselves in close proximity via technology or cyber-enabled activity?** (e.g. online messaging using social media platforms, making contacts with your friends/family online, linking into your electronic devices, accessing accounts, GPS tracking)
 - **Has the suspect breached any orders, warnings or other legal boundaries in the past / in the current episode?**
 - **Has the suspect threatened to kill you or cause physical harm you OR communicated that they are thinking about killing you or somebody else?** Please note that threats can be made both on/offline (e.g. includes words and deeds, direct / indirect threats, veiled threats, descriptions of finality)
 - **Has the suspect uploaded or threatened to upload intimate or sexual photos or videos of you without your permission?**
 - **Has the suspect harmed or threatened to harm themselves in the past or in the current stalking episode?** (consider any sense the suspect is "at the end of their tether" or acting as a last resort)

- **Has the suspect ever strangled you in the past or during the current episode?** (includes grabbing and pushing against the victim's throat)
- **Does the suspect have knowledge of, access to or an affinity with weapons?** (also consider martial arts, special skills, pest control, training in controlled violence)
- **Does the suspect do or say things of a sexual or voyeuristic nature** (includes threats of sexual violence, exhibitionist behaviour)
- **Is the stalking escalating?** (i.e. becoming more frequent, more diverse / different types of behaviour / more severe)
- **Are you frightened?** (this could be both online and offline i.e. fear for your personal safety; fear for your children or family; your partner; your data; your reputation; your finance)
- It is highly important to remember **NOT** to issue generic advice to victims of stalking/harassment regarding taking action to **delete/block the suspect from all social media or telephone contact lists.**

This approach **can** result in the suspect escalating their behaviour, due to their existing means of contact/perceived contact with the victim becoming suddenly unavailable, thereby increasing the potential risk to the victim.

Every case must therefore be **dealt with on its own merits** and advice provided to the victim must suit that particular set of circumstances.

7. Investigation and Recording

7.1 Recording and classification

As of May 2023, course of conduct crimes (Stalking, Harassment or CCB) are no longer recorded in addition to the next most serious crime – only one crime is now required.

Generally, the principal crime to be recorded will be the most serious course of conduct crime reported.

The conduct crimes are (in order):

- S4A STALKING
- S4 HARASSMENT
- CCB

These are the principal crimes over violent and sexual offences where maximum sentencing is 10 years or under

Therefore, only certain serious crimes such as Rape and S.18 GBH with intent will be the principal crime recorded in these cases.

S2A Stalking and S2 Harassment are the principal crimes, up to and including Assault Occasioning ABH.

- If the future offending by the same offender against the victim amounts to a continuation of the harassment, stalking or controlling or coercive behaviour, the continuation of the conduct should be added on to the crime already recorded, unless police have in some way dealt with the offender i.e. by means of charge,

summons caution etc., OR a period of 3 months has passed from the last recorded incident. In which case, a new crime would instead need to be recorded.

- In accordance with HOCR, all cases where a course of conduct is reported between a victim and their former partner must be recorded as stalking in the first instance, NOT as harassment. If the FCR, OMU, DDM or Force Advisor is satisfied that the matter amounts to harassment in law only, this can be amended at a later stage.
- For full details and examples please refer to the [Home Office Crime Recording Rules 2023/2024](#)

7.2 Flagging - Stalking victims and suspects

- A Stalking Flag **must** be added by the individual responsible for the initial investigation, for both the victim and suspect records on NICHE and the name of the other party added in the remarks box.
- The 'online crime' box in the NICL qualifier drop down (within the stats tab on Niche occurrences) must be ticked in cases where there is cyber-stalking or an online element involved.
- These must be used for recorded Stalking offences (2A and 4A) and **must not** be added to Harassment offences.
- It will be possible for a victim or suspect to have multiple Stalking victim/suspect flags if they have been offended upon/against more than one person.
- This will help us to identify repeat victims and perpetrators. There should, however, only be one flag per relationship.
- Please refer to the NICHE Guidance Stalking Flags – Suspect and Victim for instructions and process to be followed.

7.3 Investigation and allocation

- Stalking is a PIP 2 level crime which carries a significant level of risk and as such, all cases of stalking **must** be allocated within DAT or CID within 24 hours of reporting.
- Stalking Protection Orders (SPO) must be considered at an early stage in all stalking cases. Please see separate SPO policy.
- Officers should consider submitting their stalking cases for discussion at the monthly multi-agency stalking clinic. The clinic is attended by police, Interventions Alliance, CPS, Outreach services, NHS, legal services and the Digital Investigation Support Unit (DISU). The clinic referral form can be found here and can be submitted when completed. Cases are triaged on a monthly basis and officers will be informed whether or not their case is ready and suitable to be discussed at the next or a future stalking clinic.
- In any case of domestic related stalking, officers should also refer to the force Domestic Abuse Policy.
- In stalking cases where breaches are reported, i.e. multiple breaches of bail conditions, these must be recorded as breaches, but it also needs to be considered as to whether these breaches constitute a further course of conduct amounting to Stalking or Harassment. If this is the case, they are to be investigated as such, alongside any investigation of breaches.

- Voluntary attendance interviews are not appropriate in cases of stalking and must not be conducted. It would be extremely unusual that Code G would not be met in a stalking case and therefore arrest should always be the first consideration when setting out a suspect strategy. Code G incorporates the need to safeguard a vulnerable person which, in most stalking cases will apply. Voluntary attendance denies police the necessary search and seizure powers and more importantly, does not allow for the imposition of bail conditions in order to safeguard victims. In very rare, exceptional circumstances, if a voluntary attendance interview is to be completed, this must be fully rationalised on all reports and endorsed by a supervisor.
- For the same reasons detailed above, issuing of words of advice and Community Resolution in stalking cases is also not appropriate and **must not** be done. Highlighting to a perpetrator of stalking that police are aware of their behaviour, but the lack of any robust action can cause an escalation in behaviour and potentially increase the risk posed to the victim.
- For guidance around the allocation of any investigation please refer to the Public Protection Guiding Principles
- Investigations into Stalking and Harassment will follow the APP for Stalking and Harassment and ACPO Practice Advice on Stalking & Harassment 2009
- All investigations will work in line with the CPS and NPCC Stalking and Harassment Protocol
- The police are to ensure that the pre-charge checklist is added and completed at the **beginning** of a stalking investigation, not just at the point of submission to CPS. The checklist must be regularly reviewed and updated throughout the investigation regardless of whether a case is ready for submission to the CPS or not.
- Ensure that: timely decisions are made; a charging checklist is completed for each complainant (where more than one is involved); and the overall allegation is considered through the assessment of all available evidence, including the role and behaviour of the suspect.
- The checklist does not replace the CM01 but should supplement it. The CPS should comprehensively endorse the CM01 including addressing any evidential weaknesses.
- The safety of complainants, their friends, children and dependents are paramount. The risks to them must be carefully considered in these cases. Where possible, referrals to Independent Stalking Advocacy Caseworkers (ISACs), Independent Domestic Violence Advisors (IDVAs), or equivalent specialist service support must be made at the earliest possible opportunity
- All officers/staff responding to, and investigating cases of, reported harassment will **INITIALLY consider whether an offence of STALKING has occurred.**
- **Only once Stalking has been ruled out may a crime of harassment be recorded.**
- Regular supervision of all cases of Stalking and Harassment will be completed, and the risk continually assessed.

- Any non-domestic related Stalking will be allocated and investigated by CID
- Any non-domestic related harassment will be allocated and investigated by NPT
- ALL Domestic related stalking will be allocated and investigated by DAT
- It will no longer be mandatory for all stalking cases to be reviewed by a stalking SPOC. A DS will be required to review all stalking cases to ensure risks have been identified and managed, safeguarding of the victim implemented and an investigation plan is in place. Any particularly complex stalking cases can be referred to a SPOC for review, but this will be the responsibility of the OIC and their supervisor to initiate. SPOCs will be available to provide advice and guidance when necessary but will not routinely be conducting reviews on crime reports.
- The reviewing DS must complete the mandatory stalking supervisor template within the Niche OEL entry, at the point of allocation to an OIC.
- Domestic related harassment will be investigated by the relevant divisional DAT.

8. Digital/Cyber stalking

8.1 There is no legal definition of cyberstalking, nor is there any specific legislation to address the behaviour. Generally, cyberstalking is described as a threatening behaviour or unwanted advances directed at another, using forms of online communications.

8.2 Cyberstalking and online harassment are often combined with other forms of 'traditional' stalking or harassment, such as being followed or receiving unsolicited phone calls or letters. In cases involving an element of cyber/online stalking, always consider the use of a DMI for digital safeguarding and provide relevant online safety advice to victims, such as signposting to ['Get Safe Online'](#). Also consider consulting with for further advice and guidance if required. Digital Investigation Support Unit (DISU) for further advice and guidance if required. Advice regarding cyber safety must be provided at the earliest opportunity and recorded on the relevant OEL. You can access a [digital safeguarding guidance](#) document.

8.3 Examples of cyberstalking may include:

- Threatening or obscene emails or text messages.
- Spamming, where the offender sends the victim multiple junk emails.
- Live chat harassment or 'flaming', a form of online verbal abuse.
- "Baiting", or humiliating peers online by labelling them as sexually promiscuous.
- Leaving improper messages on online forums or message boards.
- Unwanted indirect contact with a person that may be threatening or menacing, such as posting images of that person's children or workplace on a social media site, without any reference to the person's name or account.
- Posting "photoshopped" images of persons on social media platforms (see section on false profiles for further detail).
- Hacking into social media accounts and then monitoring and controlling the accounts.
- Sending electronic viruses.
- Sending unsolicited email.

- Cyber identity theft.

8.4 Whether any of these cyber activities amount to an offence will depend on the context and particular circumstances of the action in question. Investigators will refer to the [CPS guidance on communications offences](#) for further information and guidance.

8.5 An offence of stalking may still be made out in cases where the behaviours have been online or using technology only. A physical act such as following or attendance at an address is not required. The impact of cyber enabled stalking can still be significant on victims and the risk should not be underestimated in the absence of physical stalking.

9. Support for victims

9.1 **All** victims of domestic related stalking or harassment will be referred to local specialist support services and encouraged to engage with them. To do this officers/staff will complete and **Outreach referral form** and **explain what services they can offer to the victim.**

9.2 Details of all of these services can be found at the [Surrey Against Domestic Abuse \(SADA\) website](#)

9.3 **All** officers and staff will ensure they comply with the [Code of Practice for Victims of Crime \(January 2024\)](#).

9.4 [Paladin Service- Get Support](#) is a good website not only for staff/officers to use but to signpost victims to; it recommends the following 6 golden rules using the acronym REPORT:

Report it as early as possible to the police and tell others what is happening

Ensure you get good practical advice – contact Paladin or call the National Stalking Helpline

Proactive evidence collection – keep all the evidence

Overview of what is happening – keep a diary

Risk Checklist

Trust your instinct

9.5 Although no direct referral process is currently in place, stalking victims must be signposted and provided information for the National Stalking Helpline as detailed at the top of this policy.

10. Governance Structure

Surrey Police have specifically allocated Stalking and Harassment Portfolio SPOCs in force, they are:

- Force Stalking Advisor
- Stalking & Harassment Portfolio Lead
- Deputy Stalking & Harassment Portfolio Lead

The Stalking and Harassment Portfolio Lead ensures oversight of the relevant action plans, National and Local recommendations and Policy and Procedure. This is overseen at strategic level by the **Domestic Abuse Management Board (DAMB)**.

The force also has a number of specially trained Stalking SPOCS, please see list on force intranet for details.

11. Other Sources of Help and Advice –

- [National Stalking Helpline](#) 0808 802 0300
- [Victim Support Service](#) 0908 1689 111
- [National Domestic Violence Helpline](#) 0800 2000 247
- [Paladin, National Stalking Advocacy Service Website](#) 020 3866 4107
- [Get Safe Online](#) – this website is full of useful information for both investigators and victims
- [Refuge Tech Safety](#)
- [Protection Against Stalking](#)
- [CPS guidance - Stalking and Harassment](#)
- [The Suzy Lamplugh Trust](#)