

Harassment

Overview

Introduction Harassment includes conduct directed at, or towards, an individual by another that causes a victim to fear that violence may be used against them or another person, or causes the victim to feel afraid, alarmed or distressed.

It might include such things as:

- antisocial behaviour;
 - bullying at school or in the workplace;
 - domestic abuse;
 - neighbour disputes;
 - stalking; or
 - hate incidents motivated by discrimination on the grounds of race, disability, sexual orientation or religion.
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Stalking Stalking is a colloquial term used to describe a particular kind of harassment. It is normally used to describe the repeated:

- following of a victim;
- communication with a victim; or
- any other intrusions on the privacy of a victim.

In many cases the conduct may appear innocent if taken in isolation, but when linked as a course of conduct (i.e. conduct on at least 2 or more occasions) it may be sufficient to cause alarm, harassment or distress and amount to harassment.

Links to other policies This policy should be read in conjunction with policies and information on:

- anti-social behaviour;
 - domestic abuse;
 - hate crime;
 - crime recording and finalisation - crime recording in schools; and
 - safer school partnerships.
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Further reference For further information on:

- NPIA Practice Advice on Investigating Harassment 2005 click [here](#);
- Protection from Harassment Act 1997 click [here](#); and
- Home Office Circular 28/2001 click [here](#).

Initial contact and response

Call taker responsibilities: receiving the call

All calls must be graded in line with the **Incident grading and response** policy. You must open all harassment logs with a crime code and ensure they are finalised with the appropriate Fin Code and qualifiers. This will ensure that the logs can be audited. Abandoned or silent 999 calls must be dealt with positively.

The receipt of a report or suspicion of harassment is the beginning of an investigation. You should therefore obtain as much detail as possible about what has taken place in order to support an effective investigation.

At the outset you should record a first account of what the caller says has occurred (recording this verbatim) and establish:

- location, identity and contact details of the victim (or person making the report and the capacity in which they are doing so, e.g. victim, friend, support agency) and any witnesses;
- nature of the incident or concern and if it has ended or is ongoing as well as the location, times and dates of all connected incidents (reported or not yet reported);
- if any parties are injured, the severity of the injury and whether medical assistance is required;
- location, identity and description of the suspect (and any vehicle they may have access to) and if any weapons are available to the suspect or if there is any history of violence by the suspect;
- if appropriate, any past or current relationship between the victim and suspect; any history of domestic abuse; and if any court orders apply or court cases are pending (civil or criminal);
- if any person present appears drunk or has taken drugs and details of the demeanour of the victim, suspect and others present (including background noise, e.g. shouting, words spoken);
- if there are any special needs in respect of the victim, witnesses or the person reporting, e.g. disability, mental health issues, cultural issues or communication difficulties; and
- if the person making the report wishes to remain anonymous (if so, obtain their reasons for this with the details of a contact should they wish to call again).

You must provide the victim or caller with basic advice about preserving any potential evidence until the police arrive.

Call taker responsibilities: deployment

The first priority in responding to a report of harassment is to protect the victim and any other people who may be at risk of harm. An emergency response must be provided where it is apparent that the caller or victim is at risk of harm.

When deploying officers to the scene you should:

- ensure medical assistance is en route, if appropriate;
 - inform the caller that an officer has been despatched or, if not urgent, when an officer will arrive;
 - address any issue that may affect the safety of officers and others;
 - check police systems for: **restraining orders**; harassment warnings; previous domestic abuse / child protection incidents; civil injunctions; bail conditions; PNC warning signals; and violent and sex offender registration (VISOR);
 - inform the officer attending of any relevant history of intelligence obtained as a result of the above checks;
 - inform the officer attending of any communication difficulties or any other factors that may affect the police response (e.g. disability, mental health, cultural issues); and
 - inform the attending officer of a description of the suspect and, if appropriate, any vehicle.
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Evidence and recording

All calls are recorded and the investigating officer has the facility to download the call, which may provide valuable evidence to support a criminal prosecution. In domestic abuse harassment cases please see the relevant section of the **domestic abuse** policy.

All incidents of harassment should be recorded on Niche RMS as per the recording **guidance** and, where appropriate, VIVID, e.g. domestic abuse or hate crime, etc.

When a course of conduct appears, on the balance of probability, to amount to an offence of harassment it should be recorded as a crime. Therefore those incidents which fall short of constituting a 'course of conduct', whether a suspect is warned or not, should be recorded on Niche as a non crime occurrence. (For Niche guidance click [here](#).)

N.B. Where the alleged harassment has taken place within educational premises you must refer to the **crime recording in Schools** policy.

Reports of harassment will be subject to an audit both centrally and at divisional level to ensure that cases are dealt with in line with Force Policy, National Crime Recording Standards and victim satisfaction.

Investigation

Introduction

Failure to deal effectively with harassment, whether by arrest of the suspect or giving an **harassment warning**, may leave a victim or others at risk and leave the Force vulnerable to legal challenge.

Investigating officer: action at the scene

When investigating at the scene of an harassment incident you must:

- ensure the safety of all persons present, including police officers;
- secure and preserve all available sources of evidence;
- take positive action to protect the victim and any other persons at risk; and
- assess the risk and take steps to remove or reduce those risks.

To ensure the safety of victims and to preserve evidence on arrival at the scene you must:

- re-assess victim safety and the safety of others, including officers;
- confirm the identity and check details of the suspect and household and, if appropriate, circulate a full description of the suspect via force control;
- establish who is or was at the scene, including any children or potential witnesses;
- make accurate records of everything said by the suspect, victim and any other witnesses, including children;
- record the demeanour of the suspect, victim and any other witnesses, including children;
- secure and preserve evidence, protecting the scene for SOCO to attend to take photographs and forensic samples if necessary;
- secure electronic evidence by switching off any electronic devices (further guidance can be obtained from the high tech crime unit) also consider seeking advice of the **Central Authorities Bureau (CAB)** in relation to lawfully capturing the data stored within. (NB Officers should not engage in electronic communications with a suspect without authority as this may constitute a breach of the Regulation of Investigatory Powers Act 2002);
- consider obtaining advice from a police search advisor (PoSA) where it is suspected that there may be concealed listening devices, offensive, toxic or hazardous materials introduced by the suspect at the premises;
- secure the safety of the victims in their home, if this is not possible consideration should be given to taking them to a place of safety, e.g. the home of a friend or relative, a refuge or emergency accommodation; and
- identify and speak to any potential further witnesses (e.g. neighbours, work colleagues, persons resident or working adjacent to any likely routes taken by the suspect or scenes of any harassment behaviour).

Where it is anticipated that the harassment may continue, give advice to the victim so that items may be preserved as they are received.

Ask the victim to complete a log of these items showing:

- details of the date and time received;
- the means by which they were received;
- method of preservation; and
- where the items were stored pending delivery to the police.

Arrangements should be agreed for the prompt removal of particularly offensive or distressing material to minimise distress to the victim.

The victim should be supplied with the **Harassment Advice booklet**, which gives advice regarding the preservation of evidence as well as details of support agencies.

Supervising officer: investigation plan

You must make an early appraisal of the investigation and, in collaboration with the investigating officer, develop an investigation plan which identifies:

- appropriate opportunities for the reassessment of risk (for example, daily, weekly, monthly, upon release, etc);
- deadlines for the completion of tasks; and
- milestones for any future reviews of the investigation by the supervisor.

It should be noted that harassment offences may be summary offences and therefore any court proceedings will be statute barred if not brought within 6 months. Enquiries should therefore be made as quickly as possible.

Investigating officer: follow up enquiries

You must consider all potential lines of enquiry including:

- history of previous reports and incidents relating to the suspect;
- evidence of preparation for harassment by the suspect;
- **telecommunications providers**, answer phones, satellite and mobile phones;
- **computers**;
- CCTV;
- house to house enquiries;
- the victim's previous medical history in relation to physical or psychiatric injury;
- victim's own records or diaries;
- other evidence collected by the victim including correspondence from the suspect;
- evidence and records kept by other witnesses; and
- physical evidence such as documents, handwriting, fingerprints and sources of DNA

Lines of enquiry may be developed to provide evidence of the suspect:

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

Thorough checks should be made of police intelligence and incident

records for previous reports of any suspicious behaviour in the vicinity of the victim's home, place of work or other places that they frequent. For example, consider using ANPR intelligence.

Victim and witness evidence: special measures

At the outset the investigating officer should consider the vulnerability of the victims and witnesses and make a decision as to whether **special measures** may be necessary.

When it is deemed appropriate to obtain a victim or witness statement by way of 'video interview' it must be conducted by an officer trained in Achieving Best Evidence.

Common offences

You must decide on the most appropriate power in the circumstances of each individual case, but some common offences include:

Type of conduct	Scope of conduct	Offence and Act
Sending letters or other articles with intent to cause distress / anxiety	Letter, electronic communication, phone call or other article	Section 1 Malicious Communications Act 1988
Harassment	A course of conduct causing alarm / distress	Section 2 Protection from Harassment Act 1997
Putting people in fear of violence	Conduct causing another to fear on two or more occasions that violence will be used against them	Section 4 Protection from Harassment Act 1997
Racially aggravated harassment	An offence under section 2 or section 4 of the Protection from Harassment Act (1997) which is racially aggravated	Section 32 Crime and Disorder Act 1998
Improper use of public electronic communications system	Sending or causing to be sent a message or other matter that is indecent, obscene or grossly offensive - s127(1) With intent to cause annoyance, inconvenience or needless anxiety causes a message to be sent or makes persistent use of a public electronic communications network - s127(2)	Section 127 Communications Act 2003

NOT PROTECTIVELY MARKED

Fear of provocation of violence	Other than in a dwelling. Using threatening, abusive, insulting words, behaviour or signs with intent to make the victim fear immediate violence or provoke violence or where violence is likely	Section 4 Public Order Act 1986
Causing harassment, alarm or distress	In a public place uses threatening, abusive or insulting words, behaviour or signs within hearing or sight of someone likely to be caused harassment, alarm or distress	Section 5 Public Order Act 1986
Threats to kill	Threatening to kill any person with intent that the person to whom the threat is made will fear the threat would be carried out	Section 16 Offences Against the Person Act 1861
Witness/Juror Intimidation	Intentionally intimidating, causing or threatening harm (including financial harm) to a witness, juror or potential witness or juror with intent to pervert the course of justice or interfere with an investigation	Section 51 Criminal Justice and Public Order Act 1994
Intimidation or annoyance by violence or otherwise	With a view to compel another to abstain from doing or to do something, uses violence, intimidates, persistently follows or with two or more others in a disorderly manner, hides their property, watches/besets their home, workplace or where they happen to be	Section 241 Trade Union and Labour Relations Consolidation Act 1992
Causing psychiatric injury	Where the conduct has caused psychiatric injury to the victim then an offence of assault may have been committed. The appropriate section of the OAPA 1861 would depend on the quality of the medical evidence that is available	Sections 47, 18 & 20 Offences Against the Person Act 1861

Harassment warning

First allegation

Sometimes a suspect may be unaware that their actions are unwelcome to the victim or that they could be criminally liable for their actions. Where they are genuinely unaware, early intervention by use of an harassment warning could be sufficient to prevent further harassment.

Determining a suspect's real intent is not easy and some suspects may try to use ignorance as an excuse for their activity. Where a suspect has claimed ignorance, the delivery of the warning will be relevant evidence to prove that they were aware that any subsequent conduct amounted to harassment.

Whenever a **first allegation** of any harassment is received, **both parties and any witnesses** must be spoken to in order to establish if there is sufficient evidence to establish a course of conduct or **prove another offence**. In cases where the suspect resides in another Force area, enquiries should be made through the appropriate Force to speak with the suspect.

First allegation uncorroborated

Where a suspect denies the alleged behaviour or knowing the victim **and there are no reasonable grounds to support the allegation or the suspect's involvement**, it is **not** appropriate to issue a warning. The allegation could be false or the suspect may have been wrongly identified.

First allegation corroborated

In cases where there is evidence to support the allegation of harassment and this is a single event rather than a course of conduct, the matter should be discussed with supervision with a view to administering an harassment warning.

The warning should be sufficient to advise the suspect that harassment, alarm or distress has been caused to the victim (or may be caused should the conduct continue) and that any further conduct is likely to amount to a criminal offence.

Giving a warning

Whenever a warning is given, you must not state or imply that by issuing the warning it is the end of the matter. Such a statement or implication could render evidence of all conduct prior to the warning inadmissible in any subsequent prosecution. The warning may be given:

- verbally;

- in writing (**Allegation of Harassment form**); or
 - verbally and in writing.
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**Verbal
warning**

In some circumstances you may need an appropriate adult or, where there are language difficulties, you must use language line or an interpreter.

The verbal warning must be recorded in your pocket notebook, which the suspect and, if applicable, interpreter or appropriate adult must be invited to sign.

If the suspect refuses to sign or is unable to read and/or sign, you must record this in your pocket notebook, corroborated by any witness (including colleague, interpreter or appropriate adult), if present. The words used should be similar to those contained in the **Allegation of Harassment form**.

In certain circumstances it might be appropriate to serve the notice both verbally and in writing using the Allegation of Harassment form. For example, where you anticipate issues around effective service, understanding of the warning, etc. However, there is **no** general requirement to serve both a verbal and written warning.

**Written
warning**

The Allegation of Harassment form **MUST** be served personally (not sent through the post) to ensure the suspect is:

- clearly identified;
- aware of the allegation; and
- understands the warning.

You must ask the suspect to read and sign the form indicating receipt and understanding. If the suspect refuses to sign or is unable to read and/or sign, you must:

- record the refusal on the form, including any comments made; and
 - ensure corroboration by any witness, if present (including colleague, interpreter or appropriate adult).
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**Warning
process flow
chart**

When an harassment warning has been given the following must be scanned and attached to the Niche occurrence:

- a copy of the Allegation of Harassment Form; and/or
- the signed entry in your pocket notebook; and
- any other relevant documents.

For Niche guidance click [here](#).

A flowchart of the warning process is available via this [link](#).

Risk management

Overview

There is no single motivation for harassment therefore the circumstances of a particular case and consideration of all available information must be sufficient to make a risk assessment.

However, it is generally accepted that the most dangerous harassment suspects are those who have been in a personal intimate relationship with the victim and who have also had a history of perpetrating domestic abuse.

If you think there is a threat to life you must obtain all available information, ensuring it is properly recorded, and notify an inspector immediately. Further guidance is contained in the policy on management of threats to life, which can be found [here](#).

Domestic abuse incidents

In domestic abuse cases a SPECSS+ risk assessment must be undertaken and a VIVID recorded (see domestic abuse – dealing with an incident [policy](#)).

You must discuss the risk assessments with your supervisor and take appropriate action to reduce or lessen identified risks. Options may include practical assistance from:

- crime reduction officers;
- referrals to MARAC or MAPPA;
- Anti-Social Behaviour Co-ordinators; and
- referrals to other support agencies.

Where a child (victim or suspect) is involved the incident must be brought to the attention of the Vulnerability Unit for consideration of a multi agency response through the Every Child Matters (ECM) [procedures](#).

Where the suspect has any previous convictions for sexual or violent offences, a formal referral to the MAPPA should be considered. Where a decision is made not to refer the case, the reasons why must be recorded by the officers supervisor.

Other incidents

In making an assessment of risk in non domestic abuse cases, officers should consider the suspect's history of:

- violence or sex offences against the victim or others;
- possession, use, knowledge of (or fascination with) weapons;
- mental illness, personality disorder or obsessive behaviour;
- substance abuse;

- breach of bail conditions, injunctions or **restraining orders**;
- prior threats made to the victim or others;
- attempts and threats to commit suicide; and
- any pursuit or following of the victim.

You will also need to assess whether:

- any knowledge is already available to the suspect about the victim. In particular, the victim's work, home, personal lifestyle and movements;
- the victim's fear of the suspect might make them more susceptible to coercion;
- the victim understands any risks and is capable of exercising caution; and
- the victim could reliably apply appropriate personal safety measures, such as carrying a personal alarm, securing their home and locking their vehicle when travelling alone; and
- how vulnerable the victim is to attack, including factors that increase vulnerability such as disability, learning difficulties or residence in an isolated location;

Consideration should also be given to the degree of fear shared by the victim's friends, family and colleagues.

Keeping the victim informed

Where an arrest is made or planned you must ask for details of how the victim may be contacted in the event of the suspect being released from custody. The victim should also be given the opportunity to provide information that might assist the custody officer or the Courts in the imposition of bail conditions.

You must supply the victim with the **harassment booklet** which gives victims practical advice about keeping safe, guidance about securing and preserving evidence and details of support agencies.

The victim and others considered at risk should be fully informed of any risk assessments undertaken and actions taken to address these risks.

The victim should also be informed of any facts that come to the attention of the police which may later affect the risk assessment. In particular the victim should be promptly informed if a suspect is:

- arrested;
 - released or otherwise processed;
 - bailed and conditions attached, if any;
 - given a **restraining order** and any conditions attached;
 - granted variations to bail or the restraining order; and
 - released from prison and any conditions attached.
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Positive outcomes

Charging

You must ensure that the charges preferred in harassment cases reflect the seriousness and persistence of the suspect's behaviour, the provable intent and the severity of the injury and harm suffered by the victim.

The investigating officer should liaise with their ERO and/or CPS at the earliest opportunity to seek advice on the sufficiency of the evidence, type of evidence required and the most appropriate charge(s). (See common offences by clicking [here](#)).

Bail or remand application

Every effort must be made to consult the victim prior to making a bail decision. Custody officers must ensure that bail conditions are designed to protect victims, children and witnesses from intimidation and violence.

If there is no power to apply for a remand in custody then conditional bail should be used.

Where a defendant is to appear before a court for a remand application, the investigating officer must ensure that the prisoner risk assessment (PRA) is updated.

If remanded to prison, a person escort record (PER) must also be completed so that the prison authorities can assess any risks to the prisoner and prevent any further harassment occurring whilst the defendant is in custody.

Restraining order

The Court sentencing or otherwise dealing with a person convicted of an offence under Section 2 or 4 PHA may make an order prohibiting the defendant from doing anything described in the order. The order is known as a restraining order and can be made in addition to a prison or other sentence.

A restraining order can be a significant aid to managing the risk to a victim and in preventing further harassment.

The investigating officer should prepare draft conditions for an order for the information of the CPS. Suggested conditions may include:

- Not (either alone or by means of agents) to directly or indirectly contact, harass, alarm, distress or molest the victim and others as appropriate
- Not to knowingly approach within the boundary of (specify street or

road names) of any premises where the victim and others as appropriate reside, work or frequent.

- Not to telephone, fax, communicate by letter, text, electronic mail or internet with the victim and others as appropriate or to send or solicit to send any correspondence whatsoever.
- Not to retain, record or research by any means, private, confidential or personal facts or information relating to the victim and others as appropriate.
- Not to use a different name or to change his or her name without immediately notifying the Court or investigating officer.

This information and any other information which may assist CPS applying for the order should be contained within the MG6 confidential information.

Breach of a restraining order is a criminal offence.

Details of existing restraining orders are recorded on PNC and locally on Niche.

Insufficient evidence

Where there is insufficient evidence to charge a suspect, consideration should be given to releasing them under section 37(7) PACE 1984 with bail conditions or, where section 37(7) is not appropriate, section 47 (3) of PACE 1984 to enable further enquiries to be completed.

Policy database administration

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