



**ASSOCIATION OF
CHIEF POLICE OFFICERS**



To all Chief Constables and Chief Crown Prosecutors

25 November 2013

Dear Colleagues,

Stalking Legislation One Year On – Joint Police / CPS Response

Today (25th November) marks the first anniversary of the introduction of the new stalking offences. The amendments to the Protection from Harassment Act 1997 created two new stalking offences: section 2A – stalking; and section 4A - stalking that causes serious distress or fear of violence. Section 4A has a maximum sentence of 5 years in prison. The impact that stalking has on victims is often devastating and frequently causes physical and psychological harm. These new offences were specifically introduced to tackle stalking behaviour, as opposed to the more widely defined harassment offences already on the statute book.

The new stalking offences are being used and convictions have been secured, but we also recognise that the new offences are not being used as much as we would have hoped. ACPO, the CPS and our partners have worked hard to raise the profile and understanding of stalking and extensive effort has gone into improving training, guidance and the overall response from the Criminal Justice System, but clearly more needs to be done.

Both the police and CPS are in a pivotal position to help victims of stalking and together we must look at how we can make more effective use of the new legislation. Therefore, based on our experience to date, we have identified the following areas where we will work together to improve our response:

- Improve the awareness of frontline officers about how to risk assess stalking victims.
- Prosecute whenever possible rather than use of police information notices.
- Ensure Victim Personal Statements are always taken and used in accordance with the Victim's Code.
- Ensure that further evidence is secured if a charging decision has been taken on the threshold test, so that further evidence supports a charge on the Full Code Test that properly reflects the full criminality.
- Ensure that the charging decision is right first time. Stalking should be charged as a stalking offence rather than harassment.

- Proceed with the charge of stalking in court whenever possible rather than accept a plea to harassment. Acceptance of a plea of harassment rather than stalking by the defendant should only happen in particular circumstances and we should always seek the view of the victim before doing so.
- Ensure that when restraining orders are made in court, the victim's circumstances are properly taken into account (e.g. all relevant addresses are included).

We intend to address these issues in a joint national protocol between the police and the CPS which will be ready in spring 2014.

How can you help?

- By encouraging the use of the stalking offences and thereby improve the confidence of victims to report this criminal behaviour and help police officers and prosecutors to identify when the offences are being committed.
- The stalking screening tool should be used in every case of stalking. This tool allows police officers to assess the risk to the victim and assist with safeguarding plans.
- Ensure early discussions take place between the police and CPS on appropriate cases.
- Support and implement the joint national protocol locally when it is published including joint training and local initiatives.

What are we doing?

We are committed to establishing a new joint national protocol. Once this is complete, joint training and awareness raising will take place across the country.

If we can be of any further assistance, or wish to discuss anything in this letter, please do not hesitate to contact either Jayne Jones at jayne.jones@gmp.pnn.police.uk or Manjula Nayee at manjula.nayee@cps.gsi.gov.uk.

Yours sincerely,



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