

Findings from a Victim Centred Review of North Yorkshire Police's Approach to Stalking

January 2023

**LIVE
LIFE
SAFE**

suzy lamplugh
trust

Contents

Purpose of the review	2
Who we are.....	2
National Context	2
The Review Team.....	4
Methodology	5
Limitations.....	5
Findings	5
Culture and leadership.....	5
Training.....	6
Recognition.....	7
Response.....	9
Partnerships.....	14
The Victims Voice	14
Recommendations	15
Appendix A – List of documents reviewed.....	19
Appendix B – List of interviews	20

Purpose of the review

The terms of reference were agreed as follows:

- To appraise the current approach to stalking from a victim focussed perspective, including the entire process from initial reporting through to investigation, charge, and perpetrator management, making use of the latest guidance from the College of Policing, the National Police Chiefs Council (NPCC) and His Majesty's Inspectorate of Constabulary and Fire and Rescue Services(HMICFRS).
- To identify positive areas of work and make recommendations relating to areas for development.
- Consideration has also been also given to recommendations within the Suzy Lamplugh Trust super-complaint in relation to the national police response to stalking.

Who we are

Suzy Lamplugh Trust was founded in 1986 and is the largest specialist personal safety and stalking organisation of its kind worldwide. It is a leading expert in its field. Through the National Stalking Helpline and Advocacy Services the Trust has issued over 64,500 offers of support to date. The Trust has furthermore been pivotal in campaigning and advocating for victims of stalking across the UK, including successfully lobbying for stalking to become a crime in England and Wales through the Protection of Freedoms Act 2012 and the introduction of Stalking Protection Orders in 2019.

National Context

Definition

There is no legal definition of stalking within England and Wales, however the Suzy Lamplugh Trust defines it as:

a pattern of fixated and obsessive behaviour which is intrusive and causes fear of violence or engenders alarm and distress in the victim. Stalking behaviour is unwanted, repetitive, and it is almost always carried out (or orchestrated by) one individual towards another.

Who is stalked?

Stalking is a gendered crime with 1 in 5 women and 1 in 10 men experiencing stalking throughout their lifetime. Figures from the National Stalking Helpline and Advocacy Service show that between April 2021 and March 2022 67% of victims identified as female, 16% as male, 16.5% are undisclosed and 0.5% identified as non-binary, trans or gender-queer. The average age bracket for stalking victims is between 31-40 years old, contrary to the belief that it mostly impacts younger generations. Half of all stalkers are ex-intimate partners (50%); this is where the victim has separated or has made an attempt at separation. The remaining half, however, hold different relationships with the victim: 10% are acquaintances, 10% are neighbours, 6% are friends or ex-friends, 5% are colleagues or ex-colleagues, 3%

are family members, 2% are unknown (and 7% other). Only 7% of clients are stalked by a stranger, contrary to certain stereotypes.

Prevalence

Stalking is a widespread crime, with an estimated 1.8 million cases in the year April 2021 to March 2022 in England and Wales, according to figures from the Crime Survey for England and Wales (CSEW) carried out by the Office of National Statistics (ONS). The ONS did not survey stalking victims in the year April 2020 to March 2021 due to issues relating to safeguarding and confidentiality during the pandemic, however figures from the year ending March 2020 show an estimated total of 1.5 million cases a year. This therefore indicates a 20% rise in cases over the past 2 years.

Non-domestic abuse related stalking

National Stalking Helpline data records the relationship and context of all stalking cases reported. As highlighted 50% of stalking cases are not stalked by an ex-partner, and therefore not stalked within a domestic abuse context. Policy, process and narratives that therefore focuses solely on stalking within a domestic abuse context, risk missing and inappropriately managing a high proportion of victims. The 2017 Joint Her Majesty's Inspectorate of Constabulary (HMIC) and Her Majesty's Crown Prosecution Service Inspectorate (HMICPSI) 'Living in Fear' review of harassment and stalking recognised that victims not linked to domestic abuse were being exposed to risk stating: 'victims of harassment or stalking crimes that had not been categorised as domestic abuse were less likely to have had a risk assessment.'

As many as 4.9% of women in England and Wales were victims of stalking in the year ending March 2022 (1 in twenty), along with 2.5% of men (1 in forty). Figures continue to demonstrate that as many as 1 in 5 women and 1 in ten men experience stalking in their lifetimes. Domestic abuse shows a very similar prevalence, currently impacting 1 in 4 women and 1 in 6 men in their lifetimes, however there is more widespread understanding and awareness of this form of abuse at present across criminal justice agencies and the wider public. This is evidenced by the Domestic Abuse Act coming into force in 2021 and the implementation of the Domestic Abuse Statutory Guidance in July 2022. Protections and policies, as well as public understanding across all forms of media, is not equivalent for stalking.

Legislation

The Protection from Harassment Act 1997 was amended to include the offences of stalking (Section 2A and Section 4A) within England and Wales by The Protection of Freedoms Act, and these offences came into force on 25th November 2012. The legislation requires that all the elements of the offence of harassment must be met, including a course of conduct, with some additional stalking element. There is no legal definition for what amounts to stalking, but Section 2A gives examples of some common acts associated with stalking. These include following a person, contacting or attempting to contact a person by any means and monitoring the use by a person of the internet, and email or any other form of electronic communication, among others.

Section 2A sets out the requirements for the lower offence, which is a summary offence and carries a maximum sentence of 6 months and/or a fine. The higher offence under Section 4A can take two forms. Firstly, all the elements of harassment and stalking (as in Section 2A) must be present, but in addition it requires evidence of either:

- i. the behaviour caused the victim on at least two occasions to fear that violence will be used against them, or
- ii. caused them serious alarm and distress which has had an adverse effect on their usual day-to-day activities.

For this version of the offence, it is necessary to gather evidence on the impact that the crime has had on the victim in order to establish the offence.

Section 4A is an either way offence and carries a maximum of 10 years imprisonment, or 14 years with a racially aggravated element.

Reporting

According to the Police Recorded Crime and Outcomes Open Data Tables, there were 118,411 reports of stalking to police in the year ending March 2022, amounting to 7% of all estimated cases of stalking in England and Wales in the year ending March 2022 (1.8 million cases). This is a 20% rise in reports compared to the previous year (ending March 2021), and a significant 270% rise in reports from the year ending March 2020 (when only 2% of the estimated 1.5 million cases that year were reported to the police). Note that the reason for a notable rise in cases from the year ending March 2020 to subsequent years may be due in part to a change in counting rules by the Home Office in April 2020.

Charges

Only 5% of cases reported to the police in the year ending March 2022 resulted in a charge (5,948 charges in total). This figure is extremely concerning, particularly as the proportion of reports reaching a charge has decreased over the past few years. In the year ending March 2021, 7% of reports of stalking by victims resulted in a charge, and in the year ending March 2020 11% of reports resulted in a charge. This sets the course for even fewer cases reaching a trial (an estimated 3% of reports) and further fewer resulting in a conviction (an estimated 2% of reports).

The Review Team

Steve Lingley was a police officer for 30 years, retiring as Detective Superintendent, spending the last 5 years of his service as the Head of Public Protection and Safeguarding in his force. He has worked for the Suzy Lamplugh Trust for 3 years, in senior operational and project roles, delivering training to victim services and criminal justice partners nationally and reviewing victim approaches across the country.

Emma Lingley-Clark has worked in the community safety field for 20 years across a number of agencies including local authorities, the police and third sector. She has worked for the Suzy Lamplugh Trust since 2018, in a number of roles including the project manager for the Multi-Agency Stalking Intervention Programme (MASIP) and Interim Head of Policy.

Currently she is project manager for the Cambridgeshire Stalking Intervention Project and Senior Policy Advisor for the Trust.

Methodology

In order to undertake the review, a range of qualitative methods were used to try and ensure the triangulation of information from a variety of sources. These included:

- reviewing a range of internal and external policies and procedures (full list in Appendix A),
- interviews and focus groups with key stakeholders including operational officers and staff, victim support services and victims of stalking (full list in Appendix B)
- reviewing 20 crime and incident files

We have specifically identified a section called Victims Voice to explicitly relay the comments from the interviews with victims, however the whole report centres on the victim's experience.

Limitations

Due to the time bound nature of the project, the review provides a snapshot of the approach in North Yorkshire and findings can only be determined based upon the policies reviewed and the people interviewed. In North Yorkshire, operational demands meant that our access to frontline officers was limited, and we were not able to engage with officers that covered the full range of functions and geographical spread of the force. The findings presented are not based on any statistical analysis and are not intended to be used as an indication of any future inspection grading.

Findings

Culture and leadership

Our assessment of culture and leadership looks for evidence of an organisational commitment to providing the best service for victims of stalking. We are looking to see if there is a commitment at senior levels and how this is operationalised.

Based upon what we have seen and read as part of the review, North Yorkshire Police, Fire and Crime Commissioner and North Yorkshire Police clearly have a focus on violence against women and girls. In terms of the culture of the force there is a real sense that staff at all levels have a genuine focus on identifying and caring for vulnerable people, both in operational and support roles. In both the Office of the Police, Fire and Crime Commissioner's (OPFCC) and the North Yorkshire Police Violence Against Women and Girls Strategies, it sets out clearly how the force will engage with victims in their response to delivering better services and criminal justice outcomes.

From our interviews there is evidence of clear ambition to improve the response to stalking and some developing good practice, but our overall analysis is that this focus is susceptible to being watered down when the term 'violence against women and girls' and 'domestic

abuse' are used instead of a direct reference to stalking. The current Police and Crime Plan does not explicitly reference stalking apart from in the context of victim and perpetrator service commissioning. We also found that those being interviewed would talk about domestic abuse and harassment as interchangeable terms for stalking which potentially poses a significant risk in recognising and validating the unique experiences and risks of stalking victims.

There seems to be a level of transparency within North Yorkshire about the need to improve the response to stalking which suggests a healthy culture of challenge and improvement. The Office of the Police, Fire and Crime Commissioner's (OPFCC) public accountability meeting in August 2022 showed a clear ambition to improve the response to stalking. This was particularly clear in the level of honest dialogue and challenge in a public forum in relation to PIP2 resources, the lack of stalking protection orders, the inconsistent use of body worn video and the need for wider training on stalking.

North Yorkshire Police has included stalking (and harassment) within the control strategy, but the absence of specific performance indicators and scrutiny for stalking means that there is no forum to judge how the force is progressing in delivering its service to victims and to monitor the victims' journey through the criminal justice system. Two internal audits have already been completed on stalking and these show an appetite to learn and improve with a range of recommendations, some of which are mirrored across in this report, but strategic oversight would be valuable. Overall, there is an absence of the voice of the victim in any scrutiny processes and we were not made aware of any routine engagement with stalking victims.

Training

Ensuring that staff are trained to recognise stalking and the specific risks, how to safeguard victims and the protective measures available is a key component of any improvement journey.

North Yorkshire Police has a range of training modules available for different staff however from the interviews completed many staff were not aware of these or the tools available from the College of Policing as part of the Authorised Professional Practice. Some of the training products would also benefit from being updated to the most up to date materials available from the Suzy Lamplugh Trust, such as the student officer training modules we reviewed, where the risks associated with benign behaviours and the dangers of victim blaming could be included. The majority of those interviewed could not recall receiving specific training on stalking. Those newer to the organisation could recall recent training on stalking and were complimentary about the quality, however in general there appears to be a need for a wider, more consistent approach to training on stalking. There did appear to be real appetite for staff to undertake specialist stalking training, however concerns were expressed about any future roll out of training particularly as staff were being asked to undertake training on rest days. Interestingly the roll out of Domestic Abuse Matters training was mentioned by many suggesting that a similar approach to stalking training may be of value i.e. whole system approach.

The current staff within the specialist stalking team members had also not undertaken any stalking specific training beyond attendances at conferences, though we are advised previous staff in the team had received training from the Suzy Lamplugh Trust. Although we

are aware that this is common practice in policing to upskill by learning on the job, we believe it is essential that these team members access stalking specific training particularly as there is an expectation that they will be training others, something that is set out in our super-complaint. This will enable them to better recognise and manage the risk of victims.

A training strategy supported by a continuous professional development plan is something the Suzy Lamplugh Trust feels is critical to develop greater staff awareness, an effective response and to address any learning fatigue as well as signalling to the wider organisation this is not just a one-off input.

Recognition

It is imperative that stalking is identified at the earliest opportunity to ensure that victim safeguarding and a swift and effective police response can take place. The misidentification of stalking as harassment or treating incidents as one-off crimes such as malicious communications or criminal damage can lead to increased risk to the victim. Although there was general recognition of the significant impact of stalking amongst those interviewed there is still opportunity to provide information to staff, local services and the public about the nature and scale of stalking, its risks and the forms it takes both in the ex-intimate and non-ex-intimate context.

Recorded crime in North Yorkshire

Available national data from the Office of National Statistics reports for the year June 2021 to June 2022, gives some context to the recognition and recording in North Yorkshire. Stalking and harassment data for the force shows a 10% increase in recorded crimes against a national rise of 7%, with rates of stalking and harassment per 1000 population being 8.9 against national figures of 9.6.

Classification

From the staff interviewed and cases reviewed there were different levels of experience and understanding in relation to stalking, however there are a number of checks and balances built into the system to mitigate against cases being missed. We were told that the starting presumption is always to classify the crime type as stalking. Where stalking and harassment is identified, structured question sets are used within the control room to ensure relevant information is gathered, supported by THRIVE¹ assessments to ensure that the needs of victims are recognised and documented in detail.

Repeat incidents and crimes

The importance of researching and linking crimes and incidents is something inspection after inspection has recognised as a failing of police services nationally. North Yorkshire Police has developed a structure that aims to identify repeat callers and therefore link incidents to identify possible stalking. Systems to identify and flag repeat victims of stalking, particularly those involving what appear to be benign behaviours are important to keep victims safe. Staff did report some operational challenges of completing this research when processing

¹ Threat, Harm, Risk, Investigation, Vulnerability, Engagement - THRIVE provides a framework to support decision making, informing the holistic understanding of the situation.

calls. However it was encouraging to see in the crime and calls reviewed, evidence of research into historical incidents and also system and human based linking of incidents. This also demonstrated the implementation of the crime management policy, overseen by experienced PIP2 office managers, the specialist stalking unit and operational line managers.

Officer/staff approach

For victims of stalking, procedural justice² and the approach taken with victims reporting stalking, including those reporting so called low level benign behaviours, can be critical to their validation. Many reviews nationally have shown victims report a lack of empathy and a feeling their voice is not being heard. A number of police reviews have recognised that where so-called low-level behaviours such as flowers and chocolates left by the perpetrator are not being recognised as part of the stalking, victims disengage. This misunderstanding can expose victims to increased harm. The way staff undertake tasks, not just the act of doing them is critical for victim engagement.

Repeat victims

North Yorkshire Police have a comprehensive repeat victim policy which includes positive victim focussed language, including not seeing repeat callers in a negative context. This is important when recognising the volume and nature of stalking behaviours victims experience and therefore the volume of calls that may be received. However there appears to be conflicting definitions of a repeat victim of domestic abuse across the domestic abuse policy and repeat victim policy. The domestic abuse policy sets out a statement that:

“the application of a definition based upon the number of times something has been reported to the police is inherently unreliable”

which appears to be at odds with the repeat victim policy where, a repeat victim of domestic abuse is:

“any person who has reported 2 or more incidents of domestic violence in a 12 month period”

There is also a third definition of a repeat victim:

“any person who has reported three or more incidents of crime, Anti-Social Behaviour or a combination of both within a 12 month period.”

In interviews with staff it appears that in cases of domestic abuse related stalking, officers most commonly use professional judgment highlighted in the domestic abuse policy i.e. not relying on a number of reports as the main means of identification. However for those victims of stalking where the perpetrator is not an ex-partner, it is not clear whether either of the domestic abuse definitions are being used or the general repeat victim definition. We are also concerned that a victim may call and make a single report that highlights multiple incidents, and this may not necessarily identify them as a repeat victim. Clear policy

² The theory, if people feel they are treated in a procedurally fair and just way, starting from the very first contact, they will view those in authority as more legitimate and respect them more.

guidance in relation to repeat victims of stalking would be useful incorporating how this takes account of the 'persistently targeted victim' definition³ who are entitled to enhanced rights under the Victims' Code, which now includes victims of stalking.

Case oversight

The oversight of cases by supervisors and also the crime management team is essential in ensuring the continuous improvement of stalking identification. One area it may be useful to look into, are cases where there are multiple breaches of restraining orders or other protective orders, and whether these are being identified as a new course of conduct of stalking that may be being missed. This was not an area the review team had the opportunity to explore in detail, but looking at a national context this is recognised as an area of risk with the high prevalence of such breaches forming part of the MASIP⁴ modelling.

Response

In order to provide the best service to victims there is a need for swift and thorough investigation from officers that understand the complexity of the cases and the potential impact that trauma may have on the victim. Taking a victim focussed approach is essential and this includes recognition that victims of stalking, where the trauma may be long standing, may not be in a position to actively support a prosecution.

Authorised Professional Practice

North Yorkshire Police's Stalking and Harassment Procedure sets out clear and informed guidance based upon national best practice. From our interviews staff were not aware of this procedure or the tools within the Authorised Professional Practice pages from the College of Policing for stalking and stalking protection orders.

Specialist Stalking Team

North Yorkshire Police have developed a specialist stalking team consisting of one detective sergeant, one police constable and two members of police staff. This team works to the detective inspector who has the lead for stalking and domestic abuse. The superintendent who has the portfolio for stalking does not currently have the line management responsibility for the stalking team. This team clearly understand the importance of an effective response to stalking and the importance of it being a discreet priority and not just as part of a wider domestic abuse or harassment response. The team had established a good reputation and were well known to those we interviewed as a part of the review (see appendix B). We saw examples of their advice in case files which included not only investigation advice but victim safeguarding and contact arrangements. We also view the development of stalker profiles

³ targeted repeatedly over time, particularly if deliberately, includes victims of sustained harassment and stalking.

⁴ Under MASIP, agencies work together to ensure a robust criminal justice response is paired with the most effective risk management and where needed, direct perpetrator intervention, while remaining survivor-centred to enhance protection to those victimised. It is key to note here that this is far beyond a regular MARAC style 'meeting' with all agencies but rather an embedded project that works to identify and manage risk on a daily basis to protect victims and reduce escalation of risk and introduce a psychological intervention with perpetrators where appropriate.

by the specialist team as a real opportunity to identify and respond to high volume cases and prolific offenders.

The work being done to support victims and manage perpetrators following the release from custody showed a real understanding of the need for risk management even after the criminal justice proceedings have been concluded. The description of the role played by the police staff in the team appeared to be a crossover between advocacy and victim liaison. Feedback on the team from other staff, but also victims was very positive referring to the personal nature of the support and the care and respect shown to victims. The leadership both internally and externally provided by the DI was apparent from their visibility in media communications where they lead on a number of promotional pieces for the force. The leadership both internally and externally provided by the DI was apparent from their visibility in media communications where they lead on a number of promotional pieces for the force. Overall the team seem passionate about the delivery of the best service to victims of stalking. What was not clear was the long-term commitment to this dedicated resource and also if there were any plans to expand the team either with more police resource or to replicate the best practice MASIP model. As previously mentioned, the team have not received any specialist stalking training, and this as well as an ongoing plan for CPD is essential in these types of roles.

The role of the specialist team is crucial and with more resource they could provide oversight on more cases. Our understanding is that currently they focus on those identified as high risk and some medium cases or offer tactical advice when asked by officers. As the process currently operates the majority of cases will not have the oversight of the team. With the dynamic and fluid nature of risk it is unclear how the force and the specialist team respond to this changing profile of a case. North Yorkshire Police has an ambition set out in its proposals to the OPFCC in August 2022 to use PIP2 investigators for all stalking cases. In practice from the cases we have seen and the practice we have explored with staff this is not the case, with response officers and PIP1 hub staff owning stalking cases. This supports the need for specialist stalking training for all officers to ensure a victim focussed investigation at the highest standards is achieved. In contrast to the proposal set out to the OPFCC, the current Crime Allocation Policy requires only PIP2 oversight, our interviews confirmed adherence to the crime allocation policy rather than the proposal set out to the OPFCC.

Case Quality and Assurance

During the review the team have considered the journey of the victim from first call to criminal justice outcome in 20 case files supplied (including Storm logs and OEL information) and speaking to staff. The overall assessment is that the force is developing an understanding of stalking and has implemented a number of steps to improve its response.

The review of a number of investigation files reinforced the high level of general scrutiny applied to cases. Reviews were also picking up on delays in investigations and there was evidence of cases being reallocated to different OICs to ensure their progression in line with statutory time limits. This oversight is good to ensure that cases do not go over the statutory time limit, but the length of investigations and inherent delays seen in the cases supplied demonstrate the need for earlier intervention and the use of victim safeguarding tools such as Stalking Protection Orders. There also needs to be recognition of the impact that delays can have on victim confidence and sustained trauma.

There was little evidence that the Joint NPCC and CPS Stalking or Harassment Evidence Checklist was used in the crimes reviewed, although some did mention the domestic abuse checklist. The absence of these has been identified nationally by HMICFRS and is important in capturing key elements for the CPS, particularly the victim impact which is crucial for a stalking charge. From speaking to staff in the force there was little awareness of the NPCC /CPS stalking checklist. Cklist

Evidence based prosecutions

North Yorkshire Police has set a clear ambition to increase the use of evidence-based prosecutions and building evidence using a range of sources. The public accountability meeting set a priority to improve the use of body worn video to support this approach. The policy is clear on its expectation on staff using body worn video but during the interviews and looking at crime investigations there was a more discretionary approach, confusion over the policy and little documented record of the evidence being available.

Of note, is that advocates from the National Stalking Helpline report where a specialist stalking advocate is involved the need for evidence-based prosecutions is lower. There is evidence from the National Stalking Awareness week survey in 2022 that the use of specialist stalking advocates also increases a positive criminal justice outcome significantly from one in 1000 to one in four. We were not made aware of any specialist stalking advocates providing support to victims in North Yorkshire apart from those provided at a national level. Data from the National Stalking Helpline would suggest that 50% of victims are not linked to a domestic abuse or ex-intimate offender and therefore it is essential that specialist stalking provision meets this need. We found those who were being stalked by the ex-partners were referred to IDAS, however the service does not have specialist stalking training and there is not a specialist pathway for those victims stalked by someone who is not their ex-partner.

Warnings or Police Information Notices

One issue of concern nationally in the continued use of warnings to perpetrators previously known as Police Information Notices. North Yorkshire Police policies are clear on not using these and staff awareness at all levels we spoke to were clear these warnings should not be used. North Yorkshire Police's own stalking audit flagged this as a risk. However in a small number of crimes reviewed and one Stalking Protection Order case, there were references to perpetrators having been warned about their behaviour, some by other forces who were jointly responding to a case. The 2017 Joint HMIC and HMICPSI review of harassment and stalking, found compelling evidence that the use of PINs meant no thorough investigation had taken place and there had been little positive action to protect the victim and recommended PINs should be withdrawn from use immediately. This is still national policy as advised by the College of Policing and something all Chief Constables have been briefed on by the current national police lead for stalking, DCC Paul Mills of Wiltshire Police.

Domestic Violence Disclosure Scheme

The force has a clear Domestic Violence Disclosure Scheme which sets out a victim focussed response to domestic abuse cases. The application of the procedure was evident

in one crime file reviewed. In some force areas we have worked with, the right to know and right to ask has been used widely in stalking cases. North Yorkshires Domestic Violence Disclosure Scheme should be updated and promoted to victims of stalking and staff, promoting its use and recognising in many stalking cases the perpetrator is an ex-partner, where accessing relevant history of abuse is vital to the safety of victims.

Stalking Protection Orders

Stalking Protection Orders offer victims and perpetrators an opportunity for early intervention in cases of stalking, while the investigation is ongoing. North Yorkshire Police recognises it is an outlier in the use of these orders with very few having been obtained. There is an absence if any reference to Stalking Protection Orders in the range of policies and procedures we reviewed including stalking and harassment, suspect management and crime allocation, where other orders are referenced.

There was a concerning lack of awareness of what Stalking Protection Orders were, the importance of applying for them early and some organisational confusion of how and when the force should be approaching the application of these orders. These elements in our view have a significant impact upon victims' confidence to report, engage and be kept safe.

At the Suzy Lamplugh Trust we ensure all victims are aware of these orders and advocate with police officers for their use in line with the Home Office guidance where "The investigating officer should consider whether to apply for an order at the start of every stalking investigation." There is little evidence that the force or its staff routinely consider this as part of its victim focussed approach.

In the cases reviewed we could find little or no evidence that SPOs were actively considered, and the overall assessment is that staff have little knowledge about the orders, do not understand their value and the importance of an early approach to their use. Instead, the narrative seemed to be to ask victims to apply for non-molestation orders or to wait until the case comes to trial which can be many months later and seek a restraining order. We were aware of one case where an SPO was sought which was a non-domestic abuse case. In this instance, across all professionals involved in the case, there was a real sense of the long-term impact of the stalking and the need to protect as well as prosecute. In this particular case, however, the SPO was only considered at the point of charge, which is not its purpose and we feel this exposes victims to months (or in this case years) of further abuse.

The legal services team, though well briefed in stalking, appeared to be operating to a high threshold (whereby only high-risk stalking cases would be considered). Legal services also used a legal interpretation we have not seen in other forces we have worked. This focussed upon the wording in section 5 of the Stalking Protection Act 2019. The approach saw the force only applying for interim orders where they felt they had achieved the evidential threshold also for a full order. This approach and interpretation could be the reason the force is some way off its peers nationally. The purpose of this review is not to direct around legal matters but to recognise the impact of an absence of stalking protection orders upon victims.

From interviews with staff at all levels it was felt the current force response may be having a direct impact on the timeliness and number of SPOs sought. When looking at the guidance provided by the Home Office it states, 'This Act has been created to enable early police intervention pre-conviction to address stalking behaviours before they become entrenched or

escalate in severity and to protect victims from more serious harm', our concerns about low numbers and delays in seeking orders could be putting victims of stalking at risk. The Home Office review of stalking protection orders published in February 2022 makes a number of recommendations including the Home Office Minister to write to Chief Constables of forces which have applied for five or fewer SPOs to encourage them to always consider applying for SPOs, given the positive requirements attached. The Home Office have emphasised that SPOs should be considered even if bail conditions or other protective orders are in place. From our interviews it appeared that officers and staff were not aware of this review and its findings.

Victim Care

Keeping in touch with victims and making sure they are updated is one of the most important parts of the process. Under the Victim's Code stalking victims are now recognised as those who are entitled to enhanced rights. They have the right to be told by the police when key decisions on investigation are made and where applicable to have reasons explained to them within 1 working day of a suspect being arrested, interviewed, released without charge or released on bail or if bail is changed or cancelled. If the police decide not to investigate the police must explain why within 1 working day. Unfortunately victim contact or lack of it is also often the most common complaint we hear on the National Stalking Helpline; this is not just about providing a good service but is actually about ensuring the safety of the victim.

North Yorkshire Police has a policy whereby stalking cases cannot be resolved on the telephone at first call, which affords victims the opportunity to provide the police with a more detailed account of their experience and also enables officers to be more aware of the signs of trauma that may not be obvious over the phone. We were told that more experienced call handlers were likely to encourage an open recall from victims as opposed to following the question set process rigidly. From speaking to victims and the victim services that support them, the significant impact of the first call or first response on victims who may have experienced many months of stalking, needs to be carefully considered. Question sets and the methodology for taking these calls, need to balance risk assessment questions with effective listening skills that allow the victim to speak about the behaviours and impact they have experienced.

IDAS have a Survivor Advisory Board which is used to inform future organisational development. We heard from victims of stalking who would be happy to work with the force and the Survivor Advisory Board on further developing the approach to the first call. Developing a response where both the questions asked and the approach taken by staff, is cognisant of the trauma which victims of stalking suffer, is key to gathering information and procedural justice. Victims may not respond to closed questions and indeed may not recognise the nature of the abuse they are suffering. We also noted that online advice for victims of stalking was limited to cases of telephone and online abuse. It would be useful to expand this advice.

Crimes and incidents reviewed demonstrate a good routine of victim contact. There was evidence of victim contact logged by initial response officers, investigators and also the specialist stalking team. Many logs refer to missed calls both ways. We recognise there are real challenges to achieving this contact with shift patterns and response demands. One suggestion from call handlers that they felt would provide a better service to victims from

their perspective, and to save victims having to call in multiple times, was for officers to make notes of victim updates that could be shared if asked on the OEL. This would avoid the situation where victims cannot get hold of the OIC because of rest days etc.

The PFCC sits as chair of the Local Criminal Justice Panel which offers senior scrutiny of how the force and partners take a victim focussed approach. This includes compliance against the Victims Code. From our interviews it was clear that the awareness of the code was patchy at best. The OPFCC and North Yorkshire Police have also developed a booklet which summarises all victim rights and relevant information in a single booklet. This is circulated to all victims automatically via text when a victim is identified following a crime being reported. The booklet is really informative as it includes a range of resources including the updated Victims Code and information on victim personal statements. A lot of work has clearly gone into the development of this product and the production of victim personal statements is a very important part of a stalking victim's journey. From the interviews we undertook both with operational staff and those supporting victims, as well as the cases we reviewed, there was little knowledge of the booklet and little evidence of its use which is a missed opportunity for protecting victims of stalking.

Partnerships

The work of the OPFCC and force is set out in a range of partnership documents including the North Yorkshire Safeguarding Adults board where the OPFCC Violence Against Women and Girls strategy is referenced along with a range of policies across the VAWG agenda. Within the North Yorkshire Safeguarding Adults board, Adult Safeguarding Policy there is no explicit reference to stalking other than as a part of the domestic abuse definition.

During our evidence gathering we were told about developing practice in relation to stalking clinics and the involvement of partners including those from the health sector. How these form part of North Yorkshire Police's strategic response to stalking and the partnership commitment was unclear. The OPFCC public accountability meeting in August 2022 explored this in some detail, challenging the force to consider a force wide model. It seemed like the foundations are in place through the specialist team for the creation of a more comprehensive multi-agency risk management approach to stalking including the development of stalker profiles. We would recommend that further exploration is carried out in relation to the development of Suzy Lamplugh Trust's MASIP in North Yorkshire.

The Victims Voice

In our conversations with victims, it was very clear that they were highly appreciative of the support provided by members of the specialist stalking team particularly in being very responsive to the victim when they had questions and also keeping them updated on the progress of the case pre and post-trial. Not all victims we interviewed knew if they had contact with the stalking team. One of the main issues raised was the amount of information provided and how officers did not always get this right. One victim felt that she had not been given the full details of the nature of the stalking until the day she was in court and this was quite a shock to her and she felt she had been put at risk as a result, by not being able to take steps of her own to protect herself. Another victim was grateful that the police had not told her everything. Working with the individual victim to determine their needs is essential rather than applying a blanket policy approach.

We were also told that victims felt powerless once they reported. In one case the police had indicated to the victim that they would arrest the perpetrator whether or not the victim supported and this left them feeling very anxious, particularly as no one at that stage had done any safety planning with them. This victim also reported receiving different information from different officers about the video interview process that left them feeling confused. They also felt that some support after any interview would have been really helpful as they felt very traumatised.

Some of the victims we spoke to had experienced multiple police responses due to a perpetrator living in a different force area. It should be noted that cross border working is an area for improvement nationally. In general victims told us that the response from the specialist stalking team was excellent when they were involved but their experiences of dealing with multiple forces was not positive and this indirectly impacted on their view of North Yorkshire Police. The lack of ownership in regard to victim updates was also reflected in some of the crime files we reviewed. and during our interviews when officers reported a lack of clarity about their responsibility for updating a victim when the investigation sat with another force. The agreement for victim contact should be formally agreed in consultation with the victim during the handover to another force. We know this is often when victims of stalking are left uncertain about where both ownership and safety planning sit. The College of Policing offer practice advice on the transfer between forces of stalking protection orders which could provide a framework for the general process of transfer of stalking cases.

A number of the victims interviewed as part of this review expressed their interest in working with the force in the development of practice and response, including using their personal experiences to support future training and development.

Recommendations

Leadership and Culture

1. North Yorkshire Police and the OPFCC should set-out a stalking specific action plan that details how they are addressing the recommendations set out in the:
 - HM Government Tackling Violence Against Women and Girls Report July 2021
 - HMICFRS Police Response to Violence Against Women and Girls Final Inspection Report September 2021 and;
 - Home Office Review of Stalking Protection Orders February 2022.
 - The Suzy Lamplugh Trust super-complaint on The Police Response to Stalking.
2. We would also recommend that this action plan includes responses to relevant other super-complaints. Progress against these actions should be reported to the Chief Officer lead and OPFCC.
3. To establish stalking as a clear priority and ensure that recognition is given to the unique nature of risk and experiences of victims, the term stalking should be explicitly used and not interchanged with VAWG, domestic abuse or harassment.

4. A set of performance indicators should be developed to enable North Yorkshire Police and the OPFCC to assess the effectiveness of their response to stalking. We would suggest that as a minimum this includes:
 - Numbers of Section 2A and Section 4A offences
 - Numbers of Section 4A offences that relates to serious alarm and distress on the victim,
 - Section 4A that relates to fear of violence by the victim,
 - Timeliness of the investigation,
 - Compliance around the Victim's Code,
 - Investigation outcome including NFA reasons where applicable and charging data including evidence-based prosecutions and where the CPS advise an alternative charge to stalking,
 - Number of SPOs applied for, successful and breached,
 - Conviction data including those downgraded at court.

A process for gathering the voice of stalking victims should also be established and the Victim's Voice feature as part of the performance framework.

Training

5. A whole system approach to stalking training should be developed that includes ongoing refresher training and CPD.
6. Call handlers, response officers and investigators should complete training by a specialist stalking training provider such as the Suzy Lamplugh Trust Lifeline training, to adequately identify, investigate and risk assess cases of stalking.
7. Members of the specialist stalking team should complete an enhanced level of training by a specialist stalking training provider.
8. All officers and staff should complete training on the updated Victim's Code and any future legislation for victims including the Victims Bill.

Recognition

9. North Yorkshire Police should internally promote awareness of stalking to all staff/officers making them aware of the resources available to support investigations including the:
 - Stalking and Harassment guidance,
 - College of Policing Stalking and Harassment Authorised Professional Practice and,
 - Suzy Lamplugh Trust National Stalking Helpline website references.
10. North Yorkshire Police and the OPFCC should externally promote their commitment to tackling stalking including what a victim of stalking can expect when they report to North Yorkshire Police (their victim offer) and the use of Stalking Protection Orders, setting out what they are and how they can protect victims.
11. Clear policy guidance in relation to repeat victims of stalking is needed which also specifies how this relates to the 'persistently targeted victim' definition who are entitled to enhanced rights under the Victim's Code (which applies to all victims of stalking).

12. Interrogate data to identify multiple breaches of restraining orders and other protective orders in order to determine where new stalking crimes are being missed i.e. a new course of conduct is emerging.

Response

13. To complement the suggested performance framework which should include monitoring the timeliness of stalking investigations we suggest that a system and supervisory approach is put in place to ensure that stalking cases, particularly those for the summary offence are expedited in a timely manner.
14. North Yorkshire Police should formally set out in both policy and operational practice the PIP level for the investigation and supervision of stalking cases.
15. Use of the NPCC and CPS Harassment or Stalking Checklist should be mandatory in all cases. This would also prompt officers around issues such as body worn video, ensuring the victim's statement includes the impact of stalking and the separate need for a victim personal statement.
16. The policy on the use of body worn video should be updated so that staff are clear that for stalking cases it should always be used and compliance should be monitored.
17. North Yorkshire Police should ensure that verbal warnings are not used in cases of stalking even when the victim asks for this to be undertaken.
18. The Stalking and Harassment Procedure should be updated to ensure staff using the guidance recognise the need to consider Stalking Protection Orders 'at the start of every stalking investigation' and not just using restraining orders at court. We would recommend that any stalking policy links to the College of Policing Authorised Professional Practice to ensure the procedure remains up to date.
19. North Yorkshire Police including their legal services should work with those areas identified as delivering best practice on SPOs.
20. For each stalking investigation there should be a requirement for the OIC to consider and document their decision making in relation to an SPO at the start of the investigation. The OIC should set out a clear rationale why they are not seeking an order, if they decide not to obtain one, in the same way as is required for evidence-based prosecutions.
21. North Yorkshire's Police's Domestic Violence Disclosure Scheme policy should be updated to explicitly include victim of stalking and the force should promote its use.

Victim Care

22. North Yorkshire Police and the OPFCC should consider the findings of the Suzy Lamplugh Trust Bridging the Gap report 2022, as part of its long term offer of specialist stalking advocacy support to victims.
23. The North Yorkshire Police 'How to Protect Yourself from Stalking' online advice should be developed to incorporate other forms of abuse (it is currently limited to online and telephone abuse) using advice from the Suzy Lamplugh Trust web pages.
24. The OPFCC working with North Yorkshire Police should ensure that staff have greater awareness of the Victims Booklet and when it should be used to enable staff to actively promote this to victims. The victims booklet should be actively promoted by staff to victims, with clarity on its use set out in force policies.

25. North Yorkshire Police should explore a model where officers make notes of victim updates that could be shared if asked on the OEL, thus avoiding the situation where victims cannot get hold of the OIC because of rest days etc.

Partnerships

26. The force should work with partners within North Yorkshire Children's and Adults Safeguarding Boards to ensure stalking is explicitly referenced to ensure all agencies recognise the importance North Yorkshire places on stalking.
27. North Yorkshire Police should consider a review of its multi-agency clinic arrangements for stalking as part of the Suzy Lamplugh Trusts Multi-Agency Stalking Intervention Project (MASIP) benchmarking and accreditation work.

Victims Voice

28. The Survivors Advisory Board should develop its representation to ensure the full scope of experiences of victims of stalking are considered and to enable stalking specific pieces of consultation to take place. We would recommend that priority is given to their involvement in work that is already underway including;
- the use and impact of body worn video,
 - victim engagement in the use of stalking protection orders and
 - review of question sets used when victims report stalking.
 - developing the first response question sets and methodology for stalking victims.
29. When the police take positive action such as an arrest, it is important that the safety of the victim is fully considered and this is regularly reviewed and there should also be wraparound emotional support in place particularly after interviews.
30. Where cases involve a number of forces an agreement should be made in consultation with the victim about who is responsible for updating the victim and clear guidance given to the victim based on that agreement.

Appendix A – List of documents reviewed

How to protect yourself from stalking and harassment pages – NYP website

Stalking and Harassment Procedure

Crime Allocation and Investigation Procedure

Suspect Management Policy & Procedure: Post 2022 Bail Reform

Body Worn Video (BWV) Procedure

National Standard for Incident Recording Procedure

Repeat Victim, Repeat Caller and Hoax Caller Procedure

Domestic Violence Disclosure Scheme - Right to Ask and Right to Know Procedure

Crime Recording and Occurrence Management Unit Procedure

Incident Management and Deployment Procedure

National Crime Recording Standards Procedure

Victims Right to Review Procedure

Adult Conditional Cautioning Procedure

Victim information booklet

North Yorkshire Safeguarding Adults Board policy

North Yorkshire Safeguarding Childrens Board policy

North Yorkshire Police Violence Against Women and Girls Strategy

Office of the Police, Fire and Crime Commissioner's Joint Violence Against Women and Girls Strategy

Child protection procedures

Domestic abuse procedure

Stalking diaries

Responding to stalking guidance

DVPO policy

FCR training plan on stalking and training slides – initial training

Student officer 'initial' training

Student officer training input

Stalking presentation for control room by stalking advisor

Stalking presentation - DA forum

Appendix B – List of interviews

Stalking victims

Assistant Chief Constable

Crime Registrar

CROMU

Interim Director for Public Trust & Confidence at OPFCC

Head of Public Protection and Safeguarding

Stalking and domestic abuse lead

Legal services

Specialist stalking team

IDAS

Force Control Room Team Leader

Response teams

Investigation hub

Crime Manager

Suzy Lamplugh Trust

The Foundry

17 Oval Way

London

SE11 5RR

0207 0910014

info@suzylamplugh.org

suzylamplugh.org

@live_life_safe

**LIVE
LIFE
SAFE**
suzy lamplugh