



# **Protocol on the appropriate handling of stalking or harassment offences between the National Police Chiefs' Council and the Crown Prosecution Service**

**This protocol has been approved and authorised by:**

.....

**Chief Police Officer [insert Police Area]**

.....

**Chief Crown Prosecutor [insert CPS Area]**

## Contents Page

### [SECTION 1 – PARTIES](#)

### [SECTION 2 – INTRODUCTION AND SCOPE OF THE PROTOCOL](#)

### [SECTION 3 - INVESTIGATION AND RISK ASSESSMENTS AND MANAGEMENT](#)

### [SECTION 4 – REFERRAL AND CHARGING](#)

### [SECTION 5 – CASE PREPARATION](#)

### [SECTION 6 – VICTIM AND WITNESS CARE](#)

### [SECTION 7 – TRIAL](#)

### [SECTION 8 – ACCEPTING PLEAS](#)

### [SECTION 9 - RESTRAINING ORDERS](#)

### [SECTION 10 – SHARING LESSONS LEARNT](#)

### [SECTION 11 – SIGNATORIES](#)

#### 1. SECTION 1 – PARTIES

1.1. The Parties to this Protocol are XXXX Police and the XXXX Crown Prosecution Service (CPS).

#### 2. SECTION 2 - INTRODUCTION AND SCOPE OF THE PROTOCOL

2.1. The commitment to end stalking and harassment is embedded in the cross-government Ending Violence against Women and Girls (VAWG) Strategy: 2016 to 2020. The strategy is underpinned by effective partnership working at both a local and national level. The successful prosecution of these cases and safeguarding of those victims involved relies on strong and collaborative partnership working between the police and prosecutors.

2.2. The VAWG approach recognises that victims of stalking are disproportionately female. The approach acknowledges VAWG as a fundamental abuse of human rights and women's rights<sup>1</sup>. The UK government has signed and ratified the United Nation's call to all states to prevent and respond to violence against women<sup>2</sup>. The police and CPS are committed to all victims of crimes grouped together

---

<sup>1</sup> VAWG is the most widespread form of abuse worldwide, affecting on average one third of all women globally in their lifetime (WHO, MSC and LSHTM, 2013).

<sup>2</sup> In 2003, the UN published reference:

[http://www.ohchr.org/Documents/Issues/Women/15YearReviewofVAW\\_Mandate.pdf](http://www.ohchr.org/Documents/Issues/Women/15YearReviewofVAW_Mandate.pdf)

Protocol on the appropriate handling of stalking or harassment offences between the National Police Chiefs' Council and the Crown Prosecution Service

as 'VAWG' and to that end, are inclusive in their approach. All VAWG policies are applied fairly and equitably to all suspects and victims of crime – irrespective of their gender. The [CPS Public Statement on male victims](#) is relevant to this Protocol.

- 2.3. Chief Constables have overall responsibility for the investigation of alleged criminal activity in their individual force area.
- 2.4. The CPS is the principal prosecuting authority dealing with criminal prosecutions in England and Wales. The CPS is fully committed to prosecuting fairly and effectively all those who carry out harassment or stalking behaviour.
- 2.5. The safety of victims is paramount. Failure to identify and robustly deal with harassment or stalking behaviour at the earliest opportunity allows suspects to continue their behaviour. This may leave victims exposed to escalating risk, including sexual assault and homicide. The risks to victims must therefore be carefully considered in these cases. This is not only in respect to the direct risk from the suspects to the victims, but also in regard to anyone connected to victims, such as their children and dependents, family members and friends.
- 2.6. This document sets out the principles governing the investigation and prosecution under sections 2, 2A, 4 and 4A of the Protection from Harassment Act 1997 (PHA 1997) and covers all forms of harassment or stalking. The purpose of this protocol are:
  - To achieve improved and consistent performance in the identification, investigation and prosecution of stalking or harassment cases;
  - Ensure a robust and appropriate criminal justice response to stalking or harassment;
  - Establish early and effective liaison between the police and CPS in stalking cases;
  - To improve the service to victims of stalking or harassment;
  - Increase public confidence more widely in the ability of the Criminal Justice System (CJS) to deal with stalking or harassment cases; and
  - To reflect the College of Policing's Authorised Professional Practice and CPS policy.

### 3. SECTION 3 - INVESTIGATION, RISK ASSESSMENT AND MANAGEMENT

- 3.1. From the outset, it is important that police officers interrogate all relevant information. The [Joint NPCC and CPS Stalking or Harassment Evidence Checklist \(the Checklist\)](#) is referred to throughout this protocol and should be used by investigating officers and prosecutors. Additionally, the [Joint CPS NPCC Domestic Abuse Evidence Checklist](#) will be relevant in domestic abuse cases and should be referred to.
- 3.2. The police and CPS understand that stalking or harassment is characterised by its serial nature and the potential long term obsessive nature of behaviours.
- 3.3. When investigating an incident the police will explore the motivation, behaviours, background and context of the suspect as well as the impact on the complainant in order to ensure a balanced consideration of the account provided and to enable all available evidence to be gathered.
- 3.4. The police will investigate potential defences put forward by the suspect. The investigation could consider:
  - Are there any signs of injury to the suspect upon arrest?
  - Have any allegations been made of other non-violent behaviour that fall within the description of stalking, harassment or [domestic abuse](#)?
  - How plausible and consistent is the suspect's account? What counter allegations, if any, have been

made?

- Are there any contradictions in the suspect's account?
- Does the suspect accept they have committed some or all of the alleged behaviours but denies that they intended to cause alarm/distress?
- Does the suspect believe the complainant has misunderstood their intention, and what explanation is given?
- What evidence is there that the suspect's behaviour is unreasonable?
- Is there evidence that the suspect has invested a disproportionate level of time, effort or resource in pursuit of the complainant?
- Is there evidence that the suspect's behaviour has caused alarm and distress?
- Has consideration been given to the full range of evidence that may be available via social media, digital and surrounding witnesses including work colleagues and friends?
- Have enquiries been made into any previous bad character information including previous convictions and relevant intelligence including information about other complainants?
- Has the suspect made no comment during interview from which an adverse inference can be drawn?
- Does the suspect say that the behaviour was:
  - Pursued for the purpose of preventing or detecting crime;
  - Pursued under any enactment or rule of law or to comply with any condition or requirement imposed by any person under any enactment; or
  - In the particular circumstances of the case was the pursuit of the course of conduct reasonable?

3.5. In cases involving stalking or harassment, the range of alleged offending behaviour, with particular reference to other crimes, must be considered. This can include but is not limited to digitally enabled crime, criminal damage and malicious communications. The police and prosecutors should be alert to evidence supporting allegations that indicate a course of conduct which would suggest control, coercion, domination or exploitation of a complainant. Identification of the triggers for abuse will assist in understanding the context of the offending. These issues should be considered as risk factors, rather than as causal links to the offending behaviour, and will assist prosecutors in their consideration of the public interest. This will also assist when considering factors to be taken into account for bail applications and/or terms for restraining orders. Police and prosecutors should also be aware that conduct can take more than one form at the same time. For example on-line and off-line conduct.

3.6. Clear and coherent accounts from complainants are reliant upon their powers of recall/concentration, their understanding of the events and their ability to communicate. A number of issues can impact on the precision or the detail of the account provided e.g. drug and alcohol use, mental health and physical disabilities. Police and prosecutors should refer to the [Toolkit for Prosecutors on Violence Against Women and Girls Cases Involving Vulnerable Victims](#).

3.7. The police should ensure that the Domestic Abuse, Stalking and Honour Based Violence risk assessment (DASH)<sup>3</sup> or other appropriate risk identification or screening tool (including SASH<sup>4</sup>) is used to assess the risk to the victim and inform the development of safeguarding plans in relation to all complainants of stalking or harassment. First response staff and their supervisor should identify risk factors, establish who is at risk and decide what level of intervention is required. Training in the use of risk screening/identification tools and their application is therefore essential. The risk identification process must remain on-going. Events and circumstances may undergo rapid and frequent change resulting in increases to the risk for victims. The assessment must be kept under constant review. High risk cases may well require a multi-agency response and should be considered where appropriate for referral to the relevant risk management panel i.e. the Multi-Agency Risk Assessment Conference (MARAC) in cases of domestic abuse and/or Multi-Agency Public Protection Panel (MAPPA).

3.8. The police will ensure that alleged incidents are not considered in isolation, and where complainants report incidents that may be typical of stalking behaviour, the police will interrogate their systems to identify whether there are any linked incidents that could indicate a pattern of behaviour. Additionally,

---

<sup>3</sup> It is recognised that the DASH model is under review and a refined model is currently being piloted. Additionally, DASH should only be used for DA cases. Where there is no ongoing relationship at all a specialist stalking assessment is preferable

<sup>4</sup> <https://www.stalkingriskprofile.com/stalking-risk-profile/sash>

when a case is passed to the CPS, the prosecutor will carry out a check of the CPS Case Management System (CMS) against the suspect or defendant's name to determine if the CPS holds any record of similar previous behaviour against this or any other complainant.

- 3.9. In cases of stalking or harassment some complainants may be afraid of the suspect. In the most serious cases, they may fear that the suspect will assault, harm or even kill them. However, such fear is not present in all cases. Therefore, it is essential that complainants are asked if they have altered their behaviour (even in subtle ways) in response to the alleged behaviour or activities.
- 3.10. In each case that is identified as harassment, the police and CPS will specifically consider if this is indeed a case of stalking to ensure that appropriate risk screening and management for both complainants and suspects can be put in place and that the CJS can have an appropriate and consistent response to this crime.
- 3.11. Police Information Notices (PINs) will not be used in stalking cases.
- 3.12. Stalking offences can also be committed in an online environment, e.g. through social media platforms. The principles for investigating 'online' stalking are the same as those that apply to any form of stalking. Investigating officers should, however, be aware of [the CPS guidelines on prosecuting cases involving communications sent via social media](#).

#### 4. SECTION 4 – REFERRAL AND CHARGING

- 4.1. To facilitate effective referral and charging practices between the police and the CPS, all police forces and all CPS Areas will appoint Single Points of Contact (SPOCs) for stalking and harassment cases. A list of SPOCs will be contained as a separate annex for police forces and the CPS which will be held by the CPS and NPCC Stalking and Harassment Lead. The police and prosecutor SPOCs should make contact monthly to discuss: reporting, referrals, charging, and prosecutions, in relation to stalking or harassment within their area. Role descriptions will be developed by the police and CPS to support this work. Agencies should work together to identify opportunities in awareness raising and improving the support to victims and witnesses.
- 4.2. In some cases, the distinction between stalking and harassment will not be clear-cut, as the definitions can overlap. There is **no specific legal definition of stalking**. However, for police and prosecutors it is helpful to know that in cases of stalking there is a pattern of unwanted, fixated and obsessive behaviour which is intrusive. It can include harassment that amounts to stalking or stalking that causes fear of violence or serious alarm or distress<sup>5</sup>. Where the course of conduct involves elements of stalking behaviour, a charge under section 2A or 4A of the PHA 1997 will **always** be the starting point where the relevant evidential and public interest thresholds are met.
- 4.3. The Director's Guidance on Charging sets out arrangements prescribed by the Director of Public Prosecutions for the joint working of police officers and prosecutors during the investigation and prosecution of criminal cases. The police do not have to refer every case involving stalking or harassment to the CPS, (although all domestic abuse cases do require referral to CPS for a charging decision). Where the investigating officer is unclear or uncertain whether the behaviour is stalking or harassment, where the case is complex or involves challenging issues, or where it involves stalking, the investigating officer should consider contacting the police SPOC and where appropriate seek Early Investigative Advice from the CPS. Chief Constables and Chief Crown Prosecutors will agree local arrangements for full and early consultation to take place.
- 4.4. Prosecutors and the police will work closely together to build cases, ensuring that all possible avenues of investigation are explored and that where the appropriate thresholds are reached that the correct charge is identified.
- 4.5. The police will ensure that any statements supplied to the prosecutor at the pre-charge stage will, where required, be accompanied by a completed MG2 to ensure that any requirement for special

---

<sup>5</sup> Description developed by Paladin to help better understand stalking  
Protocol on the appropriate handling of stalking or harassment offences between the National Police Chiefs' Council and the Crown Prosecution Service

measures receives early informed consideration. The police should use an appropriate risk screening or risk assessment tool with all stalking or harassment complainants and ensure that the documentation is supplied to the prosecutor at the pre-charge stage.

- 4.6. When considering what charges (if any) are applicable, prosecutors will examine the impact on the complainant as well as the conduct of the suspect to determine whether someone has been stalked or harassed. The detailed statement from the complainant, along with a Victim Personal Statement will help determine the right charge. Prosecutors will also consider the history of the case, including any previous convictions or intelligence, breaches of restraining orders or non-molestation orders in relation to this complainant or others, and bad character evidence. Consideration should also be given as to whether enquiries need to be made of other forces where there is evidence that a suspect has spent time in other police force areas. Previous use of PINs may also be used as bad character evidence.
- 4.7. Prosecutors will ensure that MG3s contain a full record of the decisions taken with reasons for those decisions. Every MG3 will also contain an action plan unless there is no additional or outstanding work required from the police. To ensure cases are managed efficiently, action dates will be agreed between the CPS and the police and recorded on the action plan.
- 4.8. At all times, police and prosecutors must consider the impact of their decisions on the risk to the complainant. The use of postal requisitions may have unintended consequences which impact the risk to the complainant. Police and prosecutors should seriously consider the effect of using postal requisitions in cases of harassment and should not use them in stalking cases.
- 4.9. Prosecutors will inform the police promptly when a charging decision is made. The police will notify the complainant of the charging decision at the earliest opportunity.
- 4.10. Where the police seek a charging decision based on an application of the Threshold Test as per the [Code for Crown Prosecutors](#), they will provide detailed and comprehensive information to enable the prosecutor to determine whether the application of the Threshold Test is appropriate and to fully consider issues surrounding opposition to bail. The police will also provide details of the further evidence likely to be obtained which will have a significant impact on the case. The police will gather and forward the further evidence identified, within the timescale required, in order to support a charge on the Full Code Test that properly reflects the level of criminality.
- 4.11. In cases where the police may grant pre-charge conditional bail under section 47 of the Police and Criminal Evidence Act (PACE) 1984, the police will seek the complainant's views regarding the conditions to be imposed and will consider imposing the same conditions as would be appropriate in a Restraining Order.
- 4.12. Prosecutors will remind the police of the option to use conditional bail where appropriate. It is essential when police officers are making a decision as to whether a suspect will be asked to attend voluntarily or where postal requisition is being considered that police officers recognise that these may limit the protection that can be offered to the complainant as the case moves through the CJS. This is both in terms of the limitation to impose conditions to reduce risk to the complainant and the risk of further offending.
- 4.13. Where suspects breach bail conditions before their first court appearance, the police will take expeditious and robust action. The police will investigate this as potential continued stalking or harassment of the complainant and in addition to breach of bail, further offences or an enlarged stalking charge where appropriate will be considered. The breach of bail conditions may necessitate the Threshold Test being applied, where previously the grounds for applying this test were not met.
- 4.14. Early consultation with the officer in the case and contact with the Witness Care Unit will help prosecutors to understand and recognise the risks in the case. This can ensure that any further offending reported is addressed as quickly as possible; as such stalking behaviour can often escalate in frequency and seriousness and place the complainant at increased risk of harm.

## 5. SECTION 5 – CASE PREPARATION

Protocol on the appropriate handling of stalking or harassment offences between the National Police Chiefs' Council and the Crown Prosecution Service

- 5.1. Prosecutors should work closely with the police and other specialist agencies to ensure that the best evidence is gathered and presented to the court. The case should have a clear narrative pre-empting and challenging any assumptions/associated myths and stereotypes. A strong and cohesive prosecution team is required to proactively build and manage a case.
- 5.2. If the suspects indicate that they will plead guilty, then in every case the police should ensure that, in addition to the usual material, the CPS is provided with a copy of the risk screening tool and any other relevant risk assessment together with the Victim Personal Statement. The complainant's view on any conditions that could be included in a restraining order should be clearly set out. This information should be provided to the CPS as soon as possible (ideally with the pre-charge request) to enable a full consideration of the risk posed by the suspect to the complainant. This in turn will inform applications for bail and Restraining or Criminal Behaviour Orders.
- 5.3. When a complainant asks the police not to proceed or withdraws their support for a prosecution, the police will take a written statement that will:
  - Fully explain the reasons for withdrawing support;
  - If the original account has to be amended, provide an explanation as to why this is the case;
  - State whether the original complaint was true;
  - Set out whether the complainant has been pressurised to withdraw their complaint by any person;
  - Details of those with whom complainant has discussed the case especially anyone who has advised them (e.g. solicitor); and
  - Confirm whether the complainant is pursuing any civil action.
- 5.4. In addition, the police will provide a report that will set out:
  - The officer's views on the case, including the veracity of the statement, any suspicions of witness intimidation or pressure (if not already included in the withdrawal statement), and a general assessment of the reasons given by the complainant;
  - The officer's views on how the case should be dealt with, including proceeding against the complainant's wishes;
  - How the complainant might react to being compelled to give evidence;
  - Details of any identified risks to the safety of the complainant, children or any other person;
  - Details of the support available to the complainant prior to the allegation being retracted or support withdrawn and whether this was a reason for the change in position (for example, access to an Independent Stalking Advocacy Caseworker (ISAC), Independent Domestic Violence Advisor (IDVA), Young Persons Violence Advisor (YPVA), Independent Sexual Violence Advisor (ISVA) or other support organisation, or whether the offer of special measures was made etc.);
  - Whether any support organisation assisting the complainant has expressed a view; and,
  - The likely impact on the complainant and any children/dependents of proceeding or not proceeding with the case.
- 5.5. If it is suspected that the complainant has been pressurised or is frightened, the police will investigate further and assess any support that has been offered and whether the intervention of a specialist support service could make a difference. The prosecutor will, if appropriate, ask the court to delay any hearing to enable this to be done<sup>6</sup>.
- 5.6. If the complainant confirms that the complaint is true but still wants to withdraw, the police and CPS will consider the feasibility of continuing without the complainant's evidence and whether to do so against the complainant's wishes.
- 5.7. The issue of a witness summons is a last resort; full consideration should be given to the specific facts

---

<sup>6</sup> More information can be found at

<http://webarchive.nationalarchives.gov.uk/20130128112038/http://www.justice.gov.uk/downloads/victims-and-witnesses/vulnerable-witnesses/vulnerable-intimidated-witnesses.pdf/> and [https://www.cps.gov.uk/sites/default/files/documents/legal\\_guidance/speaking-to-witnesses-at-court-guidance-March%202018.pdf](https://www.cps.gov.uk/sites/default/files/documents/legal_guidance/speaking-to-witnesses-at-court-guidance-March%202018.pdf)

of the case and impact on the complainant's safety and wellbeing<sup>7</sup>. Where a complainant is reluctant to attend court and it is decided the case can only continue with the complainant's evidence to prove the case, Section 169 of the Serious Organised Crime and Police Act 2005 allows the court to issue a witness summons if it considers it to be in the interests of justice to do so.

- 5.8. Before the decision to apply for a witness summons is taken, prosecutors must make enquiries to satisfy themselves that the safety of the complainant, any children and/or other dependents will not be endangered. This information could be sourced from the police, and other sources such as any support organisations involved with assisting the complainant. Prosecutors should familiarise themselves with the section on witness summons within the [CPS Domestic Abuse Guidelines for Prosecutors](#).

## 6. SECTION 6 – VICTIM AND WITNESS CARE

- 6.1. Investigators, prosecutors and Witness Care Units need to know what support agencies are available for complainants within their local area and nationally. Complainants must always be afforded the opportunity to be referred to specialist VAWG services and not subject to automatic referral without their consent. The police will endeavour to ensure the complainant is provided with access to such support.
- 6.2. At the beginning of any investigation the police will ensure that complainants are referred to relevant specialist support services. Complainants will be provided with information about specialist support services (both national and where appropriate local services) together with information on how to contact them. Police and prosecutors should familiarise themselves with Table 3 of the Toolkit for prosecutors on VAWG cases involving vulnerable complainants which outlines the support that should be given to vulnerable complainants throughout the CJS.
- 6.3. It is important for police and prosecutors to remember that these cases may involve some of the most vulnerable complainants and witnesses who may have the least confidence in the criminal justice process. They may also need support mechanisms not just during the prosecution process, but also after the case concludes. Complainants of stalking or harassment are entitled to an enhanced service under The [Code of Practice for Victims of Crime: CPS Legal Guidance \(Victims' Code\)](#). The police and CPS will comply with their responsibilities as set out in the Victims' Code.
- 6.4. In every stalking or harassment case, the police will obtain the complainant's agreement on who is to be their specific point of contact (SPOC)<sup>8</sup> and their preferred means of contact (telephone, text, email or other). The identity of the SPOC should be shared with the CPS and the Witness Care Unit so that it is clear who is responsible for communicating with the complainant and recording any actions arising. Thought should be given to succession planning in preparation for when a SPOC moves on or has any absence from work. Consideration should also be given to establishing a safe number or method of communication to ensure effective communication.
- 6.5. At the outset of the case police officers will explain to complainants and their supporters the available special measures and their advantages and disadvantages, including any potential impact on the proceedings. They will obtain complainants' informed views and pass them to the CPS to inform any special measures application. This should include the name of any supporter, including any IDVA, ISVA, YPVA or ISAC that the complainant wishes to accompany them in court or a live link room. The CPS should make applications for special measures, bad character and hearsay evidence at the earliest possible opportunity. Police and prosecutors should remind complainants of the services offered by the Witness Service such as pre-trial familiarisation visits.
- 6.6. The police and prosecutors will consider holding early special measures meetings to cover the requirements of witnesses for special measures and to enable the investigating officer to inform the prosecutor of the views of the witnesses. Prior to this meeting the investigating officer will contact the

---

<sup>7</sup> However, this should be discussed with the complainant; some complainants may find a summons a useful tool to demonstrate that they had no choice but to attend court

<sup>8</sup> This Specific point of contact is not the named CPS or Police Force Area lead SPOC referenced in paragraph 4.1 Protocol on the appropriate handling of stalking or harassment offences between the National Police Chiefs' Council and the Crown Prosecution Service

relevant support service for an update on the complainant's situation and any recent developments.

- 6.7. In cases of stalking or harassment, the impact of the alleged behaviour on the complainant is considerable. It is therefore essential that complainants are given the opportunity and are supported to provide Victim Personal Statements (VPS). Where a VPS has not been obtained, the CPS will be provided with information setting out why the VPS was not taken and any background information that may assist the prosecutor. The purpose of a VPS is to assist the court by enabling the complainant to describe the effect the alleged behaviour has had on them and their lives and to express an opinion on bail and other issues. Complainants are entitled to say whether they would like to read their VPS aloud in court or whether they would like it read aloud or played (if recorded) for them. In all cases, the VPS and the information about the complainant's preference will be relayed to the court at the first hearing by the prosecutor.
- 6.8. Complainants will be given the opportunity to make an addendum VPS at each significant stage of the case, particularly after a guilty plea or conviction after trial.
- 6.9. Where the CPS decision is not to charge or ends all proceedings in relation to the complainant, the complainant should be informed of their right to have the case re-reviewed as part of the [Victim's Right to Review \(VRR\) scheme](#).

## 7. SECTION 7 - PLEAS

- 7.1. The reviewing prosecutor will give clear instructions to the advocate conducting the case at court regarding the acceptability of pleas, in accordance with the [Attorney General's Guidelines on the Acceptance of Pleas and the Prosecutors Role in the Sentencing Exercise](#).
- 7.2. Where stalking is charged and the suspect offers to plead guilty to harassment, prosecutors will not accept pleas unless there are compelling reasons to do so. Prosecutors will have regards to:
  - The complainant's views;
  - Whether any new evidence that undermines the evidential test has been obtained since the original charging decision was made;
  - Whether there have been any changes in circumstances since the decision to charge stalking was made;
  - If the complainant is reluctant to attend court, whether it is in the public interest to witness summons him or her;
  - The strength of evidence to demonstrate behaviours associated with stalking;
  - The reasons given by the defence for suggesting that a plea to harassment should be accepted; and
  - The possible explanation that would be given to a complainant who felt that they had been stalked as to why a plea was taken to harassment.
- 7.3. If a decision is taken at court to offer no evidence or accept a lesser plea the views of the complainant will be taken into account before a final decision is reached and the advocate will speak to the complainant directly or indirectly through an interpreter/an appointed person e.g. an ISAC, to explain the issues surrounding the decision. The prosecutor should seek the authority of their manager or instructing lawyer (if an agent) before the complainant is approached for their views. A plea to harassment in place of one of stalking should only occur on the rarest of occasions.

## 8. SECTION 8 – TRIAL

- 8.1. Prosecutors should familiarise themselves with the [CPS Speaking to Witnesses at Court guidance](#) which emphasises the need to ensure witnesses are properly assisted and know more about what to expect before they give their evidence. It sets out what is expected of prosecution advocates, outlining what they can and cannot say to witnesses and explaining the difference between assisting a witness to be better able to deal with the rigors of giving evidence and witness coaching.
- 8.2. The prosecuting advocate will introduce themselves to the complainant at court prior to the Protocol on the appropriate handling of stalking or harassment offences between the National Police Chiefs' Council and the Crown Prosecution Service

commencement of the trial. This is especially important if a special measures meeting with the complainant has not taken place.<sup>9</sup> Prosecutors should be aware of the potential for the witness to feel further victimised and/or traumatised and, to minimise this, should ensure that witnesses feel valued and involved in the court process. Particular care needs to be taken to make sure they understand what will happen in court.

- 8.3. Witnesses should be reassured that the prosecution can object to intrusive/irrelevant cross-examination and the judge will decide whether the questions need be answered. The witness should be advised that the judge's decision must be followed.

## **9. SECTION 9 – RESTRAINING ORDERS**

- 9.1. Restraining orders<sup>10</sup> will often be essential to ensure the on-going safety and security of victims of stalking or harassment. The police will explain to complainants that restraining orders may be applied for on conviction, or where possible, on acquittal.
- 9.2. The police will explain to victims what a restraining order is and the protection it seeks to provide. At the earliest opportunity they will obtain the complainant's views and those of other specialist services working with the victim as to whether a restraining order is necessary and will provide accurate and up to date information to support an application for a restraining order. This will entail, for example, checking the accuracy of addresses and ensuring these details are reflected in a draft restraining order setting out the proposed prohibitions. Given that in most cases there will be delay between the suspect being charged and the case being finalised at court it is essential that officers check that the initial information provided to prosecutors is still accurate in case any alterations to the conditions are required. For example, where a victim has changed address.
- 9.3. The police should provide information to support an application for a restraining order to the prosecutor as early as possible. If the CPS is required to make a charging decision the information supporting the application should be recorded in the MG3. Where the case has not been submitted to the CPS for a charging decision the information should be recorded in the MG6. The police officer should also remember to complete the MG5 notifying the suspect that such an application will be made.
- 9.4. Prosecutors will remind the court to inform the police if a restraining order is granted by the court. The police will promptly inform the victim of the particular conditions of the restraining order and where appropriate also share these with the IDVA/ISAC or other specialist agency and the probation service.
- 9.5. Police and CPS should be aware that breach of a restraining order (as well as being an offence itself) is often evidence of further stalking or harassment. When this occurs the police will take expeditious and robust action to deal with the breach and to bring such alleged offending before the court in a timely manner.

## **10. SECTION 10 - SHARING LESSONS LEARNT**

- 10.1. Both the local police and CPS will monitor these cases and provide feedback about good practice and areas for improvement including for CPS Direct through an agreed frequency of meetings between the police and the CPS lead. This includes lessons learnt from CPS Local Scrutiny and Involvement Panels (LSIPs).
- 10.2. Where appropriate lessons learnt should also be shared with local specialist support agencies either through existing forums or by arranging ad-hoc meetings as well as with CPS Headquarters so that good practice can be shared nationally.

## **11. SECTION 11 – SIGNATORIES**

---

<sup>9</sup> Where special measures will be used in stalking cases special considerations should be given as to whether a special measures meeting should be held

<sup>10</sup> The CPS has legal guidance on restraining orders which can be found here: <https://www.cps.gov.uk/legal-guidance/stalking-and-harassment>

11.1. This protocol will take effect in respect of all stalking and harassment investigations and prosecutions commencing on or after 23rd May 2018.

A handwritten signature in black ink that reads "Alison Saunders".

Alison Saunders  
Director of Public Prosecutions

A handwritten signature in black ink that reads "Paul Mills".

DCC Paul Mills Wiltshire Police  
National Police Chiefs' Council