

# Super-complaint on the police response to stalking

Submitted by the Suzy Lamplugh Trust, on behalf of the  
National Stalking Consortium

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## Executive Summary

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<sup>1</sup>, 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. The Trust leads the National Stalking Consortium<sup>2</sup>, a body of 21 organisations and individual specialists, including frontline services, victims and academics across England and Wales, with over 300 years of combined experience in the field of stalking. One of its key objectives is to improve stalking victims' experiences of the criminal justice system, using a coordinated and proactive approach to influencing policy and practice informed by victims' experiences. The Consortium is a platform where professionals can crucially share best practice, identify evolving patterns of stalking behaviour and ensure victims' needs are kept at the forefront of our services across the country, providing a united voice within the sector.

This super-complaint is submitted by the Suzy Lamplugh Trust, on behalf of the Consortium.

**The Consortium is highly concerned by the misidentification of stalking offences in England and Wales by the police.** Although there are pockets of good practice by some forces, overall the Consortium finds that there is a lack of understanding at present as to what behaviours constitute stalking, and how it impacts the victim both psychologically and physically. Police often treat stalking behaviours as one-off incidents, rather than recognising the wider pattern of behaviour which constitutes the crime. It is common therefore for the crime to be treated as a 'lower-level' offence such as malicious communications or criminal damage, or misidentified as harassment, thus setting a course for an incorrect pathway through the criminal justice system. This can then result in the wrong offence being charged (a mischarge) by the Crown Prosecution Service (CPS).

**In those cases where stalking is identified, too often police are not investigating the crime appropriately,** erroneously dropping cases due to a perceived lack of evidence, for example, incidents of unwanted online behaviour such as the use of social media, emails and phone calls. Moreover, the demonstrated link to the risk to homicide is often not recognised, at times leading to catastrophic consequences, such as in the recent cases of Gracie Spinks<sup>3</sup> and Yasmin Chkaifi<sup>4</sup>.

Linked to this, **we are also extremely concerned about the insufficient use of Stalking Protection Orders (SPOs) across England and Wales.** The Consortium is of the opinion that these orders are

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<sup>1</sup> The National Stalking Helpline and Advocacy Services, hereto referred to as the National Stalking Service, is made up of the National Stalking Helpline, National Stalking Advocacy Service, the London Stalking Support Service, the Stalking Threat Assessment Center and Psychological Advocacy Towards Healing Service.

<sup>2</sup> The National Stalking Consortium will hereafter be referred to as the Consortium

<sup>3</sup> *Gracie Spinks: Police face misconduct action after woman's death*, BBC [June 2022].

<https://www.bbc.co.uk/news/uk-england-derbyshire-61732488>

<sup>4</sup> *Met Police 'could've stopped' stalker ex-husband killing Yasmin Chkaifi*, ITV News, [February 2022].

<https://www.itv.com/news/2022-02-04/police-couldve-stopped-stalker-ex-husband-killing-yasmin-chkaifi-son-says>

frequently not being applied for when requested by the victim or their Independent Stalking Advocate<sup>5</sup> and in the rare cases where they have been obtained, breaches are often not responded to in a timely or efficient manner. **Finally, we have found that repeated breaches of SPOs and other protective orders are not resulting in police treating these incidents as a fresh offence of stalking**, which leads to the victim being left without adequate protections, and in many cases allows for the perpetrator to continue their behaviour undeterred.

Overall, therefore we wish to highlight the two linked issues of, failure to carry out effective criminal investigations into stalking offences that have taken place, and failure to put in place prompt and effective protective measures to bring stalking to a halt. The two issues and criminal justice processes are distinct but need to be considered together for an effective criminal justice response.

The high prevalence of stalking cases which are misidentified and poorly investigated point to the fact that this is a deep-rooted systemic issue across police forces in England and Wales. The Consortium therefore strongly urges the College of Policing, Her Majesty's Inspectorate of Constabulary and Fire & Rescue Service (HMICFRS) and the Independent Office for Police Conduct (IOPC) to investigate this issue in depth and put forward recommendations to reform the police response to stalking.

The Consortium notes that a joint Inspectorates report into the police and CPS response to harassment and stalking was published in July 2017, which was highly critical of the responses of criminal justice agencies, and that following this a national protocol was put in place between the National Police Chiefs' Council (NPCC) and CPS to try to make the criminal justice response more robust. Many of the problems we identify were noted then. Over five years have now passed since the publication of the joint Inspectorates' report, and we continue to see a great many of the same failings on the ground. We therefore feel that it is timely to bring this systemic issue to the attention of the police oversight bodies again. Clearly the efforts made in 2017 and 2018 were not sufficient, and with 10 years now having passed since the stalking legislation came into force, there is a need for a fresh approach to ensure the protections that victims expect and deserve.

## 1. Key features of policing significantly harming the interests of the public

The National Stalking Consortium has identified the following four features of policing which are harming the interests of the public regarding the response to stalking across England and Wales:

- a. **The misidentification of stalking**, this includes treating behaviours as single incidents as opposed to recognising the wider pattern of behaviour that constitutes stalking, and/or treating them as a different offence such as malicious communications or harassment; police minimising or trivialising behaviours;
- b. **Flawed investigations and NFA (No Further Action) decisions**, this includes the psychological impact of stalking not being sufficiently recognised by the police or treated as evidence; the risk of serious harm and homicide to the victim not being recognised by the police; police failing to recognise the impact of online (or cyber) stalking and treat the behaviours as evidence; cases being erroneously NFA'd by the police due to lack of evidence;

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<sup>5</sup> Independent Stalking Advocates (hereafter referred to as 'stalking advocates') are trained specialists who provide victims with expert advice and support during a period of crisis, often when the stalker's behaviour is escalating and the response from the criminal justice system or other agencies fails to address it. Stalking advocacy support is often ongoing and can last for many months or longer.

- c. **The failure to offer or refusal to apply for a Stalking Protection Order** on behalf of a victim in cases of stalking;
- d. **The lack of response by police following breaches of protective orders** (including Stalking Protection Orders, Non-Molestation Orders, Restraining Orders, bail conditions or other), and the **failure to treat continued breaches of orders as a further offence of stalking**;
- e. **Further issues of concern** including a lack of referrals to specialist services by the police leaving the victim at risk; dangerous or unhelpful advice given to victims; evidence for a 2A charge not being collected within the 6-month timeframe and thus being dropped; the lack of stalking intervention programmes across England and Wales.

## 2. Evidence

This super-complaint will use the following evidence to support the above claims:

- National figures relating to stalking across England and Wales (provided by the Office for National Statistics, the Home Office, Police Recorded Crime and Outcomes Open Data Tables, and the Ministry of Justice);
- Data pulled from the online case management system (Modus Janus, see Annex c) for the National Stalking Helpline and Advocacy Services;
- A survey conducted in October 2022 by the Suzy Lamplugh Trust with stalking advocates from the National Stalking Service<sup>6</sup> (See Annex Section d for information on the methodology);
- A survey conducted in October 2022 by the Suzy Lamplugh Trust, on the psychological impact of stalking and the healthcare response to stalking (See Annex Section e for information on the methodology);
- 21 case studies illustrating in further detail the challenges faced by stalking victims with the police; these include cases provided by frontline service members of the Consortium (note that for confidentiality reasons we have included these only in the Appendix and are therefore not available to the wider public) and cases in the public domain (including the cases of Alice Ruggles and Claire Waxman);
- Findings from reports published by the Suzy Lamplugh Trust (including ‘Healthcare Responses to Stalking’<sup>7</sup> [2019], ‘Unmasking Stalking’ [2021]<sup>8</sup>, and ‘Bridging the Gap’<sup>9</sup> [2022]);
- External reports (including ‘Police response to violence against women and girls’<sup>10</sup> by Zoe Billingham at HMICFRS [2021], ‘Review of Stalking Protection Orders’<sup>11</sup> by the Home Office

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<sup>6</sup> See Annex point d for details on the methodology

<sup>7</sup> *Healthcare Responses to Stalking*, Suzy Lamplugh Trust, 2019

<https://www.suzylamplugh.org/Handlers/Download.ashx?IDMF=7d7e3529-cb56-4743-acdf-46a12c1f5c9d>

<sup>8</sup> *Unmasking Stalking*, Suzy Lamplugh Trust, 2021

<https://www.suzylamplugh.org/Handlers/Download.ashx?IDMF=fcb781a-f614-48c8-adcf-4cfa830c16a7>

<sup>9</sup> *Bridging The Gap*, Suzy Lamplugh Trust, 2022

<https://www.suzylamplugh.org/Handlers/Download.ashx?IDMF=36e87aea-15ba-437a-97f6-d5966360878f>

<sup>10</sup> Police response to violence against women and girls, HMICFRS [2021]

<https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/police-response-to-violence-against-women-and-girls-final-inspection-report.pdf>

<sup>11</sup> *Review of Stalking Protection Orders*, Home Office [2022]

<https://www.gov.uk/government/publications/management-information-stalking-protection-orders/review-of-stalking-protection-orders-accessible-version>

[2022] and 'Living in Fear: the police and CPS response to harassment and stalking'<sup>12</sup> by HMIC and HMCPSI [2017]);

- Academic literature (including Professor Jane Monckton-Smith's extensive research on coercive control, stalking and homicide such as 'Exploring the relationship between stalking and homicide'<sup>13</sup> [2017] and research by Dr Emma Short on the impact of cyberstalking in her report 'Stalking in the online world'<sup>14</sup>);
- 'The Impact of the Stalking Protection Orders in Enhancing Policing Responses to Stalking', by DS David Thomason (Harm Reduction Unit, Cheshire Constabulary Public Protection Directorate) in 2022 (unpublished).

### 3. Introduction to Stalking

#### 3.1 What is stalking and who does it impact?

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<sup>15</sup>. Stalking behaviour is unwanted, repetitive, and it is almost always carried out (or orchestrated by) one individual towards another.

Stalking is a gendered crime with 1 in 5 women and 1 in 10 men experiencing stalking throughout their lifetime<sup>16</sup>. Figures on 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<sup>17</sup>, contrary to the belief that it mostly impacts younger generations. Half of all stalkers are ex-intimate partners (50%)<sup>18</sup>; 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<sup>19</sup>.

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<sup>12</sup> Living in Fear: the police and CPS response to harassment and stalking, HMICFRS [2017]  
<https://www.justiceinspectorates.gov.uk/hmicfrs/publications/living-in-fear-the-police-and-cps-response-to-harassment-and-stalking/>

<sup>13</sup> *Exploring the relationship between stalking and homicide*, Prof Jane Monckton Smith, 2017.  
<https://eprints.glos.ac.uk/4553/>

<sup>14</sup> *Stalking in the online world*, Dr Emma Short et al, Middlesex University.  
<https://eprints.mdx.ac.uk/35314/1/Stalking%20in%20the%20online%20world.docx>

<sup>15</sup> Note that all behaviours will not necessarily be intrusive due to the fact that the victim doesn't know about the behaviours at that moment in time, however the behaviours could be constituted as high harm regardless.

<sup>16</sup> *Other related tables: March 2022*, Office of National Statistics, 2022, table F15.  
<https://www.ons.gov.uk/file?uri=/peoplepopulationandcommunity/crimeandjustice/datasets/crimeinenglandandwalesotherrelatedtables/yearendingmarch2022/otherrelatedtablesmar22.xlsx>

<sup>17</sup> National Stalking Service figures, year ending March 2022 (from Modus Janus case management recording system).

<sup>18</sup> National Stalking Service figures, year ending March 2022 (Modus Janus)

<sup>19</sup> Ibid

### 3.2 Increase in stalking cases across England and Wales: national figures

Stalking is a widespread crime, impacting an estimated **1.8 million people** in the year April 2021 to March 2022 in England and Wales<sup>20</sup>, 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<sup>21</sup>, however figures from the year ending March 2020 show an estimated total of 1.5 million victims a year. This therefore indicates **a 20% rise in cases over the past 2 years.**

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)<sup>22</sup>. 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<sup>23</sup>, however there is more widespread understanding and awareness of this form of abuse at present across criminal justice agencies and the wider public as 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.

The percentage of women aged 16-59 who experienced stalking once or more in the **year ending March 2020** sits at 5.4%, for men it is 2.7%. However, the percentage of women aged 16-59 who experienced stalking once or more in the period **October 2021 to March 2022 increased** to 6.2%, and to 3.2% for men<sup>24</sup>. This demonstrates that stalking cases are on the rise across England and Wales for both men and women.

### 3.3 The 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, 10 years ago, on 25<sup>th</sup> 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

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<sup>20</sup> This is an estimated calculation, based on ONS statistics available at the time of publication. In other words, percentage of adults in England and Wales who have experienced stalking in the year ending March 2022 (3.7%), divided by the over 16 population in England and Wales in the year ending March 2020 (48,304,754) (due to the 2021 Census, there has been a delay in publishing mid-year 2021 estimates, for this reason, we have used the 2020 general population estimates).

*Other related tables: March 2022, Office of National Statistics, 2022, table F15*

<sup>21</sup> The ONS states that: 'Although the TCSEW was implemented to allow us to continue measuring crime during the Coronavirus pandemic, concerns around confidentiality and respondent safeguarding limit the types of questions asked in the TCSEW and this currently includes those relating to stalking and domestic abuse.'

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingseptember2021>

<sup>22</sup> *Other related tables: March 2022, Office of National Statistics, 2022, table F15.*

<https://www.ons.gov.uk/file?uri=/peoplepopulationandcommunity/crimeandjustice/datasets/crimeinenglandandwalesotherrelatedtables/yearendingmarch2022/otherrelatedtablesmar22.xlsx>

<sup>23</sup> Statistics: Living without abuse <https://lwa.org.uk/understanding-abuse/statistics/#:~:text=Domestic%20abuse%3A,to%20be%20reported%20to%20the>

<sup>24</sup> *Other related tables: March 2022, Office of National Statistics, 2022, table F15.*

<https://www.ons.gov.uk/file?uri=/peoplepopulationandcommunity/crimeandjustice/datasets/crimeinenglandandwalesotherrelatedtables/yearendingmarch2022/otherrelatedtablesmar22.xlsx>



element. There is no legal definition for what amounts to stalking, but Section 2A gives examples of some common acts associated with stalking, such as 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 the victim to demonstrate that **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.

### 3.4 Reports of Stalking

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**<sup>25</sup>, 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)<sup>26</sup>, and a **significant 270% rise in reports** from the year ending March 2020<sup>27</sup> (when only 2% of the estimated 1.5 million cases that year were reported to the police)<sup>28</sup>. 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<sup>29</sup>.

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<sup>25</sup> Police Recorded Crime Open Data Tables, ending March 2022.

<https://www.gov.uk/government/statistics/police-recorded-crime-open-data-tables>

<sup>26</sup> Police Recorded Crime Open Data Tables, ending March 2021.

<https://www.gov.uk/government/statistics/police-recorded-crime-open-data-tables><https://www.gov.uk/government/statistics/police-recorded-crime-open-data-tables>

<sup>27</sup>Police Recorded Crime Open Data Tables, ending March 2020 <https://www.gov.uk/government/statistics/police-recorded-crime-open-data-tables>

<sup>28</sup> In fact, reports of stalking and harassment (combined) are on the rise overall with 718,317 offences recorded by police in the most recent quarter ending June 2022, marking a 45% increase compared with the year ending March 2020 and a 7% rise compared with the year ending June 2021.

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingjune2022>

<sup>29</sup> 'From April 2020 changes to the Home Office Counting Rules means controlling and coercive behaviour was categorised under the stalking and harassment offence category and all cases where a course of conduct is reported between a victim and their former partner must be recorded as stalking unless the police are satisfied that the matter amounts to harassment in law only. This is expected to cause an increase in offences recorded against stalking therefore data for year ending December 2020 are not comparable with previous years.'

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingdecember2020>

### 3.5 Charges for Stalking

**Only 5% of cases reported to the police in the year ending March 2022 resulted in a charge (5,948 charges in total)<sup>30</sup>.** This figure is extremely concerning to us, 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<sup>31</sup>.

Graph 1



**This drop clearly evidences that the victim is being let down during their journey from report to charge stage, which 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)<sup>32</sup>.** Despite the rising numbers of reports therefore, many victims are not receiving the appropriate response from police at an early stage, which in our opinion is resulting in victims being put at risk, as outlined in the sections below.

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<sup>30</sup> Crime Outcomes in England and Wales, 2022 <https://www.gov.uk/government/statistics/crime-outcomes-in-england-and-wales-2021-to-2022>

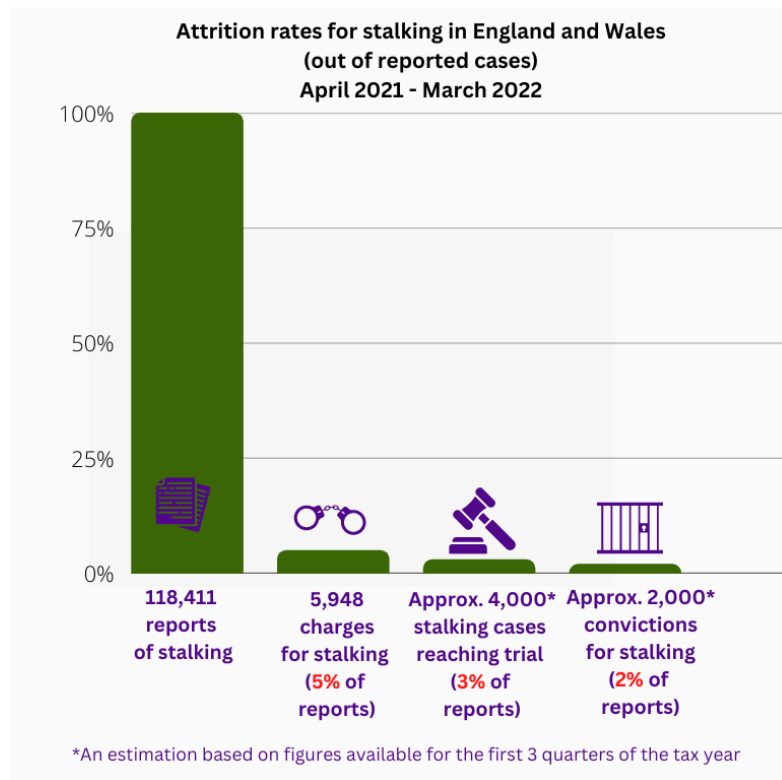
<sup>31</sup> In the year ending March 2021, 6,813 of the 98,534 reports of stalking resulted in a charge (7%); in the year ending March 2020, 3,506 of the 32,217 reports of stalking resulted in a charge (11%). Crime Outcomes in England and Wales tables, 2019-2022. <https://www.gov.uk/government/statistics/crime-outcomes-in-england-and-wales-2021-to-2022>

<sup>32</sup> Please note that the Ministry of Justice have not published the most recent figures covering the full year April 2021-March 2022, therefore this is an estimation based on the most recently available data pertaining to the first 3 quarters of that time period. Ministry of Justice Criminal Justice Outcomes data tables, 2021 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1076470/HO-code-tool-all-offence-2021.xlsx](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1076470/HO-code-tool-all-offence-2021.xlsx)

## Graph 2

The graph below represents the number of reports that resulted in charges, cases reaching trial, and convictions. *Note that full data on cases reaching trial and convicted cases for the period April 2021 to March 2022 is not currently available. The Ministry of Justice has only published data on the first 3 quarters of that year (2,759 cases reaching trial and 1,507 cases reaching a conviction between April 2021-December 2021), therefore the below figures are an estimation.* <sup>33</sup>.

Sources: Police and Crime Outcomes Data tables, Crime Outcomes in England and Wales tables (Home Office), Ministry of Justice Criminal Justice Statistics.

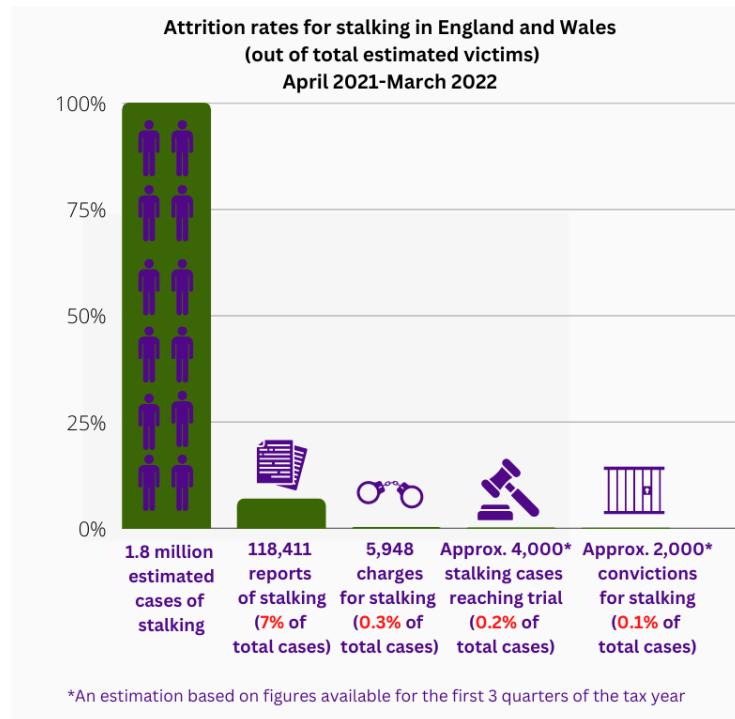


<sup>33</sup> At present, the figures are a little lower as they only cover the first three quarters of that time period; prosecutions from April 2021 to December 2021 sit at 2,759 and convictions sit at 1,507.

### Graph 3

The graph below represents the total number of estimated cases of stalking in England and Wales that resulted in reports, charges, prosecutions and convictions. Note that the total figure of 1.8 million is based on calculations from ONS figures published in the year 2022.

Sources: Crime Survey for England and Wales (ONS), Police and Crime Outcomes Data tables, Crime Outcomes in England and Wales tables (Home Office), Ministry of Justice Criminal Justice Statistics.



### 3.6 Police response to stalking, according to the National Stalking Helpline and Advocacy Services and the Suzy Lamplugh Trust

Advisors on the National Stalking Helpline supported just under 6,000<sup>34</sup> victims in the year ending March 2022, stalking advocates held approximately 600<sup>35</sup> cases through the National Stalking Advocacy Services, and 8,000 cases<sup>36</sup> went through the online assessment tool, amounting to approximately 14,600 victims in total. Stalking advisors and advocates support on average 32 victims a month each, or 384 victims a year per person. As many as 90% of victims supported by our stalking advocates had already reported stalking to the police at the time they reached out for support<sup>37</sup>. Therefore, the experience of our stalking advocates is unparalleled, their roles awarding them a unique perspective of

<sup>34</sup> 5,778 calls and emails through the National Stalking Helpline to be exact

<sup>35</sup> 591 cases to be exact

<sup>36</sup> 8,294 cases to be exact

<sup>37</sup> October 2022 survey with advocates and advisors across the National Stalking Service.

common challenges faced by victims when reporting to the police and what the wider patterns are in terms of cases being mishandled.

In October 2022, Suzy Lamplugh Trust completed a survey with the aim of gathering stalking advocates' expertise on the police response to stalking<sup>38</sup> based on their experience working across the National Stalking Service. Findings from this survey were highly damning. **The majority (70%) of stalking advocates stated that that very few or none of the victims they worked with had a positive experience with the police**, and 30% stated that some victims had a positive experience<sup>39</sup>.

The Trust recognises that victims who contact us for support are more likely to do so due to negative experiences with the police, and therefore that these figures are not representative of all cases of stalking. However, whilst considering that there are a limited number of local stalking specialist support services across England and Wales, cases from the Consortium, the National Stalking Service and figures from national data sets and research clearly indicate that across the country there is a problem with the response to stalking which is on a systemic scale.

A 2021 report (Unmasking Stalking, Suzy Lamplugh Trust)<sup>40</sup> found that when looking at the experience of victims in the criminal justice system (CJS), over half (59%) of all respondents reported a wholly or somewhat unsatisfactory experience with the police. Survey respondents commonly indicated that the pattern of behaviour was not recognised as a stalking offence by the police (24%), that the police did not understand the nature of stalking (13%), or that their complaint was not taken seriously or acted upon.<sup>41</sup> It is evident that the police response to stalking is not adequate in its current form and deserves to be investigated in depth to ensure that victims are receiving the respect, protection and justice they deserve.

## 4. Key features in the police response to stalking and the harm to the public

### 4.1 The misidentification of stalking

#### 4.1.1 Police failing to identify the behaviours as stalking

According to the Director's Guidance on Charging<sup>42</sup> only the Crown Prosecution Service (CPS) can charge stalking offences, while the police cannot charge such cases but must rather refer them to the CPS for a charging decision. The Consortium recognises that there are cases where the police will have identified stalking from the outset and investigated the crime as such, while the CPS decide to either mischarge it as another crime (e.g., harassment), downgrade the charge (from a Section 4A to a 2A), or to drop the case altogether due to a perceived lack of evidence. However, it is our opinion, as evidenced below, that

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<sup>38</sup> October 2022 survey with advocates across the National Stalking Service (see Annex Section d for information on the methodology).

<sup>39</sup> October 2022 survey with advocates and advisors across the National Stalking Service (see Annex Section d for information on the methodology).

<sup>40</sup> *Unmasking Stalking*, Suzy Lamplugh Trust, 2021

<https://www.suzylamplugh.org/Handlers/Download.ashx?IDMF=fcb781a-f614-48c8-adcf-4cfa830c16a7>

<sup>41</sup> Ibid

<sup>42</sup> *Charging (The Director's Guidance)* - sixth edition, December 2020, CPS.

<https://www.cps.gov.uk/legal-guidance/charging-directors-guidance-sixth-edition-december-2020>

many of the cases struggle to overcome the initial phase of the criminal justice journey, with the behaviours not being recognised as stalking by police at the point of report.

This is dangerous because **if stalking is not correctly identified at an early stage, this may fuel the fixation and obsession that characterises and differentiates the crime**, embedding it further so that it can in some cases last decades, with catastrophic consequences to the victim, at its worst escalating to homicide. Professor Monckton Smith importantly notes that if we don't recognise the change in motivation at the point of separation or attempted separation from a relationship – and for example continue to treat the behaviours as a continuum of coercive control or other forms of domestic abuse - we will fail to identify a drastic change in risk to the victim. This failure could lead to a loss of life<sup>43</sup>.

Stalking is a unique offence because often the incidents that make up stalking are not crimes in and of themselves when considered in isolation. Stalkers employ a wide range of different behaviours to communicate with and intimidate their victims. Some of the most common include social media communication (10%), visiting the victim's home or place of work (8%), phone calls (7%), following (6%), and third-party contact (5%).<sup>44</sup> It is the course of conduct and the context of the behaviour that alters the meaning of a seemingly innocent incident into a far more threatening and sinister course of conduct, often with significant consequences for the victim. For this reason, it is vital for police officers to identify stalking early on.

Unfortunately, **stalking advocates find that police often respond to the behaviours as single incidents, treating the behaviours as different crimes such as malicious communications, criminal damage, threats to kill or burglary for example**. In addition, the course of conduct of stalking is commonly identified as harassment without taking into account the fixative and obsessive nature of stalking. The 2017 'Living in Fear' report states; 'We found that stalking in particular was misunderstood by the police and the CPS. As a result, it often went unrecognised. The police sometimes mis-recorded stalking offences, or worse, did not record them at all.'<sup>45</sup> We are concerned that little has changed since then, based on what many victims tell us and what our stalking advocates report.

**All stalking advocates at the National Stalking Service stated that a lack of understanding by the police of what behaviours constitute stalking was either common (55%) or extremely common (45%)<sup>46</sup>**. One fifth of stalking advocates found that in most cases where stalking behaviours were present, the officer did not recognise the offence in the first place while 55% of stalking advocates said this occurred in over half of their cases. If there is an incident such as sexual assault or grievous bodily harm it is of course important to investigate this crime, however where stalking behaviours are present within a course of conduct it is vital that they are **additionally** treated and investigated as such.

All stalking advocates moreover stated that failing to treat the incident as a pattern of behaviour was either common (64%) or extremely common (36%) in cases of stalking<sup>47</sup>. An HMICFRS report published

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<sup>43</sup> *Homicide Timeline Training*, Prof Jane Monckton-Smith. <https://homicidetimeline.dreams-lms.com/>

<sup>44</sup> National Stalking Service figures, year ending March 2022.

<sup>45</sup> *Living in Fear: the police and CPS response to harassment and stalking*, HMICFRS, 2017 (p.7). <https://www.justiceinspectorates.gov.uk/hmicfrs/publications/living-in-fear-the-police-and-cps-response-to-harassment-and-stalking/>

<sup>46</sup> October 2022 survey with advocates across the National Stalking Service.

<sup>47</sup> Ibid

September 2021 stated 'in our stalking inspection we found that when officers don't correctly identify patterns of behaviour amounting to harassment or stalking, there is less likelihood of the Crown Prosecution Service (CPS) advising that these are the most appropriate charges'<sup>48</sup>. It is of high concern to members of the Consortium that police are failing to identify stalking behaviours as a course of conduct at an early stage, which can lead to them being mischarged by the CPS. It is also of high concern that, as highlighted in the 'Living in Fear' report; **'The result of incorrectly recording an offence, particularly when it relates to stalking, is that it is more likely that the investigating officer will not recognise the seriousness of the offence, and the escalation of the offending, and therefore the risks to the victim may also be overlooked.'**<sup>49</sup>

The following case studies demonstrate where the police have treated the stalking behaviours as single incidents such as malicious communications or assault, or as another crime such as harassment:

Case study 1a

Case Study 2a

Case Study 3

Case study 4

Case study 5

Case study 6

(Note that all case studies are listed in the Appendix, please refer to this document throughout for case studies that support the point in question).

#### **4.1.2 Police minimising and trivialising behaviours**

According to a 2022 survey by Suzy Lamplugh Trust, 90% of stalking advocates stated that it was either common or very common for police to minimise or trivialise reports by victims<sup>50</sup>. As many as 80% of stalking advocates were of the opinion that it was either common or very common for police officers to speak to and to treat victims of stalking in a concerning manner<sup>51</sup>. Minimising and trivialising behaviours contributes to the lack of identification of stalking and failure to link a number of incidents as a pattern of fixation, which furthermore leads to a lack of risk identification and management which can put victims at risk. All victims have the right to be 'treated with respect, dignity, sensitivity, compassion and courtesy' as outlined by the Victim's Code. It is the opinion of the Consortium that these rights are often

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<sup>48</sup> *Police response to violence against women and girls*, HMICFRS, 2021 (p.38)

<https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/police-response-to-violence-against-women-and-girls-final-inspection-report.pdf>

<sup>49</sup> *Living in Fear: the police and CPS response to harassment and stalking*, HMICFRS, 2017 (p.34)

<https://www.justiceinspectorates.gov.uk/hmicfrs/publications/living-in-fear-the-police-and-cps-response-to-harassment-and-stalking/>

<sup>50</sup> October 2022 survey with advocates and advisors across the National Stalking Service.

<sup>51</sup> Ibid

not adhered to, leaving victims experiencing re-traumatisation through the criminal justice process and ultimately being left unprotected by officers.

The following cases demonstrate where police have minimised or trivialised stalking behaviour:

Case study 1b

Case study 7a

## 4.2 Flawed investigations

The evidence we have from our National Stalking Service has also led to our concern that investigations are not being thoroughly conducted, as outlined in the sections below. In cases where officers do investigate the case as stalking, **stalking advocates report that it is extremely common for police to carry out flawed investigations that fail to gather sufficient evidence that demonstrates at least two incidents that amount to a course of conduct of stalking, and/or that demonstrates the impact on the victim.** This then leads to inadequate case files being presented to the Crown Prosecution Service (CPS), which can in turn lead to a No Further Action outcome or an incorrect offence being charged.

### 4.2.1 Evidence of police failing to recognise the psychological impact and risk of stalking

Stalking is a crime of psychological terror and often has a huge impact on those it touches. It can lead to feelings of depression, anxiety, sleeping and eating disorders, self-harm and at its worst suicide. As many as 96% of victims of stalking who responded to a survey in 2018 on their mental health needs reported feeling very frightened, 91% reported mental health problems since being stalked and 78% of victims of stalking reported symptoms in line with post-traumatic stress disorder<sup>52</sup>. A subsequent survey carried out by the Suzy Lamplugh Trust in October 2022 found that victims' mental health severely deteriorated after the stalking began, with 86% classifying their mental health as poor or very poor, compared to only 16% classifying themselves as such beforehand<sup>53</sup>.

Respondents to the survey elaborated on how stalking impacted them:

'Hyper-vigilance, suspicion, paranoia, depression, self-isolation'

'Overanxious, always on the look or watch, nervous, frightened for my children and myself, lost lots of weight with stress, PTSD suffered again.. panic attacks'

'I've had to change every element of my life, I've had to move, change friends, change my career path – literally everything has been affected. I don't attend certain places, I avoid busy events. I have been diagnosed with PTSD & I'm always second guessing myself to ensure I'm safe.'

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<sup>52</sup> *Healthcare Responses to Stalking*, Suzy Lamplugh Trust, 2019

<https://www.suzylamplugh.org/Handlers/Download.ashx?IDMF=7d7e3529-cb56-4743-acdf-46a12c1f5c9d>

<sup>53</sup> Survey carried out by the Suzy Lamplugh Trust in October 2022, on healthcare response to stalking. See Annex section e for information on the methodology.



'I'm still constantly looking over my shoulder and feel on edge. I can't help but imagine, if he would resort to stalking me, what else is he capable of. I don't feel free. I'll never feel free unless one day someone actually manages to get charges against him.'

The below cases demonstrate where victims have been severely impacted by stalking behaviours:

Case study 1c

Case study 2b

Case study 7b

Due to the obsessive nature of the crime, many perpetrators go on to reoffend, which means that the stalking continues and the psychological and emotional impact increases over time. National Stalking Service advocates surveyed in October 2022 confirmed that it was either common (30%) or extremely common (70%) for police to treat stalking seriously only when a threat of physical harm is present, thus by default minimising and trivialising the psychological impact of the behaviours on the victim<sup>54</sup>. Although stalking can involve physical harm, it is most often the pervasive and insidious psychological mark made by the crime that victims are most affected by, and yet this is the harm often least recognised by the police.

As aforementioned, the majority of victims (91% in the 2018 study) experience mental health issues after being stalked, and therefore should meet the threshold for stalking with alarm and distress (Section 4A). Despite this, only 42%<sup>55</sup> of convictions resulted in a higher offence for stalking in the year ending March 2021. This indicates that the psychological impact of the crime is not always being detected, or that detailed accounts are not taken to evidence this, and medical evidence in support is not obtained. Sometimes officers assume that the impact of the offence is a matter for a victim impact statement, as it is for many other crimes, but for the stalking Section 4A offence without fear of violence, the impact is an integral part of the offence itself, which needs to be evidenced and proved.

Due to the nature of stalking and its psychological impact on the victim, the Consortium is of the opinion that all cases should primarily be investigated as a Section 4A offence (i.e. causing alarm and distress to the victim) to establish whether the evidential threshold for the higher offence can be met before only downgrading to a 2A offence if it can be proved that there was no fear of violence or alarm and distress to the victim.

**The danger of not recognising the alarm and distress experienced by the victim results in officers treating the crime as a lower offence, and therefore the perpetrator to be awarded a lower sentence (6 months maximum), for an inadequate risk management plan to be implemented (e.g., conditions in Restraining Orders are likely to be less stringent with a 2A offence), and ultimately for the victim to feel that the impact of the crime has not been understood or recognised by authorities.**

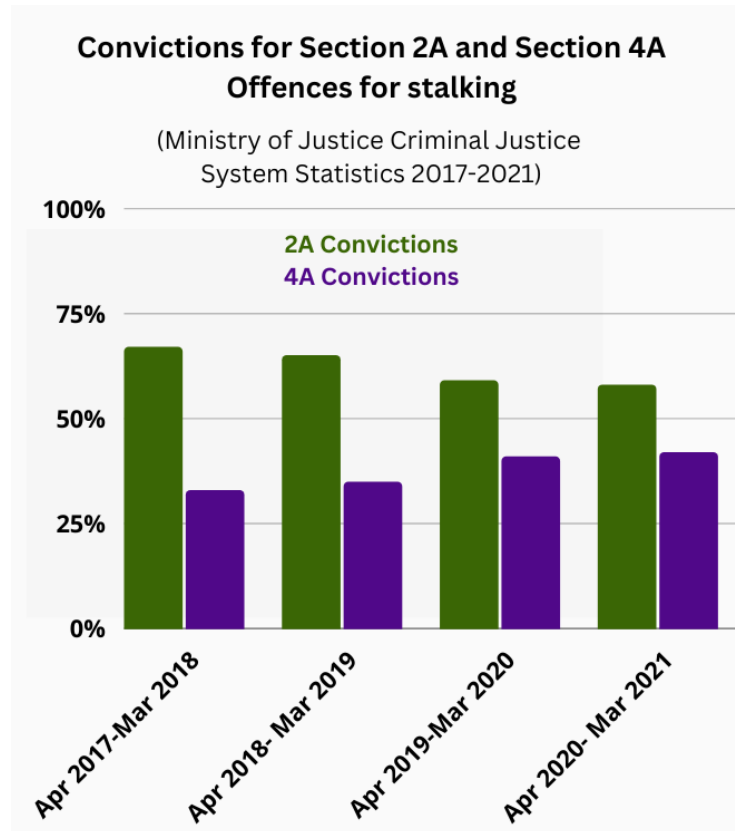
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<sup>54</sup> October 2022 survey with advocates and advisors across the National Stalking Service.

<sup>55</sup> 672 convictions for 4A offence in the tax year ending March 2022, according to Ministry of Justice data [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1076470/HO-code-tool-all-offence-2021.xlsx](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1076470/HO-code-tool-all-offence-2021.xlsx)

#### Graph 4

The following graph represents what percentage of convictions were a Section 2A offence or a Section 4A offence for stalking in England and Wales, from 2017 to 2021.



The below cases demonstrate where police have failed to use the impact of psychological harm as evidence:

Case study 8a: The case of Claire Waxman, Victims' Commissioner for London, clearly demonstrates this point. Police and other criminal justice agencies repeatedly failed to respond to her stalking case over the years with the appropriate level of severity, resulting in a stalking case that has now spanned close to two decades in the courts. Ms. Waxman has experienced an extreme campaign of stalking, with behaviours including but not in any way limited to the stalker turning up at her work and home, making silent calls during the night, repeatedly searching her online and bringing vexatious claims against her in the civil courts. Most recently, in September 2022, the perpetrator was convicted for a 6<sup>th</sup> time for multiple breaches of a lifetime restraining order. This was his fourth prison sentence. Ms. Waxman had to advocate for herself during the recent police investigation to ensure the police and the CPS considered the stalking 4A charge. However, her stalker was not convicted on a 4a offence as the jury failed to reach a verdict but he was convicted on the lesser stalking 2a charge. Consequently, the perpetrator was handed down a mere 16-month sentence merely based on multiple breaches of the RO and received no punishment for the stalking 2a charge.

Case study 9

Case study 10

#### 4.2.2 Police failing to recognise the link between stalking and serious harm or homicide

**If stalking is not identified early by the police, cases risk lasting months or years, with the fixation and obsession embedding itself further, increasing risk of physical harm to the victim.** The National Stalking Service holds cases that have spanned decades, with physical behaviours escalating, resulting from the failure to identify and respond to the crime in adequate time.

In a study of female homicides with male perpetrators, stalking behaviours were found in the antecedent history of 94% of 358 cases examined<sup>56</sup>. In her research, Professor Monckton Smith explains that stalking occurs at point 5 of 8 along the homicide timeline within an ex-intimate partner context, demonstrating the fact that the victim is by default at a higher risk of homicide at the point where stalking behaviours start. Professor Monckton Smith notes that stalking can happen all the way through a relationship, but if it occurs at point 5 this is a sign of serious escalation. She further explains:

‘In most cases where the trigger is separation, the controlling person starts to believe that the victim must be destroyed to reinstate their status. This is the first real and critical change where homicide may become more a probability than a possibility’<sup>57</sup>.

The link between stalking and the risk of serious harm is highlighted throughout Professor Monckton Smith’s report: ‘Stalking is a pattern of behaviour associated with serious harm and can create high levels of fear of violence which can be debilitating (Rosenfeld 2004)’<sup>58</sup>

She further states that ‘It is argued by McLean et al (2007) that the true prevalence of stalking related homicides is difficult to gauge from official records due in part to charging practices, especially where stalking charges may be dropped in favour of more serious assault charges for example, and the nature of previous offending may then be missed.’<sup>59</sup>

Due to the link between stalking and homicide it is vital to identify stalkers early on to prevent escalation. Professor Monckton Smith elaborates: ‘Early intervention may weed out those more likely to desist and help to identify persistent stalkers earlier.’ Moreover, in her book ‘In Control’, Professor Monckton Smith notes that ‘the average length of time between a separation and a homicide is just over a month.’<sup>60</sup> Failure therefore to recognise stalking as early as possible and act on a risk management plan with urgency can invariably prove fatal for victims.

As many as 80% of stalking advocates<sup>61</sup> reported that it was common for police to give unhelpful or dangerous advice to the victim, with 10% stating it was extremely common.

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<sup>56</sup> *Exploring the relationship between stalking and homicide*, Prof Jane Monckton Smith, 2017  
<https://eprints.glos.ac.uk/4553/>

<sup>57</sup> Prof Jane Monckton Smith, *In Control: Dangerous Relationships and How They End in Murder* [2021]

<sup>58</sup> *Exploring the relationship between stalking and homicide*, Prof Jane Monckton Smith, 2017  
<https://eprints.glos.ac.uk/4553/>

<sup>59</sup> *ibid*

<sup>60</sup> Prof Jane Monckton Smith, *In Control: Dangerous Relationships and How They End in Murder* [2021] p. 176

<sup>61</sup> October 2022 survey with advocates and advisors across the National Stalking Service.

One stalking advocate<sup>62</sup> stated: 'Police officers do not seem to see stalking as a serious offence. Often response officers and investigating officers will make victims feel like they've wasted police time and that two/three incidents is not worth the police taking any action on. The legislation on stalking is clear - there needs to be two or more incidents of unwanted behaviour, however most police officers don't seem to know this. The officers only seem to take action when there are 20+ different stalking incidents and the stalking has escalated to where the victim is now in real danger of being seriously harmed or killed.'

**In many cases, police fail to identify the patterns of behaviour that amount to stalking early on including the resulting escalating risks to the victim. This, combined with delays in investigation, and/or or failure to put protections in place indicates a lack of awareness of the real risks and links to homicide by officers.**

Case study 11 demonstrates where inappropriate advice from officers has led to fatal consequences for the victim.

Case study 12: The murder of Alice Ruggles is a tragic reminder of a case where the lack of early identification by police can have fatal consequences. Alice was killed by an ex-partner at the age of 24 following a severe campaign of stalking. The trigger was the separation on her behalf and the perpetrator finding out Alice was in another relationship. The Domestic Homicide Review found that 'the perpetrator's obsession with Alice and his persistent behaviour escalated in the weeks leading up to the homicide in October 2016<sup>63</sup>'. Alice reported a number of stalking behaviours to the police that month, including loitering near her home, unwanted gifts being left at her doorstep and suspected hacking of social media. The perpetrator even drove over 100 miles from Edinburgh to see her, further evidencing his fixation and obsession, and left a voicemail on her phone where he discusses not wanting to kill her eleven times. The latter should have been a red flag and a warning of the risk of homicide. However, despite Alice reporting the behaviour to the police, they did not identify or record the offence as stalking (but rather as harassment), and did not put adequate protections in place. The Domestic Homicide Review found that 'this was significant in setting the course of events that followed... impact[ing] on the decision-making, risk assessment and risk management of the situation'<sup>64</sup>. Alice was stabbed to death in her own home on October 12<sup>th</sup>. The IOPC investigated the officers in question for a case of misconduct on the basis that they failed to identify stalking, failed to comply with the force's procedure on stalking, failed to take positive action, dealt with Miss Ruggles in a discourteous manner and failed to conduct an appropriate investigation<sup>65</sup>. Had the force listened to Alice when she reported stalking and responded appropriately to the concerning risk markers that the perpetrator was demonstrating, she may be alive today.

Case study 13: It's important to note that the risk of homicide is also prevalent within cases of non-ex-intimate partner violence. Gracie Spinks, 23, was found fatally injured in a field in Derbyshire, in June 2021. The perpetrator, who killed himself shortly after, was a supervisor of hers at work, and she had

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<sup>62</sup> October 2022 survey with advocates and advisors across the National Stalking Service.

<sup>63</sup> Domestic Homicide Review into death of Alice Ruggles, p.56

<https://www.gateshead.gov.uk/article/11258/Domestic-homicide-review-into-death-of-Alice-Ruggles>

<sup>64</sup> Ibid

<sup>65</sup> Summary of IOPC Conclusions on case of Miss Alice Ruggles, 2017

[https://www.policeconduct.gov.uk/sites/default/files/Alice\\_Ruggles\\_Summary\\_of\\_IOPC\\_conclusions.pdf](https://www.policeconduct.gov.uk/sites/default/files/Alice_Ruggles_Summary_of_IOPC_conclusions.pdf)

reported him for stalking 4 months prior to her murder. Strangers also reported finding a bag of weapons near her home with a note addressed to Gracie. She was stabbed to death near her home soon after. An IOPC investigation took place and found that 5 officers had a case to answer for misconduct following numerous red flags and the aforementioned reports being dismissed in the months leading up to her murder<sup>66</sup>. Cases like Gracie's show the often complicated and unique nature of stalking, and the risk to homicide in non-domestic stalking cases.

#### 4.2.3 Police failing to recognise the impact of online (or cyber) stalking

Cyberstalking has risen over the past few years, with all cases on the National Stalking Helpline now having online elements to them, compared to 80% prior to the pandemic. A Suzy Lamplugh Trust report (*Unmasking Stalking*, 2021) demonstrated a rise in the frequency and intensity of online stalking behaviours since the outbreak of Covid-19<sup>67</sup>. For those whose experience of stalking started before the lockdown, half of respondents (49%) confirmed an increase in online behaviours throughout the pandemic. The most common increases of these behaviours were, unsurprisingly, the easiest means of communication for the perpetrator: social media communication (35% increase), text messages (15%), online third-party contact (13%), emails (10%) unauthorised access to personal accounts (9%), vexatious complaints via digital communications (7%), hacking technology (7%), threats via digital communication (6%) and online contact in/via the workplace (6%)<sup>68</sup>. Reports of online behaviours continue to rise, with perpetrators evolving their use of platforms and devices as means of communication with victims.

The impact of online stalking is insidious and pervasive; victims have described the experience as being akin to having the stalker in your pocket at all times. The Consortium regards online stalking simply as an extension of offline stalking and considers online contact by stalkers with their victims as one of the many tools in the stalker's arsenal which should therefore be treated with the same severity as offline behaviours.

Dr. Emma Short et al<sup>69</sup> note that, 'cyberstalkers may develop a fictional relationship with their victims and become disinhibited to the impact and consequences that their behaviours might have on the victims.' They also note that, 'this lack of proximity – usually a defining feature of stalking – posed challenges for the policing of stalking and necessitated a new framework for assessing risk in this area, as the characteristics of conventional and online stalking were fundamentally different'<sup>70</sup>. Short et al note in the stakeholder interviews that, 'this has been a difficulty for effective policing, as the lack of knowledge around cyberstalking has meant that defining if a crime had been committed was not clear to

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<sup>66</sup> *Investigation into Derbyshire Constabulary contact with Gracie Spinks finalised with recommendations for five officers*, IOPC 2022. <https://www.policeconduct.gov.uk/news/investigation-derbyshire-constabulary-contact-gracie-spinks-finalised-recommendations-five>

<sup>67</sup> *Unmasking Stalking*, Suzy Lamplugh Trust, 2021. <https://www.suzylamplugh.org/Handlers/Download.ashx?IDMF=fcb781a-f614-48c8-adcf-4cfa830c16a7>

<sup>68</sup> Ibid

<sup>69</sup> *Stalking in the online world*, Dr Emma Short et al, Middlesex University., p.5. <https://eprints.mdx.ac.uk/35314/1/Stalking%20in%20the%20online%20world.docx>

<sup>70</sup> *Stalking in the online world*, Dr Emma Short et al, Middlesex University. (p.6) <https://eprints.mdx.ac.uk/35314/1/Stalking%20in%20the%20online%20world.docx>

officers, as the behaviours do not fit the existing classifications of a traditional stalking modus operandi<sup>71</sup>. They further note that only 61% of officers surveyed were confident that they understood what the offence of cyberstalking constituted, and that officers interviewed commented that 'the rapidly changing landscape of technology and, as a result, the evolving nature of cyberstalking, was a significant barrier to keeping up with change'<sup>72</sup>.

The Unmasking Stalking report found that only 17% of victims who experienced online stalking and reported the behaviours had had a satisfactory experience with the police<sup>73</sup>. The National Stalking Service 2022 survey found that 100% of stalking advocates stated that the refusal by the police to treat online behaviours as seriously as offline behaviours was either common (60%) or extremely common (40%)<sup>74</sup>.

It is imperative that cyber stalking is dealt with in a serious and timely manner, and that victims feel they are believed and supported by authorities when they do come forward. **Commonly we find that evidence of online behaviours is not gathered by police, because they do not consider it to be a crime or do not deem it to be sufficient evidence to amount to a crime. This can mean that vital evidence proving the crime of stalking is being missed or excluded thus lowering the chances of the perpetrator being convicted.**

A stalking advocate from the National Stalking Service stated: 'My client's ex-partner had been to prison twice for breach of Restraining Order and 4a stalking. He came out of prison and called her 100's of times a day, when she reported it, the police officer told her this isn't a crime so she needs to just ask the phone company to block his number.'<sup>75</sup>

Case study 14 demonstrates where online behaviours were not used as evidence by police resulting in a flawed investigation for stalking:

The recent misuse of Apple Air Tags has raised concerns amongst members of the Consortium. These are small devices the size of a coin which can be attached to items such as keychains and used to track their whereabouts. Sadly, perpetrators have been using these small devices to monitor victims (e.g., attaching them to the bonnet of a car), being both cheap and hard to detect. Victims on the National Stalking Service state that police do not take this form of monitoring seriously, with officers usually refusing to investigate appropriately or not believing the victim. The misuse of these devices is

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<sup>71</sup> *Stalking in the online world*, Dr Emma Short et al, Middlesex University (p.14).

<https://eprints.mdx.ac.uk/35314/1/Stalking%20in%20the%20online%20world.docx>

<sup>72</sup> *Stalking in the online world*, Dr Emma Short et al, Middlesex University (p.10).

<https://eprints.mdx.ac.uk/35314/1/Stalking%20in%20the%20online%20world.docx>

<sup>73</sup> Only 11 out of 65 respondents who experienced online stalking stated that they had a positive experience with the police. Unmasking Stalking report, Suzy Lamplugh Trust, 2021.

<https://www.suzylamplugh.org/Handlers/Download.ashx?IDMF=fcb781a-f614-48c8-adcf-4cfa830c16a7>

<sup>74</sup> October 2022 survey with advocates and advisors across the National Stalking Service.

<sup>75</sup> October 2022 survey with advocates and advisors across the National Stalking Service.

extremely dangerous because they can swiftly divulge confidential information such as the location of the victim's home and their daily routine.

The following case studies demonstrate where police have failed to collate evidence on the misuse of Apple Air tags:

Case study 15

Case study 16

#### **4.2.4 Cases being NFA'd by the police due to insufficient evidence**

A common issue faced by victims is the prevalence of cases in which police do not believe that the Full Code Test<sup>76</sup> is met and therefore close files (NFA) without making a referral to the CPS for a charging decision. This is often because they do not think there is sufficient evidence for a realistic prospect of conviction. According to Crime Outcomes Data tables, in the year ending March 2022 a quarter of all stalking reports were dropped due to evidential difficulties, where the suspect was identified and where the victim supported action<sup>77</sup>.

In cases where victims have been informed that there isn't sufficient evidence to charge, 40% of stalking advocates on the National Stalking Service state that the decision to close the case is mostly made by the police without input from the CPS. A further 30% stated that the decision is mostly made by both the police and the CPS. This indicates that police are often responsible for deciding whether cases meet the criminal evidential threshold for a charge, despite evidence pointing to the fact that many officers do not understand which behaviours constitute the crime in the first place. We are therefore concerned that police are inappropriately closing cases as NFA based on an inaccurate assessment of whether there is sufficient evidence to proceed.

**The impact of police not recognising evidence of stalking and closing the case instead of putting in place appropriate protections allows the behaviours to escalate which can cause the fixation and obsession to embed over time, putting victims at risk.**

The following cases studies demonstrate where police have failed to collate evidence resulting in a case being erroneously NFA'd:

Case study 17

Case Study 18

Some cases demonstrate a severe lack of understanding by police as to what evidence is deemed appropriate for a case and what advice to give to victims on holding this evidence<sup>78</sup>:

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<sup>76</sup> *The Code for Crown Prosecutors*, section 4. <https://www.cps.gov.uk/publication/code-crown-prosecutors>

<sup>77</sup> 30,294 cases had evidential difficulties (suspect identified, victim supports action) - this is 25% of cases reported to police. Crime outcomes in England and Wales, 2021/2022. <https://www.gov.uk/government/statistics/crime-outcomes-in-england-and-wales-2021-to-2022>

<sup>78</sup> October 2022 survey with advocates and advisors across the National Stalking Service.

‘One victim was advised to destroy letters she had received from the stalker. She was also advised that they would not be accepted because the letters were addressed to her children and despite constituting further stalking activity, police told her that she was the one committing a crime by opening them.’

‘OIC telling victim to block the stalker even though he was making direct and specific threats. This would stop evidence collecting and would mean the client wouldn't be aware of how best to avoid the stalker.’

‘Suggesting evidence of contact is thrown away/ignored (emails letters).’

‘Suggesting that contact via third-parties is not stalking.’

#### 4.3 The failure to offer, or refusal to apply for a Stalking Protection Order on behalf of a victim

The risks associated with stalking require specific management in order to protect victims from the known likelihood of an escalation of violence if the fixation and obsession is not addressed. Protective measures such as Domestic Violence Protection Orders (DVPOs), Non-Molestation Orders (NMOs), Restraining Orders (ROs) or bail conditions are either not available to the victim (e.g., victims of non-domestic cases are not eligible for certain orders), or insufficient to address the risks that stalking victims face. For this reason, Stalking Protection Orders were brought into force to fill this gap in 2019.

- DVPOs require a threshold of either violence or threatened violence, which may not be present in many stalking cases.<sup>79</sup> They can only be used where abuse is by an intimate partner, and so cannot apply to non-DA stalking cases. They last for up to 28 days only, and breach is not a criminal offence (though it can be enforced as a contempt of court in the Magistrates Court many forces do not do this routinely).
- NMOs have to be applied for by victims in the Family Court, whereas a victim who approaches the police for protection deserves a criminal justice response. They may not be able to meet the financial or emotional burden of making their own application in court, may not feel capable enough due to mental health, substance abuse, chaotic lifestyle or other vulnerabilities. NMOs are not a replacement for the police applying for a protection order. Also NMOs are not available in non-DA stalking cases.
- ROs can only be imposed by a court at the end of a criminal case, so can't be obtained during the investigation or prosecution process. They can't provide any immediate protection to a person living with stalking.
- Pre-charge bail conditions provide limited protection because a breach is not a criminal offence and the police have no power following a breach apart from arresting the perpetrator and releasing him on bail again. Post-charge bail, if breached, can lead to the perpetrator being remanded in custody. However again this is after a charge so may be some way down the line once an investigation is complete and CPS have made a charging decision, and can't provide immediate protection.

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<sup>79</sup> DVPOs are due to be replaced by Domestic Abuse Protection Orders, which have a lower threshold of 'abuse' rather than 'violence', however they will be piloted first and may not be rolled out nationally for several years



There are therefore a range of situations where none of these protection orders are available for a stalking victim, who needs a speedy response to stop stalking behaviours whilst the case is being investigated by the police.

In addition, SPOs importantly contain positive requirements which can include attending an appropriate perpetrator intervention programme or mental health assessment, surrendering their devices, providing the police with access to social media accounts, or signing on at a police station. Police officers should use this section as creatively as possible to best protect the victim and rehabilitate the perpetrator. SPOs, which require the same burden of evidence as a criminal hearing, are an important step forward in providing enhanced protection for victims on a tailored basis. Furthermore, the obligation to apply and pay for Stalking Protection Orders is taken on by the police, thereby reducing the burden on the victim.

The Government review of SPOs published in February 2022 states that a total of 436 interim and full SPOs were granted in the first year that SPOs were introduced, between 20<sup>th</sup> January 2020 and 19<sup>th</sup> January 2021<sup>80</sup>. This is a drop in the ocean when considering how many stalking reports are made to the police every year (e.g., 98,534 reports of stalking to the police in the year ending March 2021<sup>81</sup>). This suggests that SPOs are being made in less than 0.5% of all stalking crimes. Furthermore, a disproportionate number were obtained by two forces, with some other forces obtaining very few.<sup>82</sup>

**In our experience, victims find that police are often not aware of the existence of Stalking Protection Orders and in some cases when the option is brought to their attention they refuse to apply for SPOs in cases of stalking.** This either results in the victim having no protection in place, or insufficient protections through other avenues (detailed above). A 2021 Suzy Lamplugh Trust report<sup>83</sup> found that following a report to the police, 60% of respondents had no protections of any kind in place, while 20% had a Restraining Order, 11% had bail conditions imposed by the police and 10% had Non-Molestation Orders in place. Meanwhile, over half (53%) of those living in England and Wales thought that an SPO would be helpful in their case<sup>84</sup>.

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<sup>80</sup> *Review of Stalking Protection Orders*, Home Office, 2022.

<https://www.gov.uk/government/publications/management-information-stalking-protection-orders/review-of-stalking-protection-orders-accessible-version>

<sup>81</sup> *Police Recorded Crime Open Data tables*, 2021. <https://www.gov.uk/government/statistics/police-recorded-crime-open-data-tables>

<sup>82</sup> '[...] it is important to note that there has been a disproportionate number of SPOs that have been issued to the Metropolitan Police and Sussex Police forces, with some other forces obtaining very few orders. ' *Review of Stalking Protection Orders*, Home Office [2022] <https://www.gov.uk/government/publications/management-information-stalking-protection-orders/review-of-stalking-protection-orders-accessible-version>

<sup>83</sup> *Unmasking Stalking*, Suzy Lamplugh Trust, 2021.

<https://www.suzylamplugh.org/Handlers/Download.ashx?IDMF=fcb781a-f614-48c8-adcf-4cfa830c16a7>

<sup>84</sup> *Ibid*

When asked how common it was for police officers to be aware of or have considered an SPO (without being prompted by the advocate or the victim), 50% of stalking advocates stated that this was hardly ever or never the case, while 50% stated that this happened in some cases<sup>85</sup>.

Furthermore, in the rare cases where SPOs are applied for, police are not making use of the positive requirements. 'But 17 of the 25 SPOs we examined didn't contain any positive requirements. This is disappointing and may indicate that forces aren't familiar with this important change of practice.'<sup>86</sup>

Research carried out by Detective Sargeant Dave Thomason of Cheshire constabulary demonstrates that only 6 out of 89 officers that responded to a survey felt confident about when to apply for an SPO. He also notes that 'respondents who chose to declare whether they had received specialist training in stalking... alarmingly 43% of the police stalking Single Points of Contact SPOCs said they had not'<sup>87</sup>.

**Failure to put in place an interim or full SPO at the earliest opportunity puts victims at risk of further acts of stalking which increases the potential psychological and physical harm they are likely to suffer.**

Case study 19 demonstrates where police failed to apply for an SPO and the harm that caused.

4.4 Inefficient response by police following the breach of a Stalking Protection Order and refusal to treat repeated breaches as a separate offence of stalking

#### **4.4.1 Inefficient response by police following the breach of a Stalking Protection Order and other orders**

Due to the nature of stalking (based on fixation and obsession), it is likely that many perpetrators will continue to reoffend, and the **failure to respond to a breach of an order will result in the victim being at risk of serious psychological and/or physical harm or even homicide**. For this reason, it is critical that officers respond to breaches in a timely manner and treat them as further offences of stalking (see below).<sup>88</sup>

An HMICFRS report in 2021 stated that 'We also checked how long it took for officers to respond to reports of breaches of non-molestation and restraining orders. In just over half of cases the police didn't

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<sup>85</sup> October 2022 survey with advocates and advisors across the National Stalking Service.

<sup>86</sup> *Review of Stalking Protection Orders*, Home Office [2022]  
<https://www.gov.uk/government/publications/management-information-stalking-protection-orders/review-of-stalking-protection-orders-accessible-version>

<sup>87</sup> Research on Stalking Protection Orders conducted by DS David Thomason (Harm Reduction Unit, Cheshire Constabulary Public Protection Directorate) in 2022 (unpublished).

<sup>88</sup> [SPOs, NMOs, ROs, injunctions under the Protection from Harassment Act, and DVPO breaches can be enforced as contempt of court leading to up to 2 months' imprisonment](#)

respond to the breach in under 24 hours.’<sup>89</sup> They go on to say that ‘we are concerned that some forces aren’t protecting some victims of stalking by using SPOs effectively.’

The following cases demonstrates the negative impact that can occur in cases where the correct protections are not put in place, and where police fail to take breaches of the order seriously.

Case study 20

Case study 21

#### **4.4.2. Refusal to treat repeated breaches as separate offence of stalking**

**Failing to treat repeated breaches as a separate offence of stalking results in the perpetrator not being held to account for the crime they are committing and leaving the victim at risk yet again.** This lack of response by police ultimately results in the victim being re-traumatised and the perpetrator not being held to account, increasing mistrust in the police and the criminal justice system as a whole.

The HMICFRS report published in September 2021 found that ‘It was disappointing to find as part of our case assessments that of the 83 breaches of orders, in 52 there should have been an additional crime of harassment, stalking or coercive and controlling behaviour recorded. This continuing failure to recognise patterns of behaviour, and in some cases the resulting escalation of risks to victims, is a concern.’<sup>90</sup>

Case study 8b: In October 2022, Ms. Waxman’s lifetime RO was breached for the sixth time, yet the courts refused to treat these breaches as a further pattern of behaviour that amounts to stalking. Consequently, the perpetrator was awarded a mere 16 month sentence merely based on the breach of the RO.

#### 4.5. Other issues of concern

The Consortium would like to draw the attention of the super-complaint committee to the following issues in addition to those evidenced above:

##### **4.5.1. Lack of referrals to specialist stalking services by the police**

The Victim’s Code states that: ‘You have the Right to be referred to services that support victims, which includes the right to contact them directly, and to have your needs assessed so services and support can be tailored to meet your needs. If eligible, you have the right to be offered a referral to specialist support services<sup>91</sup>. It is critical for police to signpost stalking victims to a specialist stalking service (national or local) when victims report stalking, to ensure that they are receiving critical specialist independent support and have a better understanding of their rights as victims.

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<sup>89</sup> *Police response to violence against women and girls*, HMICFRS, 2021 (p.12)

<https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/police-response-to-violence-against-women-and-girls-final-inspection-report.pdf>

<sup>90</sup> *Police response to violence against women and girls*, HMICFRS, 2021 (p.38)

<https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/police-response-to-violence-against-women-and-girls-final-inspection-report.pdf>

<sup>91</sup> Code of Practice for Victims of Crime in England and Wales (Victim's Code), updated April 2021.

<https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime/code-of-practice-for-victims-of-crime-in-england-and-wales-victims-code>

The 2016/17 HMIC 'Living in Fear Report' states that specialist stalking support workers should have received specific stalking training. It noted that; 'They will be better placed to identify the risks to victims, in particular of any escalation of behaviour by the perpetrator, and to help victims to make more effective safety plans. Referral to support has been shown to improve outcomes for victims through better victim participation in the criminal justice process, and to lead to a higher proportion of guilty pleas and guilty verdicts'<sup>92</sup>. However, the report found no evidence that the victim had received a referral (or offer of referral) to the victim support service in 25 of 112 cases examined (22%). Additionally, there was no evidence that the victim was referred to specialist support agencies in 55 of the 112 cases reviewed (49%)<sup>93</sup>. Officers stated that in most areas there were no specialist support agencies for victims of stalking outside a context of domestic abuse and in only two of the forces visited, effective commissioning and joint working had resulted in the use of a specialist service for victims of harassment and stalking.

A 2022 report by Suzy Lamplugh Trust entitled Bridging the Gap found that Independent Stalking Advocates play a critical role in supporting a victim's safety and wellbeing, as well as improving outcomes for those wanting to pursue cases within the criminal justice system<sup>94</sup>. They can help victims by providing them with expert advice and support during a period of crisis, often when the stalker's behaviour is escalating and the response from the criminal justice system or other agencies fails to address it, such as when police are failing to gather evidence in time or giving dangerous advice. Stalking advocates also helped victims to understand their rights, log evidence, apply for or collate evidence for protective orders, and liaise with police and courts to help them stay up to date on their case. The overwhelming majority of respondents reported that their stalking advocate helped them to navigate the criminal justice system (90%) and improved their overall situation (88%)<sup>95</sup>. Two in five victims who were supported by a stalking advocate said they helped them report to the police compared with national rates of one in fifty, while one in three saw their stalkers charged compared with national rates of one in 435.

However, the research showed that only 15% of 197 respondents who reported to police were signposted to a stalking advocate by the police, highlighting the need for better responses from those within the criminal justice system<sup>96</sup>. Many expressed their desire to be connected with a stalking advocate and believed that having a stalking advocate would have greatly improved their situation. Approximately half of all stalking cases do not involve an intimate/ex-intimate partner or family member<sup>97</sup>. Instead, stalkers can be colleagues/ex-colleagues, acquaintances, neighbours, friends/ex-friends, strangers, or have some other relationship to the victim. Such cases do not qualify as domestic abuse and victims are therefore unable to access domestic abuse support services. Even for those stalked by an ex-intimate partner, stalking has different risk markers to domestic abuse and therefore requires stalking-specific expertise. This is because of the specific risks that result from the obsession

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<sup>92</sup> *Living in Fear: the police and CPS response to harassment and stalking*, HMICFRS, 2017  
<https://www.justiceinspectorates.gov.uk/hmicfrs/publications/living-in-fear-the-police-and-cps-response-to-harassment-and-stalking/>

<sup>93</sup> Ibid

<sup>94</sup> *Bridging The Gap*, Suzy Lamplugh Trust, 2022  
<https://www.suzylamplugh.org/Handlers/Download.ashx?IDMF=36e87aea-15ba-437a-97f6-d5966360878f>

<sup>95</sup> Ibid

<sup>96</sup> Ibid

<sup>97</sup> 50% of all cases through the National Stalking Helpline and Advocacy Services in the year ending March 2022 were ex-intimate partner stalking.

and fixation that defines stalking and the specialist training required to risk assess and safety plan accordingly.

The following are quotes from victims who have been supported by a stalking advocate<sup>98</sup>:

“They helped me navigate through the police and judicial system and the court process which otherwise would have been completely confusing and overwhelming.”

"My advocate has been brilliant. I've said it before if it wasn't for her I just don't think I would've been able to carry on."

“Before I had a stalking advocate I felt as if the police weren’t taking me seriously. She not only listened empathized and supported me from the start she continued to do so until the perpetrator was convicted of his crime. I can’t thank her enough.”

“I was not offered this nor aware of this service. This needs to be suggested by the police as a support mechanism, as it would have been helpful to know I wasn’t alone.”

“Wish I had one. I don’t feel my stalking is taken seriously – it affects me, my children & everything we do.”

#### **4.5.2 Dangerous or unhelpful advice given by police**

Too often, stalking advocates relay cases in which victims have been given unhelpful or in many cases even dangerous advice in cases of both online and offline stalking. In some cases police advised the victim to make contact with the perpetrator in instances that would have put the victim at risk; other times victims were asked to gather evidence themselves, such as by recording the perpetrator, which could easily escalate into physical harm. This highlights the urgent need for specialist stalking training for police officers to ensure a tailored risk management plan is implemented in each case according to the victim’s individual circumstances.

Examples of inappropriate or dangerous police advice include:

‘Suggesting victim records perp on their phone’ ‘A client was told that "he should be the one who is afraid of you, you shouldn't be afraid of him " and that she needs to capture evidence of the stalking rather than getting to a place of safety.’

‘Just change your phone number, just block ex-partner respond to stalker and tell him to leave you alone. Take the gifts and contact as a compliment.’

‘Suggesting victim's partner not report as it may inflame the situation’.

#### **4.5.3 Police not gathering evidence in time for a summary only offence**

The Consortium is of the opinion that there are cases where evidence is not being gathered in time for a Section 2A charge within the 6-month time limit required for a summary offence, leading to cases being dropped.

#### **4.5.4 The management of stalking perpetrators**

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<sup>98</sup> *Bridging The Gap*, Suzy Lamplugh Trust, 2022

<https://www.suzylamplugh.org/Handlers/Download.ashx?IDMF=36e87aea-15ba-437a-97f6-d5966360878f>

Due to the nature of the crime, many stalkers go on to reoffend, therefore a wide-reaching and specialist perpetrator management strategy implemented as a part of the police response is absolutely vital. MASIP was developed in 2018 by the Suzy Lamplugh Trust and partners, after years of campaigning for an improved response to stalking to ensure victim and public safety. MASIP partnerships include health professionals, police, probation and specialist stalking advocates, who ensure that the intervention remains victim focused throughout.

An evaluation conducted by University College London in 2020 found that the benefits from MASIP at three sites (Cheshire, Hampshire and London) included victims feeling safer and more supported. It further indicated a reduction in reoffending and an insight in early identification of repeat offenders. In addition, there was a degree of confidence in the perpetrators themselves that they had the tools necessary to address their obsession and fixation<sup>92</sup>.

A recent review (2022) of the Stalking Threat Assessment Centre (STAC) in London was conducted by the Metropolitan Police Service analysing 128 high risk cases, 18 months after their involvement with STAC had ended. Before STAC involvement the average reoffending rate for these stalkers was 75%, however 18 months after their involvement with STAC this dropped to 41%<sup>93</sup>.

It is absolutely vital that where appropriate stalkers have access to a MASIP in order to ensure the correct and specific risk management is put in place and to preempt the fixation and obsession escalating with cases lasting years or even decades. Placing a stalker in a domestic abuse group intervention setting, for example, has the potential of escalating the behaviour even further and putting the victim at a higher risk. It's vital again therefore that police identify stalking at an early stage to ensure perpetrators are receiving the appropriate intervention. We are concerned that Police and Crime Commissioners are not investing sufficiently into stalking perpetrator intervention programmes as indicated by the low number of MASIPs across England and Wales.

## 5. Recommendations

### 5.1 The misidentification of stalking

- The College of Policing must mandate that all officers that deal with cases of stalking complete training by a specialist stalking training provider, in order to adequately identify, investigate and risk assess cases of stalking;
- A stalking identification tool, developed with expertise from the National Stalking Consortium, must be mandated across all police forces and take positive action to manage risk to help officers differentiate between stalking and other crimes;
- A stalking risk assessment tool, developed with expertise from the National Stalking Consortium, must be mandated across all police forces and recommend positive action to manage risk including referral to a stalking advocacy service and recommendation for an SPO.

### 5.2 Flawed investigations

- Police must differentiate between Section 2A and Section 4A offences when recording and publishing cases of stalking in police recorded crime data;
- Police must also differentiate between a Section 4A offence that relates to serious alarm and distress on the victim, and a Section 4A that relates to fear of violence by the victim, when recording and publishing on cases of stalking in police recorded crime data;
- Where two incidents of unwanted behaviours linked to one victim by the same perpetrator have occurred, police should investigate the case as a Section 4A offence; if the officer is of the

opinion that it meets a Section 2A offence only, they should produce additional verifiable information to justify the recording and investigation of the lower-level offence; this should be included in guidance;

- Police must work with the Crown Prosecution Service, Home Office, Ministry of Justice and National Probation Service to implement a unified recording system which allows one to follow the journey of a victim and all incidents associated with them, and track attrition rates from reporting stage through to conviction and sentencing across all police forces in England and Wales;
- Police should adopt a trauma informed approach when working with victims of stalking, implemented through specialist training;
- All stalking victims, whether following domestic abuse or otherwise, should have access to the same available protections without distinction;
- Police forces should consider investment in improving digital evidence retrieval for cyberstalking (e.g., in cases of online spyware and hacking);
- Any statutory guidance on the police response to stalking (including guidance on the identification and investigation of stalking) should be developed in consultation with experts from the National Stalking Consortium;
- An independent task group should be set up to examine the shockingly low conviction rates for stalking cases in England and Wales, to identify the failings from non-police agencies such as the Crown Prosecution Service and probation;
- The Consortium urges the HMICFRS, College of Policing and IOCP to work alongside it to investigate whether the stalking legislation in its current form is effective, including whether there should be a distinction between a lower and higher offence.

### 5.3 The failure to offer or refusal to apply for a Stalking Protection Order on behalf of a victim in cases of stalking

- In line with HO guidance the investigating officer should consider whether to apply for an order at the start of every stalking investigation, whether in a domestic abuse context (such as stalking by a former intimate partner) or a case of so called 'stranger stalking' .;
- Police officers should first consider Stalking Protection Orders in cases of stalking (before any other orders or protections are considered);
- Police should make a proactive effort to creatively use positive requirements available to them in Stalking Protection Orders (e.g., seizing the perpetrator's devices or referring the perpetrator to a stalking intervention program);
- A national process should be established whereby the application of Stalking Protection Orders is unified across all police forces in England and Wales;
- SPOs should be applied for at the earliest opportunity that best protects the victim – a maximum of 4 weeks between recognising the need for SPO and its application. Meanwhile an interim SPO should be put in place within 48 hours of a report by a victim or the arrest of perpetrator, with the victim's consent.

### 5.4 The lack of response by police following breaches of SPOs and other protective orders

- Implement structures and resources (such as specialist officers) to ensure the police respond to breaches of Stalking Protection Orders (interim or full) as a criminal offence; this should include

responding in a timely and appropriate manner and arresting the offender when the breach occurs (as outlined in the Stalking Protection Order statutory guidance for police 2021); this also applies to other orders such as Restraining Orders or Non-Molestation Orders;

- Police must treat 2 or more breaches of any order (including Stalking Protection Order, Restraining Order, Non-Molestation Order and bail conditions) as a separate offence of stalking as set out in the CPS Guidance<sup>99</sup>.

#### 5.5 Other issues of concern

- Police must signpost all stalking victims to a specialist stalking service (national or local) when victims report stalking, and work with stalking advocates to best protect victims;
- It is vital that all police forces and Police and Crime Commissioners look to implement the Multi-Agency Stalking Intervention Programme (MASIP) approach in their local area as part of their strategy to reduce and manage stalking across England and Wales.

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<sup>99</sup> Stalking and Harassment. Stalking Protection Orders | The Crown Prosecution Service (cps.gov.uk)



## Conclusion

This super-complaint clearly sets out four features of policing which are significantly harming the interests of the public. Our evidence suggests that the negative police response to stalking is not representative of a few cases in particular police forces but is indicative of a systemic issue present across all forces in England and Wales. The Consortium is repeatedly approached by victims who have had negative experiences with the police after reporting stalking, some of which are putting them at risk and leading to re-traumatisation. We therefore strongly urge the HMICFRS to investigate in full the police response to stalking across England and Wales and produce robust recommendations to prompt improvements at the earliest possible opportunity.

## End

This super-complaint is submitted by the Suzy Lamplugh Trust on behalf of the National Stalking Consortium. Members and Associates of the National Stalking Consortium include:

- Action Against Stalking (Supports: Scotland, UK, international)
- Aurora New Dawn (Supports: Hampshire & Isle of Wight)
- Alice Ruggles Trust
- Alison Bird, University of Suffolk (associate)
- Black Country Women's Aid (Supports: Wolverhampton, Sandwell, Dudley, Birmingham, Walsall)
- Alexis Bowater OBE (associate)
- Hamish Brown MBE (associate)
- Changing Pathways (Supports: Basildon, Brentwood, Castle Point, Rochford, and Thurrock)
- Dr Frank Farnham, Consultant Forensic Psychiatrist at NHS (associate)
- Fylde Coast Women's Aid (Supports: Blackpool, Fylde & Wyre)
- Hollie Gazzard Trust
- Professor Carsten Maple, University of Warwick
- Paladin (Supports: England and Wales)
- Protection Against Stalking (Supports: Kent)
- Chris Shelley, National Stalking Consortium Chair, Suzy Lamplugh Trust
- Dr Emma Short, De Montfort University
- Splitz (Supports: Gloucestershire)
- Suzy Lamplugh Trust National Stalking Helpline and Advocacy Service (Supports: UK)
- The YOU Trust, PARAGON team (Supports: Hampshire, Dorset, Somerset, Isle of Wight, West Sussex)
- Veritas Justice (Supports: Sussex)
- Claire Waxman OBE, Victim's Commissioner for London
- Women's Aid Leicestershire (Supports: Leicestershire)



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## Annex

### **a. What is the National Stalking Consortium?**

In 2014 the National Stalking Consortium was formed and is chaired by the Suzy Lamplugh Trust: a body of 21 organisations and specialist individual members, including frontline services, victims and academics across England and Wales. The Consortium meets quarterly and is crucial in terms of sharing best practice, identifying patterns of stalking behaviour and ensuring victims' needs are always kept at the forefront of our services across the country, providing a united voice within the sector. As members we have lobbied collaboratively on vital issues such as the removal of parental alienation from the Domestic Abuse Statutory Guidance (2021) and on concerns to changes around post separation control within the Coercive and Controlling Behaviours Statutory Guidance (2022). Consortiums have since been launched with key partners in Scotland and Northern Ireland and are ever growing.

### **b. What is the Suzy Lamplugh Trust?**

Suzy Lamplugh Trust was founded in 1986 by Paul and Diana Lamplugh following the disappearance of their daughter Suzy, whom they believed was stalked in the lead up to her murder. They wanted to ensure that what happened to their daughter would not happen to anyone else. The National Stalking Helpline was set up in 2010, the first of its kind in the world, providing short term non-crisis advice. The Trust also runs a national advocacy service which provides victims with essential advocacy on a case-by-case basis, as well as the London Stalking Support Service, which alongside advice and advocacy services offers trauma-informed psychological support. The 'Psychological Advocacy Towards Healing from Stalking' (PATHS) model developed by Dr Roxane Agnew-Davies is tailored to respond to victims of all stalking typologies and aims to address the impact of stalking. Finally, we have an online assessment tool for victims which signposts to local support. Across all services, we have supported over 52,000<sup>100</sup> victims of stalking to date. We are the largest organisation of our kind worldwide that we know of and are regarded as experts in the field.

The Trust has furthermore been pivotal in lobbying and campaigning for victims of stalking across the UK. We successfully campaigned for the introduction of the Protection from Harassment Act 1997; for stalking to become a crime in England and Wales through the Protection of Freedoms Act 2012; ensured that stalking was recorded by the Office of National Statistics from 2005 onwards; lobbied to extend the maximum sentence for stalking from 5 to ten years; and for Stalking Protection Orders to be brought into force through the Stalking Protection Act 2019. The Trust also leads on National Stalking Awareness Week (NSAW), focusing on one aspect of stalking annually, such as the vital role of stalking advocates and the impact of stalking on victims' mental health. This campaign has garnered more attention every year, with engagement spanning across all sectors: private, public, third and statutory. Our 2022 NSAW campaign resulted in over 60% of PCCs committing to prioritising stalking within their workforce by raising the number of reports in their area. We regularly publish reports on stalking, such as Unmasking Stalking, highlighting the change in stalking behaviours by perpetrators during the Covid-19 lockdowns and the impact of those changes on the criminal justice response.

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<sup>100</sup> Note that Modus (online recording system) only dates back to 2014, so we have no data on how many cases were supported between 2010-2014. It is therefore likely that cases are higher.

The Trust works closely with police across a number of areas. We sit on a number of national stakeholder groups including the National Stalking & Harassment Offences Working Group lead by the National Police Chiefs Council (NPCC), DCC Maggie Blyth's Violence Against Women and Girls (VAWG) Stakeholder Group and the Domestic Abuse Commissioner's monthly sector group meeting. The Trust has also fed into national strategies including the Government VAWG strategy and the Domestic Abuse Plan and has fed into the Metropolitan Police Services' VAWG Action Plan and the College of Policing's Violence and Women and Girls Action Plan. DCC Paul Mills QPM, NPCC Lead for Stalking and Harassment, has been instrumental in ameliorating the police response to stalking, evidenced by the elimination of PINS, and the development of a stalking specialist risk assessment pilot.

Moreover, we regularly deliver stalking training to police forces across the UK, helping officers recognise and respond to patterns of stalking. Most recently, we have created alongside DS David Thomason (Stalking Harm Reduction Unit, Cheshire Constabulary Public Protection Directorate), a training programme entitled Lifeline aimed specifically at police officers depending on their rank (first responder and investigators). The material assists officers in recognising stalking behaviours, differentiating the crime from other offences such as harassment, and learning to investigate the crime appropriately. The training furthermore importantly includes guidance for officers on how to investigate cases of post separation control.

Finally, the Trust works closely with particular police forces on perpetrator programmes, namely the Stalking Threat Assessment Centre (STAC) in London and the Cambridgeshire Stalking Intervention Project (CSIP). Our Multi Agency Stalking Intervention Programme (MASIP) project managers and stalking advocates work closely with police officers on these teams every day to ensure the victim's voice remains at the centre of the work they do. We successfully piloted this multiagency model across 3 sites from 2018 to 2021 and continue to advocate this as the only evaluated multi-site pilot of its kind.

**c. Data from Modus, online recording system for National Stalking Helpline and Advocacy Services**

Modus Janus is an online case management recording system used by the National Stalking Service to record all cases of stalking held by stalking advisors and advocates. We have included case studies pulled from the system, shared throughout the super-complaint.

**d. Methodology for Survey with National Stalking Service Advocates (Working with police: experience from the frontline)**

In October 2022, Suzy Lamplugh Trust conducted a survey across the National Stalking Service to gather stalking advocates' and advisors' expert views on the current police response to stalking cases in England and Wales. The survey included 11 respondents, which accounted for all full-time non-senior staff at the Trust at the time of the survey. See results of survey in full in the Appendix.

**e. Methodology for Survey with Victims of Stalking (Health Response to Stalking)**

A survey was conducted by the Suzy Lamplugh Trust in October 2022, with a total of 69 respondents, determining the impact of stalking on respondents' mental health and the response from the healthcare system. The survey was open to the general public. See results of survey in full in the Appendix.