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**SI0322****Stalking and Harassment**

This Service Instruction provides guidance and clear information on how the Police Service of Northern Ireland should respond to, report and investigate cases of Stalking and Harassment. It details the overarching principles and is supplemented by guidance produced by College of Policing.



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## 1. Aims

The Police Service objectives in responding to Stalking and Harassment are to:

- Identify, manage and minimise the vulnerability and risk to victims (and associated persons) of Stalking and Harassment;
- To investigate fully all reported incidents of stalking and harassment in a thorough and proactive manner;
- Provide effective management of offenders in order to prevent further offending and harm; and
- Work in partnership with other agencies and organisations to collaboratively support the victim and manage the risk.

## 2. Introduction

Stalking and harassment can affect anyone. They are crimes of persistence which can have a severely detrimental effect on the victim.

Stalking is one of the most frequently experienced forms of abuse. It can escalate quickly and has a devastating effect on the life of a victim.

A study by the University of Gloucester conducted in 2017 into 358 homicides found that 94% had stalking behaviours present in the lead up to the murder.

Many stalkers will devote several hours each day to their stalking campaign, and most modern stalking cases will involve some sort of [cyber or digital](#) aspect.

## 3. Stalking

Stalking can be defined as a pattern of repeat and persistent unwanted, fixated and obsessive behaviour that is intrusive and engenders fear. It can include harassment that amounts to stalking or stalking that causes fear of violence or serious alarm or distress.

Stalking can take many forms. Threats may or may not be made but victims may feel like they are no longer in control of their own lives. Apparent harmless behaviours when placed in the context of stalking can be extremely terrifying if they are persistently inflicted on a victim against their will. It is important for police to recognise the signs of stalking and the impact that it has. Victims can suffer on average 100 incidents before they report to police.

Examples of stalking behaviours include, but are not limited to:

- Following a person;
- Contacting or attempting to contact by any means;
- Publishing any statement or other material;
- Monitoring a person's internet/phone use;
- Loitering near victim's home/workplace etc.;
- Spying on or watching a person;
- Interfering with property;
- Sending or leaving materials or gifts
- Ordering or cancelling goods and services;
- Vexatious complaints;
- Threats; and
- Violence.

The College of Policing have developed a mnemonic to assist officers with identifying Stalking behaviours – FOUR.

**The 4 mnemonic behaviours are:**

- Fixated;
- Obsessive;
- Unwanted;
- Repeated.

Stalking behaviours indicate a greater risk of harm and require serious consideration of risk management.

#### 4. Harassment

Harassment is described as unreasonable and oppressive unwanted behaviour that is repeated and may cause alarm or distress or fear of violence in the victim.

Examples of unwanted behaviour could be:

- Spoken or written words or abuse;
- Offensive emails or comments on social media sites;
- Images and graffiti;
- Physical gestures or facial expressions; and
- Offensive letters or messages.

Harassment will be lower in frequency and severity than stalking and can include antisocial behaviour and bullying.

Early, effective, and positive action taken against a perpetrator when a victim first reports harassment or stalking can play an important part in protecting the victim from future offending, especially when the perpetrator is displaying signs of fixation and obsession. Failure to deal with harassment or stalking, whether by an

effective investigation, the arrest of the alleged perpetrator or other police action as appropriate to the circumstances, may leave a victim or others at risk.

## 5. Stalking or Harassment?

There are key differences between stalking and harassment:

**Stalking will often obsessively focus on a person.**

**Harassment tends to focus on disputes.**

### How do we differentiate?

Police will note the overlap between stalking and harassment behaviours and the associated internal guidance. This is not to say that everything that would previously be known about harassment will then transfer to stalking, or that this previous guidance is no longer relevant. This is not the case.

Harassment may be seen within part of a stalking pattern of behaviour / course of conduct. Stalking is however differentiated from harassment as it relates to fixation and obsession rather than nuisance

behaviour which is more associated with harassment.

Therefore it is unlikely that harassment will be “all consuming” in the same way that stalking behaviours and their application would be for a suspect. It is highly likely that a person who is engaging in stalking behaviours will make changes to their own everyday life to allow the stalking behaviours to be perpetrated, whereas this is unlikely to be the same for harassment.

The element of fear and fixation is what separates stalking from harassment. Harassment can be irritating and a nuisance, sometimes to the point where a victim feels deeply uncomfortable or distressed. However victims of harassment will not typically be afraid of their perpetrators.

Statutory guidance offers some advice to police on differentiating between stalking or harassment and states that:

“Harassment usually involves disputes over an issue such as a neighbourhood grievance and can escalate if the issue is not resolved. However, if the dispute or issue is resolved between parties then the behaviour should stop”.

It is important to identify from the outset whether a case is stalking or harassment; this ensures the appropriate safeguards can be implemented. Stalking can quickly escalate to serious harm and homicide. Think stalking first and **Consider**:

### 1. Is the behaviour 'Stalking'?

- Consider the FOUR mnemonic is the behaviour, Fixated, Obsessive, Unwanted, Repeated?

### 2. Is the behaviour 'Harassment'?

- Consider if the behaviour is unreasonable but not fixated?
- Is there evidence to suggest if the problem is solved the behaviours will stop?

## 6. Digital and Cyberstalking

Stalkers will use multiple means of contact, both online and offline. Digitally enabled stalking may involve the use of mobile phones, social networking, computers or geolocation tracking to monitor a victim.

Cyberstalking involves the stalking of a victim purely online without crossing into the offline world. This type of stalking can still inflict severe psychological damage on a victim.

It is crucial to be aware of the online methods a stalker might use to facilitate their behaviour, including; accessing personal information about the victim, persistent online abuse, taking over victims' accounts and identify theft.

Further advice for staying safe online from the National Cyber Security Centre can be accessed [here](#).

Officers should also be mindful that victims should not be left without a means to contact police. Officers can contact their local Crime Prevention Officer or Domestic Abuse Policy to obtain a replacement device in exceptional circumstances.

**Individuals should not be left without a means of making an emergency communication.**

## 7. Legislation

### Stalking

On the 27<sup>th</sup> April 2022 the [Protection from Stalking Act \(NI\) 2022](#) came into operation and introduces two new offences:

- [Section 1](#) Stalking offence.
- [Section 2](#) Threatening or abusive behaviour offence.

Please also see list of [associated offences](#).

### Harassment

The Protection from Harassment (NI) Order 1997 [Article 3](#) encompasses 3 main elements:

- A course of conduct;
- Which amounts to harassment of another; and
- Which the defendant knows/ought to know amounts to harassment of another.

The term “harassment” encompasses the offence of harassment under Article 4 of the Protection from Harassment (Northern Ireland) Order 1997 and Article 6 of the Protection from Harassment (Northern Ireland) Order 1997.

[Article 6](#) of the Protection from Harassment (Northern Ireland) Order 1997 provides for the offence of ‘putting people in fear of violence’ when a person’s course of conduct causes another to fear, on at least two occasions, that violence will be used against him. The person shall be guilty of an offence if he knows or ought to know that this course of conduct will cause the other so to fear on each of those occasions. The person whose course of conduct is in question ought to know that it will cause another to fear that violence will

be used against him on any occasion if a reasonable person in possession of the same information would think the course of conduct would cause the other so to fear on that occasion.

A course of conduct is conduct that occurs on at least two occasions. Conduct has an element of persistence and can comprise words and/or actions. Incidents may be far apart but still constitute a course of conduct. Each case is determined on its own facts.

The mental ill health of the suspect is not a defence under the Protection from Harassment (NI) Order 1997.

Breaches of a civil injunction granted under Article 3 of the Protection from Harassment (Northern Ireland) Order 1997 can give rise to separate criminal consequences. The Police Service have the power to investigate allegations of a breach of a civil injunction granted under the Protection from Harassment (Northern Ireland) Order 1997.

Powers of entry and search (for person) under [Article 19](#) of The Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE) should also be considered in relation to offences committed under [Article](#)



[4](#) of the Protection from harassment (NI) Order 1997, in conjunction with [Article 21](#) PACE power of seizure (for articles relating to that offence) and [Article 34](#) of PACE (search upon arrest).

If it is a first report of harassing behaviour, other offences should be considered if no course of conduct can be identified. We must consider what other crimes have been committed. Examples of offences to consider can be found [here](#).

## 8. Risk Assessment

An investigation must consider the risks of serious harm posed by an alleged perpetrator. The context and detail of the behaviours involved are crucial to understanding the risk that a stalker poses to a victim.

An investigation must focus on risk first. Your primary task is to make people safe. Risk is dynamic and needs continual reassessment. To understand the risk you must understand the full history and any escalation. Listen to the victim and their view about changing risk. The motivation of the suspect and the context and effects of the behaviour on the victim are important factors to understanding and helping with

your decision making. Always refer to the National Decision Model and Problem Analysis Triangle at [Appendix C](#) to structure and inform your decision making.

### Domestic Abuse

When a case involves domestic related stalking or harassment this guidance should be read in conjunction with Service Instruction SI1217 on Domestic Abuse.

Stalking can happen to anyone. A victim can be stalked by someone they know or by a stranger. Stalking can also occur in a domestic setting post-separation.

**Domestic Violence (DV) stalkers are the most likely to be violent:**

**1 in 2 DV stalkers who make a threat will act on it.**

Where the stalking or harassment occurs within the context of a domestic situation, the Domestic Abuse, Stalking and Harassment and Honour Based Violence Risk Identification and Assessment and Management Model (DASH) Public Protection Notification (PPN) report on NICHE should be completed, (paying particular attention to questions 8, 17 and 20). A 'Yes' response to Q8 should

automatically be followed by the completion of S DASH questions on the Public Protection Notification (PPN).

If the stalking or harassment is occurring in the context of:

- A same-sex relationship, you should also complete the LGBTQ DASH\_Public Protection Notification (PPN)
- Honour Based Violence (HBV), you should also complete the HBV DASH Public Protection Notification (PPN) – **HBV should automatically be considered as being high risk of serious harm.**

Further information on Honour Based Violence and Abuse can be accessed via the Police’s Service Instruction SI0718.

If a victim indicates they are being stalked, ask them to clearly describe what is happening – context and detail are required. Be mindful of:

- Threats to estranged partners;
- Last resort thinking and finality;
- Strangulation; and
- Honour Based Violence and Abuse – consider threats by others.

**Non-Domestic**

In relation to stalking where there has been no intimate relationship, research shows us that 1 in 10 stalkers who make a threat will act on it.

In all cases of stalking and harassment the S- DASH questions should be asked, the responses should be recorded on the OEL S-DASH template. Once the attending officer has completed the template supervisors should review and verify the risk grade. Further guidance on completion of the template is available on POINT.

For further advice and guidance, please contact your local Domestic Abuse and Adult Safeguarding (DAAS) office.

| Health Trust         | DAAS Office |
|----------------------|-------------|
| <b>Belfast</b>       | Antrim Road |
| <b>Northern</b>      | Ballymena   |
| <b>Southern</b>      | Mahon Road  |
| <b>South Eastern</b> | Newtownards |
| <b>Western</b>       | Omagh       |

## 9. Multi Agency Response

The Police Service of Northern Ireland is committed to working with all interested parties to keep people safe. Where possible, [other agencies](#) should be involved to provide support to victims.

Where a report is received and children are identified, whether present or not, [Social Services](#) must be informed.

### Domestic

In Domestic Abuse cases, advice should be sought from your local Domestic Abuse and Adult Safeguarding office.

Relevant joint agency documents should also be considered:

- Domestic Violence and Abuse Disclosure Scheme (DVADS)
- PSNI/PPS Service Level Agreement for Domestic Abuse
- Service Level Agreement for the Management of Civil Orders made under the Family Homes and Domestic Violence (NI) Order 1998.

### Non-Domestic

There are various support agencies that can provide support to victims of stalking and or harassment. Details of these organisations can be found [here](#).

In cases of both Domestic and Non-Domestic stalking or harassment, consideration should be given to internal partnership working with Offender Management Unit and Public Protection Branch. External partners who you may consider liaising with include NI Probation Board and NI Prison Service. These organisations may hold further information in relation to an offender's history which may be relevant to safeguarding.

## 10. Responding to Stalking and Harassment

### Points to consider

Early identification and intervention in stalking cases is crucial:

The overall aim in attending a Stalking or Harassment call is to prevent escalation in frequency and severity.

Professional curiosity should be used to conduct a thorough investigation, determine the risk to the victim and identify offences that have been committed. Do not focus on the single incident being reported; remember that victims on average will have suffered up to 100 behaviours before contacting police. It is

crucial to understand the wider behaviour including:

- Similar behaviour to other individuals;
- Suspects offending history;
- Escalation in behaviour; and
- Checking of force and national information and intelligence databases to investigate an offender's background.

Key points to remember:

- **Focus on risk first** –your primary task is to make people safe.  
Risk is dynamic and needs continual reassessment.

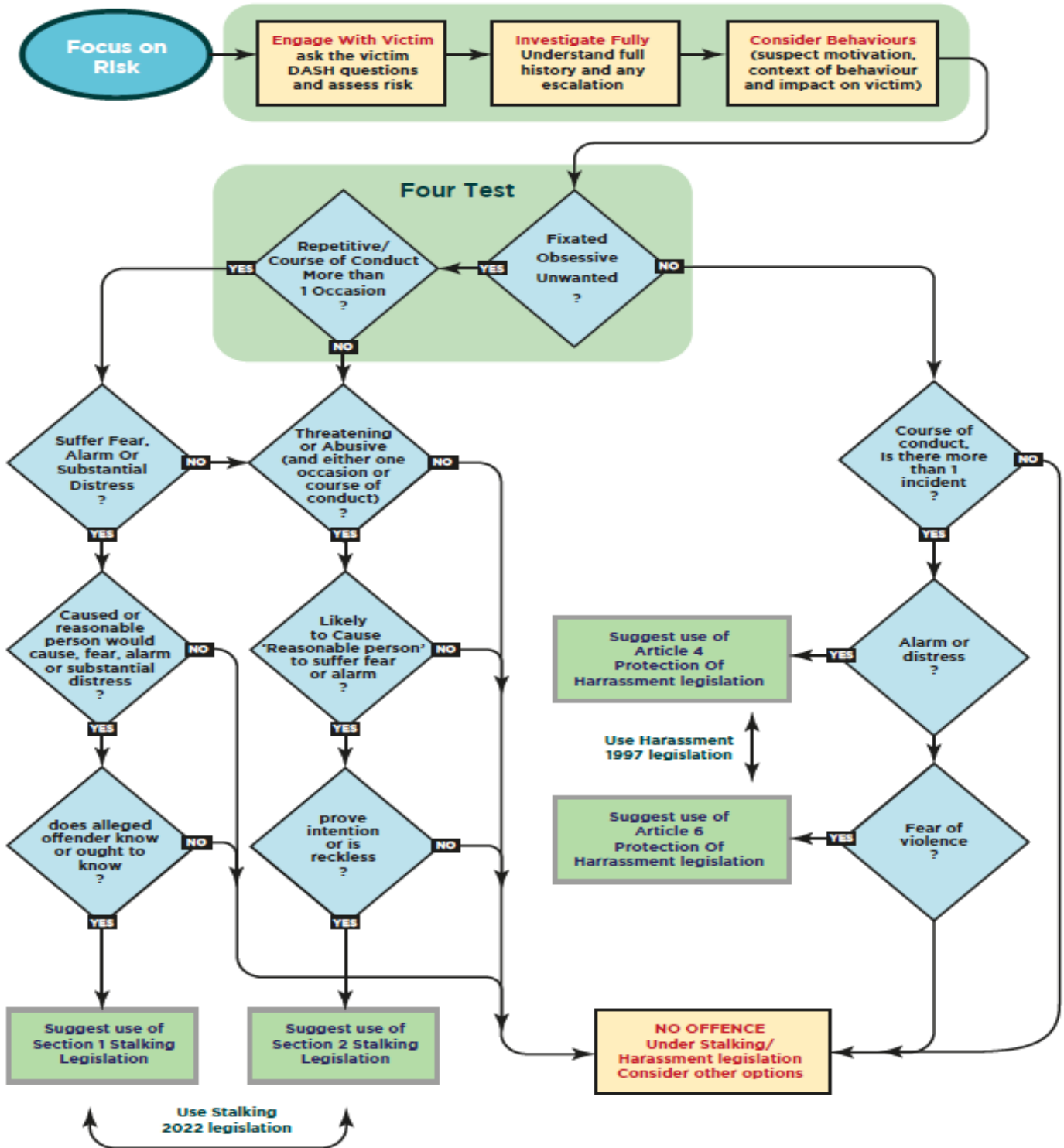
- **Investigate fully** – make sure you understand the full history and any escalation.
- **Listen to the victim**, particularly their view about changing risk.
- **The motivation of the suspect** and the context and effect of the behaviour on the victim are important factors to understanding and helping with your decision making.

## Appendix A How do we differentiate between Stalking and Harassment?

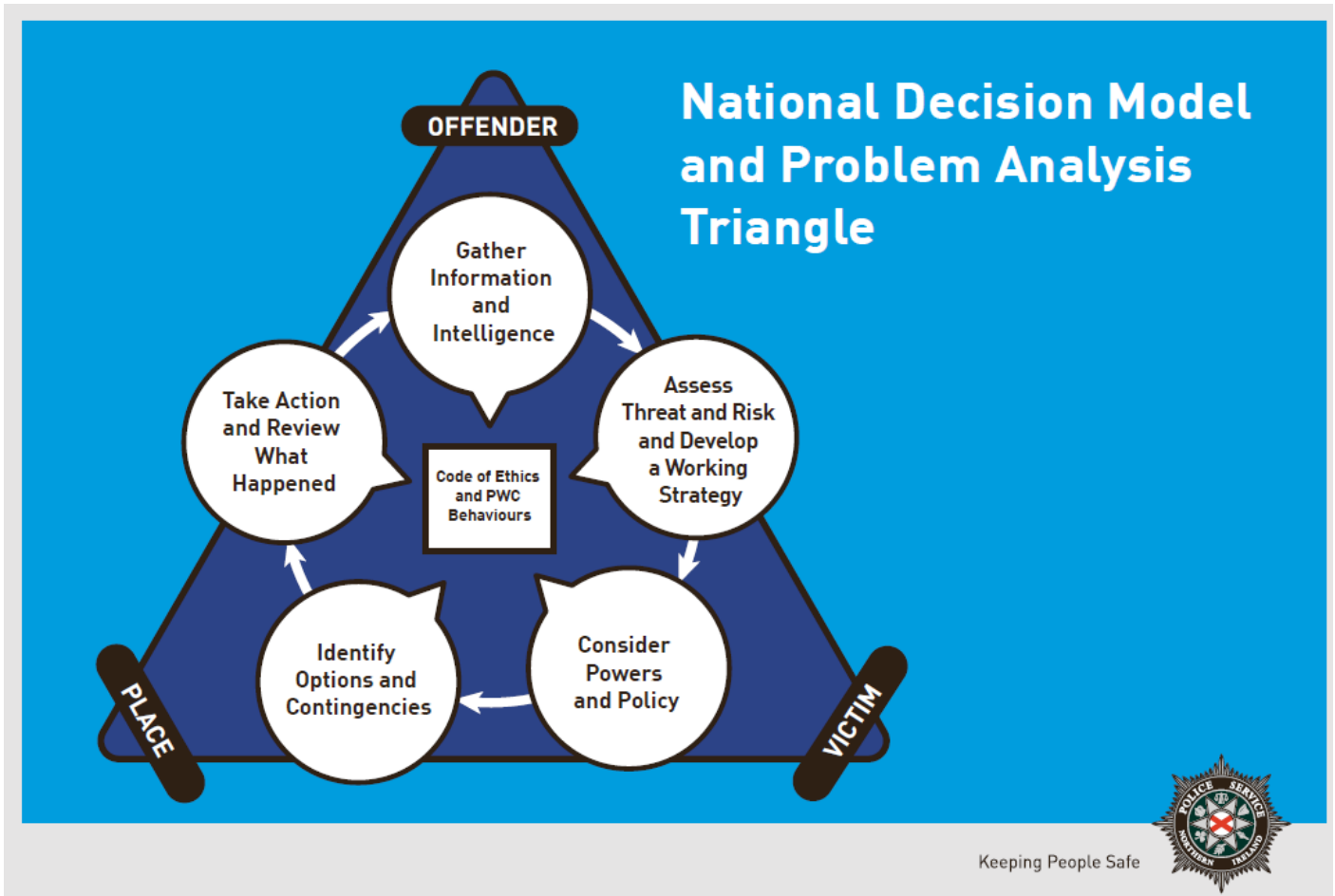
| Stalking   |   | Harassment   |   |
|--|---|--|---|
| Suspect Considerations   | Victim Considerations   | Suspect Considerations   | Victim Considerations   |
| <ul style="list-style-type: none"> <li>Consider the stalking mnemonic FOUR. Are the behaviours Fixated, Obsessive, Unwanted, Repeated?</li> <li>Has the suspect changed their routines to facilitate the stalking?</li> <li>Are they preoccupied with the victim in their thoughts and actions?</li> <li>Is the amount of time/effort/resources the suspect is investing consuming their daily life?</li> <li>Is there a range of behaviours targeted at the victim?</li> <li>Does the suspect seem unlikely to stop the behaviours?</li> <li>Does the suspect appear to have a strong sense of entitlement/determination?</li> <li>The suspect is not concerned about the distress their behaviour is causing.</li> </ul> | <ul style="list-style-type: none"> <li>Does the victim feel physically/emotionally and/or psychologically affected by the behaviour?</li> <li>Does the victim have a persistent fear of what might happen?</li> <li>Is the behaviour intruding on the victim's life?</li> </ul> <p>Has the behaviour had a serious effect on the Day to day activities of the victim?</p> | <ul style="list-style-type: none"> <li>Is there evidence of repeated behaviour that is unreasonable but not fixated on the victim?</li> <li>Is the suspects behaviour, although repeated, not consuming their daily life?</li> <li>Is the behaviour generally focused on addressing a dispute (financial, neighbour, employment etc.) rather than targeted at this individual?</li> <li>Would the suspect's behaviour likely continue if the underlying problem continued but the individual concerned was different?</li> <li>Is there evidence that this behaviour will stop should the underlying problem be resolved?</li> </ul> | <ul style="list-style-type: none"> <li>Does the victim feel oppressed but not seriously alarmed or distressed by the behaviour?</li> <li>Is the victim fearful about certain acts but not in a constant state of fear?</li> </ul> |

## Appendix B Stalking or Harassment Decision Tree

### Stalking or Harassment Legislation? - Decision tree



## Appendix C National Decision Model and Problem Analysis Triangle



## Appendix D Associated Offences

[Disclosing Private Sexual photographs and Films with Intent to Cause Distress](#) – Sec 51 Justice Act (Northern Ireland) 2016

[Sending letter or other article with intent to cause distress or anxiety](#) – includes letters and other articles (not electronic communications); Section 3 Malicious Communications (NI) Order 1988

[Improper Use of Public Electronic Communications Network](#) – Sec 127 Communications Act 2003

[Criminal Damage](#) – Section 3 Criminal Damage (NI) Order 1977

[Threats to Destroy or Damage Property](#) – Section 4 Criminal Damage (NI) Order 1977

[Arson](#) – Section 3 Criminal Damage (NI) Order 1977

[Threats to Kill](#) – Section 16 Offences Against the Person Act 1861

[Assaults](#) – Offences Against the Person Act 1861

[Attempting to Choke](#) – Section 21 Offences Against the Person Act 1861

[Sexual Offences](#) – Sexual Offences (NI) Order 2008

[Hate crime](#)

[Use of words or behaviour or display of written material](#) - Art 9(1) Public Order (NI) Order 1987

[Publishing or distributing written material](#) - Article 10(1) Public Order (NI) Order 1987

[Distributing, showing or playing a recording](#) - Article 11(1) Public Order (NI) Order 1987

This list is not exhaustive. There are many crimes that can be component parts of a stalking campaign. It is important that these behaviours are looked at in context, alongside the bigger picture and perpetrators are dealt with robustly.



## Appendix E Social Services Information

If you attend a domestic incident and become aware that there is a child in the house, or connected to that household, or if one of those involved in the incident has children living in another household, **you must** refer the details to Social Services. This will routinely be done by a Supervising Sergeant via the Public Protection Notification process if there are no urgent child safeguarding issues.

Where **urgent matters** exist contact Social Services - Out of Hours:

### Regional Emergency Social Work Services

Monday to Friday between 5.00pm and 9.00am, plus Saturday and Sunday (24hrs)

Telephone – **028 9504 9999**

### Child Protection Gateway Services

| Health and Social Care Trust | Telephone Number<br>(Monday to Friday between 9.00am and 5.00pm) | Secure e-mail addresses for the relevant areas<br>(where the child lives)  |
|------------------------------|--|--|
| <b>Belfast</b>               | 028 9050 7000  | <a href="mailto:Gateway.Services@belfasttrust.hscni.net.cjism.net">Gateway.Services@belfasttrust.hscni.net.cjism.net</a> |
| <b>Northern</b>              | 0300 1234 333  | <a href="mailto:spe.referrals@northerntrust.hscni.net.cjism.net">spe.referrals@northerntrust.hscni.net.cjism.net</a>     |
| <b>South Eastern</b>         | 0300 1000 300  | <a href="mailto:Gateway.Services@setrust.hscni.net.cjism.net">Gateway.Services@setrust.hscni.net.cjism.net</a>           |
| <b>Southern</b>              | 0800 7837 745  | <a href="mailto:duty.service@southerntrust.hscni.net.cjism.net">duty.service@southerntrust.hscni.net.cjism.net</a>       |
| <b>Western</b>               | 028 7131 4090  | <a href="mailto:gateway.whsct@westerntrust.cjism.net">gateway.whsct@westerntrust.cjism.net</a>                           |

**SERVICE INSTRUCTION**

If you have a concern about an adult, you should consider contacting the relevant adult safe-guarding team on the below numbers:

| <b>Health and Social Care Trust</b> | <b>Telephone Number<br/>(Monday to Friday<br/>between 9.00am and<br/>5.00pm)</b> | <b>Email<br/>(Monitored Monday to Friday – 9.00am to 5.00pm)</b>   |
|-------------------------------------|--|--|
| <b>Belfast</b>                      | 028 9504 1744  | <a href="mailto:adultsguarddutydesk@belfasttrust.hscni.net">adultsguarddutydesk@belfasttrust.hscni.net</a>               |
| <b>Northern</b>                     | 028 94413659   | <a href="mailto:randal.mchugh@northerntrust.hscni.net">randal.mchugh@northerntrust.hscni.net</a>                         |
| <b>South Eastern</b>                | 028 9250 1227  | <a href="mailto:adultprotectiongatewayteam@setrust.hscni.net">adultprotectiongatewayteam@setrust.hscni.net</a>           |
| <b>Southern</b>                     | 028 3756 4423  | <a href="mailto:adultsafeguard.team@southerntrust.hscni.net">adultsafeguard.team@southerntrust.hscni.net</a>             |
| <b>Western</b>                      | 028 7161 1366  | <a href="mailto:adultsafeguarding.referral@westerntrust.hscni.net">adultsafeguarding.referral@westerntrust.hscni.net</a> |

## Appendix F Stalking Support Services

|   |   |
|---|---|
| <p><b>National Stalking Helpline</b></p> <p>Telephone: 0300 636 0300</p> <p>Website: <a href="http://www.stalkinghelpline.org">www.stalkinghelpline.org</a></p> <p>Email: <a href="mailto:advice@stalkinghelpline.org">advice@stalkinghelpline.org</a></p>        | <p><b>Paladin National Stalking Advocacy Service</b></p> <p>Telephone: 02038 664107</p> <p>Website: <a href="http://www.paladinservice.co.uk">www.paladinservice.co.uk</a></p> <p>Email: <a href="mailto:info@paladinservice.co.uk">info@paladinservice.co.uk</a></p> |
| <p><b>Protection Against Stalking</b></p> <p>Website: <a href="http://www.protectionagainststalking.org">www.protectionagainststalking.org</a></p> <p>Email: <a href="mailto:support@protectionagainststalking.org">support@protectionagainststalking.org</a></p> | <p><b>Suzy Lamplugh Trust</b></p> <p>Telephone: 02070 910014</p> <p>Website: <a href="http://www.suzylamplugh.org">www.suzylamplugh.org</a></p> <p>Email: <a href="mailto:info@suzylamplugh.org">info@suzylamplugh.org</a></p>  |
| <p><b>Women's Aid</b></p> <p>Telephone: 02890 249041</p> <p>Website: <a href="http://www.womensaidni.org">www.womensaidni.org</a></p> <p>Email: <a href="mailto:info@womensaidni.org">info@womensaidni.org</a></p>  | <p><b>Men's Advisory Project</b></p> <p>Telephone: 02890 241929</p> <p>Website: <a href="http://www.mapni.co.uk">www.mapni.co.uk</a></p> <p>Email: <a href="mailto:info@mapni.co.uk">info@mapni.co.uk</a></p>   |
| <p><b>The Rainbow Project</b></p> <p>Telephone: 02890 319030</p> <p>Website: <a href="http://www.rainbow-project.org">www.rainbow-project.org</a></p> <p>Email: <a href="mailto:info@rainbow-project.org">info@rainbow-project.org</a></p>                        | <p><b>Victim Support NI</b></p> <p>Telephone: 02890 243133</p> <p>Website: <a href="http://www.victimsupportni.com">www.victimsupportni.com</a></p>   |

**SERVICE INSTRUCTION**

| <b>Northern Ireland Council for Racial Equality</b>   | <b>NEXUS NI</b>  |
|---|--|
| Telephone: 07710 767235<br>Website: <a href="http://www.nicre.org">www.nicre.org</a><br>Email: <a href="mailto:patrick@nicre.org">patrick@nicre.org</a> | Telephone: 02890 326803<br>Website: <a href="http://www.nexusni.org">www.nexusni.org</a> |

## **Appendix G Contact Us**

**Service Instruction Author**

**Branch Email**

[zPublicProtectionSecretariat@psni.police.uk](mailto:zPublicProtectionSecretariat@psni.police.uk)