



# **Stalking and Harassment**

**Building a strong case**

**Manjula Nayee,**

**CROWN PROSECUTION SERVICE**

# Stalking and Harassment



CPS Stalking and Harassment legal guidance was launched in September 2010.

It is available on our website at: [www.cps.gov.uk/legal/s\\_to\\_u/stalking\\_and\\_harassment/](http://www.cps.gov.uk/legal/s_to_u/stalking_and_harassment/)

This legal guidance addresses behaviour which is repeated and unwanted by the victim and which causes the victim to have a negative reaction in terms of alarm or distress. Cases involving stalking and harassment can be difficult to prosecute, and because of their nature are likely to require sensitive handling, especially with regard to victim care. The provision of accurate and up-to-date information to the victim throughout the life of the case, together with quality support, and careful consideration of any special measures requirements are essential factors for the CPS to consider.

It is important that the:

- CPS works closely with the police and other agencies to ensure that the best evidence is gathered and presented to the court. A strong, coordinated prosecution team is required to proactively build and manage a case.
- where appropriate, victims are able to access relevant support organisations. This is to ensure that their safety and support needs are addressed throughout the criminal case (and sometimes beyond) and to reduce the risk they face as a result of the offending.



# Case Building = Conviction

- Early consultation with CPS
- Joint partnership
- Experienced Prosecutors
- Information Recorded by Victims
- Potential witnesses
- Special measures
- Keeping the victim informed
- Victim and Witness Support & Safety

# Early Consultation



- Cases involving stalking and harassment are often complex - refer to the CPS as early as possible.
- In cases of stalking where the harassing behaviour is prolonged and targeted and the victim is considered to be at high risk, it is essential that management of the case is carefully considered.
- Some more complex and difficult cases may require the personal allocation of the file to a senior prosecutor who is aware of the problems that may be encountered when dealing with cases of stalking and harassment.
- When giving advice on cases of stalking and harassment , CPS prosecutors should ensure that they have regard to the CPS Policy and Legal Guidance on prosecuting cases involving Domestic Violence and Stalking and Harassment.



# Essential Information

The CPS will ask the police to provide the following background information:

- the ability and willingness of the victim to testify;
- the history of any relationships or contact, particularly if there has been violence and/or abuse in the past;
- details of any civil orders made and whether there have been any breaches;
- whether the suspect has made any threats since the incident;
- the police officer's view on the chances that the defendant will re-offend; the status of the relationship between the victim and the defendant;
- the effect on the relationship of continuing with the prosecution against the victim's wishes;
- the victim's view on their own and their children's safety if a prosecution does or does not follow;
- whether counter allegations have been made;
- information on whether the victim has been contacted by the defendant, his friends, relatives, or associates (either since the incident or post-charge); and
- information from other agencies or organisations who are involved with the family.

# Information Recorded by Victims



When advising on cases of stalking and harassment, prosecutors should remember to advise police officers to instruct victims to keep:

- a record or diary of events – hard copy or electronically
- diary should be completed as soon as possible after each event, with all entries timed and dated.
- note details of witnesses who may have observed or heard these events;
- keep a record of how the defendant looked, details of their clothing or vehicle;
- stored messages or tape any calls made by the defendant;
- to use 1471 on the phone and write down details of calls received including the time received and the telephone numbers, this includes unanswered calls; and
- victims should also not to be afraid to inform neighbours and friends and they should be asked to ask them to log any suspect behaviour.



# Keeping the Victim Informed

- It is essential that the victim is fully aware of the decisions being made as they may directly impact on the victim's safety.
- Early consultation with the allocated police officer and contact with the specified Witness Care Unit are also important in ensuring that the risks in the case are understood, as well ensuring that any further offending reported is addressed as quickly as possible, as this behaviour can dramatically increase the risk for the victim.
- Bail applications- inform the victim of any changes particularly if the defendant is granted bail.
- Give victims the details of local or national specific support agencies.



# Victim Personal Statements

- CPS Prosecutors should ask for VPS from the outset.
- Such statements can be particularly useful when drafting restraining orders.
- The purpose of the VPS statement is to:
- give victims an opportunity to state how the crime has affected them physically, emotionally, psychologically, financially or in any other way. This allows the court to have first hand information about the way in which the defendant's behaviour has impacted upon the victim;
- allow victims to express their concerns about bail or the fear of intimidation by, or on behalf of the defendant;
- provide victims with a means by which they can state whether they want information, for example, about the progress of the case;
- provide victims with the opportunity to state whether they want to claim compensation or request support from Victim Support or any other agency; and
- provide criminal justice agencies with a ready source of information on how a particular crime has affected the victim involved.



# Special Measures



- Many victims and witnesses of stalking behaviour and harassment experience stress and fear during the police investigation of a crime and the process of attending and giving evidence to a court. Stress can affect the quantity and quality of communication with witnesses of all ages. In particular, victims often fear having to face the defendant in the courtroom or may even refuse to be in the same room. In such circumstances, where victims and witnesses are held to be vulnerable or intimidated, special measures can improve the quality of their experience by allowing them to give the 'best evidence' they are capable of.
- Part II of the Youth Justice and Criminal Evidence Act 1999 introduced a range of measures that can be used to facilitate the gathering and giving of evidence by vulnerable and intimidated witnesses. The measures are collectively known as 'special measures'.
- Police should speak to the victim if special measures required.
- **CPS PROSECUTORS SHOULD APPLY FOR SPECIAL MEASURES AS EARLY AS POSSIBLE.**