

**Police and Crime**

**Commissioner for Dyfed-Powys**

**Quality Assurance Panel**

**Dip Sampling Exercise**

**Stalking and Harassment Cases**

**Panel Members’ Findings & Feedback**

**September 2022**

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# **1.0 Meeting overview**

The Commissioner’s Quality Assurance Panel met on 27 September 2022, where:

* A selection of 12 harassment and stalking cases from across the Dyfed-Powys area were reviewed;
* The main area of focus was the supervision of the cases as noted under section 3.0 of this report; and
* The Panel highlighted 9 recommendations for the Force to consider; listed under section 6.0 of this report. The meeting was held in person at Dyfed-Powys Police Headquarters, where only five of the twelve members were in attendance due to various unforeseen circumstances. Although this meant that the Panel were not officially quorate (as per the Quality Assurance Panel Handbook), following a discussion, it was agreed that the Panel should go ahead.

# **Background, Purpose and Methodology**

The Quality Assurance Handbook, available on the [PCC’s website](http://www.dyfedpowys-pcc.org.uk/media/6081/002qualityassurancepanelhandbookjune18.pdf), details the background and purpose of the Panel, along with the case dip sampling process.

# **Stalking and harassment cases**

Stalking and harassment was the focus of the Panel’s May 2022 meeting, where they received an input from a Detective Inspector on the difference between harassment and stalking, and the way in which such cases should be handled.

They were guided as to how to specifically identify stalking cases, and given a breakdown on the acronym FOUR which Dyfed-Powys Police officers use when looking to identify stalking behaviour:

**F** – Fixated

**O** – Obsessive

**U** – Unwanted

**R** – Repeated

The recommendations highlighted within the May 2022 meeting can be seen at the end of this report, however, the full May report can be accessed on Police and Crime Commissioners website: <https://www.dyfedpowys-pcc.org.uk/en/the-office/volunteer-schemes/quality-assurance-panel/>

Whilst the findings of the May 2022 review of stalking and harassment cases was positive on the whole, at their September 2022 meeting, Panel members were again asked to review a random sample of stalking and harassment cased. However, on this occasion, they were asked to focus on the supervision of the cases.

A recent report by His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), “*HMICFRS PEEL 2021/22 – An inspection of Dyfed-Powys Police*”, found the following: *“The force needs to make sure it is carrying out effective and timely investigations into stalking and harassment crimes: The victim service assessment identified a particular problem with the investigations of stalking and harassment crimes. The majority that we reviewed (eight of ten) were ineffective. In these investigations we recognised a common factor of ineffective supervisory direction and oversight. The force is aware that this is an area that needs further attention to improve the investigation of stalking and harassment crimes. This is important, as these crimes can* involve *vulnerable victims that may need safeguarding.”*

It is due to the finding that *“ineffective supervisory direction and oversight”* may be impeding effective and timely investigations into stalking and harassment cases, that the Panel was asked to review their cases specifically with the supervisory element in mind.

Whilst considering the supervision with the case, Panel members were asked to identify:

* The timeliness of incident handling and the initial response.
* The timeliness of the investigation and how well the victim was kept informed.
* Whether an appropriate risk assessment was undertaken, for example a DASH assessment for domestic abuse linked incidents and a SASH for stalking related incidents.
* Whether there was a safeguarding plan in place for the victim.
* Whether there was any evidence of protective orders being considered?
* Whether the case files had a domestic abuse link and if this impacted on how the case was dealt with.

# **Findings of harassment case reviews**

**Case 1**

* This incident was dealt with in a timely manner and the initial police response was on the day it was reported.
* The victim was spoken to within 48 hours of the incident, with the slight delay due to the victim’s availability.
* The Supervisor had prompted further investigation into CCTV relating to the incident and appeared to be fully engaged with the case.
* Final decision of no further action (NFA) was noted by the supervisor.
* Victim was kept well informed throughout, and an explanation was given as to why no further action could be taken.
* Advice given on how to keep safe in the future.
* The decision was made that this case of harassment was “trivial and not oppressive” and independent evidence from CCTV or witnesses would have been needed to be able to proceed. The Panel member reviewing this case felt that further consideration ought to have been given as to how the victim felt, as what may seem trivial to some, may not feel trivial to others.
* It was deemed concerning that police emphasised the requirement of independent CCTV/witness evidence to enable them to take the case further. The Panel member reviewing the case highlighted that such evidence would be missing in many similar incidents due to perpetrators intentionally keeping away from areas with CCTV and away from witnesses, and that this should not be a reason for a decision of ‘NFA’

**Case 2**

* This incident had a domestic link and reassuringly, a DASH had been completed.
* The response to the incident was timely and appropriate.
* Safeguarding advice was given to the victim.
* The only evidence of a supervisor’s involvement was on completion of the case, with the approval of the outcome given.
* Risk assessments were carried out, and a measured approach was taken.
* Within the Domestic Violence report, the additional questions on stalking and harassment had been answered with ‘n/a’, or left incomplete despite the case being recorded as a harassment incident.

**Case 3**

* The suspect was not identified, meaning that the information available to investigate the case was limited.
* All contact was made via telephone.
* There was no supervision details recorded within the records.

**Case 4**

* Although there was a timely response to the initial incident, there was a delay in sharing updates, resulting in the victim feeling that any follow-up response was overdue.
* Positively, a risk assessment was carried out promptly and there was evidence of the supervisor assessing the situation within the case process.
* The Panel member reviewing the case felt that appropriate action had been taken.

**Case 5**

* This case was given an ‘outcome 18’ – no suspect identified. Two suspects were named by the victim, but due to there being no CCTV nor witnesses, the case was not taken forward.
* Should the named suspects have been interviewed?
* The victim was kept up to date in line with their contact agreement.
* The only involvement by the supervisor was at the end of the case where they had noted that they agreed with the decisions made.

**Case 6**

* Sections of the crime report appeared incomplete.
* There was a delay of almost 2 weeks between the incident and a police update due to policing priorities, officer’s leave\, and the availability of the victim. However, it was felt by the Panel that the contact between officers and the victim following the initial allocation of the case was appropriate.
* A THRIVES assessment was completed and safeguarding considered throughout the case.
* This was a very complex case where supervision was good, The supervisor questioned missing aspects and relevant questions were documented.
* This case involved children and the Panel member reviewing the case highlighted good practice in the provision of multi-agency support for both the victim and the suspect.
* The case records made reference to the suspect’s mental health concerns and thoughts of self-harm, but it was unclear to the Panel member reviewing the case whether these concerns had been considered or if any referrals had been made to support agencies.
* This case was given an ‘outcome 16’ - victim does not (or has withdrawn) support. The reasons as to why the victim withdrew was unclear in the records.

# **Findings of stalking case reviews**

**Case 7**

* Positively, a DASH had been completed, but it was felt that further detail ought to have been recorded within the assessment.
* The victim in this case only wished for the case to be logged.
* This case had been dealt with promptly and the victim had been kept informed.
* A SASH had been completed.
* The Panel member reviewing the case felt that further could have been done in relation to the group threat aspect of the case. No safeguarding plan had been discussed with the victim.
* It was found that although this case had been recorded as stalking the Stalking Officer felt that this may be a case of Harassment. Why then had the case not been changed to harassment following this observation?

**Case 8**

* A thorough DASH was completed and the domestic link recognised.
* The police had delivered a comprehensive response to a complex case.
* The timeliness of the investigation was reasonable and appropriate.
* A THRIVES risk assessment was completed and a SASH was considered, however, FOUR was not met.
* There was no evidence of any safeguarding plan being considered.
* The case had a good level of supervision and oversight from arrest through to closure.

**Case 9**

* Although this case was recorded as stalking within the risk assessment it states “no” against “does stalking feature as part of this offence?”. This section is contradictory.
* The victim was well updated and had been kept informed throughout the investigation.
* Both a DASH and a SASH had been undertaken.
* It was recorded within the case notes that numerous attempts had been made to reach the victim, but that the victim had gone away. Contact was made but the victim does not appear to have been kept up to date with the progress made within the case.
* Positively, safeguarding advice was given.
* The supervisor’s decision was clearly documented and explained.
* There were a number of questions on the Crime Management System which were left unanswered.

**Case 10**

* A DASH was completed; however, the report was in relation to a child.
* There was evidence that the police worked closely with a Social Worker and advice from Social Services was followed.
* The case had been dealt with in a timely manner.
* A thorough risk assessment had been undertaken and safeguarding advice was given.
* The level of supervision within the case was appropriate.
* Goleudy had been highlighted as a means of additional support.

**Case 11**

* A DASH was completed, however, there was delay of three days in this being undertaken since the initial incident. DASH assessment was agreed as standard by the Supervisor.
* There was a delay of three days with the initial police response due to a lack of police resources and the force being unable to allocate the case.
* The victim appeared to be kept informed, with various attempts to make contact documented. The victim was updated on the outcome; the case was closed due to insufficient evidence.
* A SASH was completed and safeguarding advice given when the outcome of the case was communicated.
* The outcome of this case was ‘outcome 15’ - ‘victim supports the case but evidential difficulties’. There were certain aspects of this case which were not followed up. It was noted that the victim’s witness statement confirmed that they recognised the suspect’s voice on the phone and that they had recognised the suspect as driving the car. Notes within the case stated that there was no evidence that the suspect was driving the car. One of the actions raised by the supervisor was for the officer to discuss this with the victim, but this does not appear to have been actioned.

**Case 12**

* A DASH had been completed.
* There was a delay in the response to this case; 9 days after the incident was reported.
* Evidence was recorded of many attempted phone calls with the victim.
* Safeguarding advice was given.
* There was evidence of good supervision.
* The THRIVES level and crime report were reviewed by the supervisor and a detailed response included.
* The victim only wanted the case logged, but words of advice were given to the suspect and authorised by the supervisor.
* On the front page of the case file against the question; “does stalking feature as part of the offence?”, the response “no” is recorded. This is contradictory as the case is recorded as a stalking offence.
* The additional stalking and harassment questions within the crime report were left incomplete.

# **General Comments and observations**

Panel Members made the following observations:

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| **Observations** | **Force Response** |
| Members noted that the “owner” and “current crime situation” box within the Crime Management System documentation is not completed within the case files. Members queried whether this section of the form should be completed for each case, or whether it’s an unused aspect of the form which could be removed? | Although these boxes are not used by all officers they are in some cases particularly where remote supervision is more common such as the force Crime Investigation Hubs (CIH). They can be considered a ‘digital post it note’ to supervisors or other staff members when providing personal comments, requests or in setting out a high level position of the enquiry. They are less likely to be used in stalking cases where ownership of the crime usually received closer supervision such as CID.  There has been recent requests from CIH supervisors for staff in CIH to make use of this facility. It is worthy of note that the comments in this box does not copy to the crime log and therefore would not feature in any crime log disclosure. |
| Positively, all cases with a domestic abuse link had received a DASH assessment. | This is pleasing to hear. |
| Members noted that the specific additional stalking and harassment questions within the case file remained unanswered on a number of the cases, despite the cases being categorised as stalking and harassment. | This is a finding we have not identified during any previous internal audit. It is critical that these questions are considered and the findings clearly set out that on occasion they are not. The answers to those question a particularly relevant to identifying risk related to behavioural crime. This is disappointing when we consider the extensive focus and inputs that has been placed on coercion and control offences. We are grateful to the review panel and this will be placed into the force action plan for stalking and harassment. In turn this will ensure a focus and governance to monitoring improvement in this area. |
| A couple of the case records indicated that evidence was unavailable and therefore no further action was taken. Panel members suggested that this could be the case in many stalking and harassment cases due to the nature of the activities, and they could not fathom that all similar cases would have the same outcome. They questioned how those cases – where evidence is unavailable - are investigated and importantly, how the victim is safeguarded? | Since the spring of 2022 officers and supervisors have received training in evidence led investigations. This causes the officer to undertake an evidence gathering process regardless of the victims immediate views on supporting a criminal prosecution. This has led to a significant increase in the use of body worn video and prosecutions in which the victims evidence has not been used.  It is accepted that I many cases and despite the advancements in forensic science, independent evidence will not be available. The evidence led investigation must be proportionate and striking the balance between officer time and a realistic prospect of a prosecution is often a challenge and open to interpretation.  Victim safeguarding is paramount above that of all other police action. The force has a number of support function when safeguarding is considered. Each case must be taken on its individual merit however the panel are of the risk assessment tools such as DASH and SASH which are currently used. Each is expected to be accompanied by a risk management plan that sets out action to address the risks identified. Toolkits such at the VAWG toolkit provide tactical options for officers to consider.  The current challenge for the force is that there is no consistent location to record the risk management plan (RMP) and officers use different locations. This makes it difficult for supervision and audit to understand the effectiveness, particularly where remote supervision is a factor.  The force is striving to overcome this identified challenge through the introduction of the Niche database. We have built in a standardised location for the documentation of the RMP that an officer cannot move on from until completed.  The force has taken significant steps forward in is use of orders as a means of perpetrator management. The increased use of the domestic violence protection order and stalking protection orders have all seen significant increases in the last 12 months.  The force has invested in personal safety equipment such as alarms and ‘smart water’ as a means to provide addition protection.  In the case of high risk enquiries specialist support from domestic abuse officers, independent domestic abuse advocates and the force designing out crime officers are deployed to ensure that the risk management plan is comprehensive. |
| Within a number of the cases reviewed, Panel members highlighted that questions within the Crime Management system reports were left unanswered. Should all questions be answered, and should officer’s return to those unanswered questions further in to the investigation? | The initial investigation plan is supported by the prompted questions when the crime is initially recorded and updated. These questions are designed to ensure a minimum standard to the investigation plan is applied. They set out the basics but are not exhaustive. It would be best practice to provide an answer to each however experienced officers will sometimes choose not to answer the question and use the first couple of updates to set out the investigation and the investigation plan.  I have been unable to review case 6 where this is relevant as the crime number is incomplete. |
| A number of the cases reviewed demonstrated good practice in their multi-agency approach to safeguarding the victims. | This is encouraging as longer term safeguarding particularly where children are involved requires support from our partners. |
| Supervision within a couple of the cases was only seen at the end of the case rather than throughout the investigation. Is this force practice or should a supervisor be regularly reviewing progress within these cases? | It is set out that a supervisor should agree an investigation plan before the end of the duty day and review once every seven days as a minimum.  Where cases do not require significant investigation before closure it is not uncommon to see the enquiries completed quickly and the supervisor undertaking a review once they are completed. This does not preclude the supervisor from directing further enquires.  In case 5 I have taken a review of the six linked crimes and note the supervisor undertakes a review of the circumstances the following day recording his decision on (DPP/4469/22/08/2022/02/C). The update is only documented on one crime but repeated at the point of closure on the others. |
| Within a couple of the cases, the rationale as to why a victim had withdrawn from the case needed further detail and explanation. | I am grateful for the views of the panel on this matter. It is important to Dyfed Powys Police as we seek to improve our understanding through the victim voice for two reasons. Firstly to improve our understanding of what victims want and barriers to seeking prosecution and secondly to examine whether fear is an influencing factor. If fear is this provides opportunity to pursue a prosecution without the victim needing to provide evidence at a trial.  This is a key factor in the National Vulnerability Action Plan (NVAP) that we will be working with staff and partner to improve over the next twelve months. |
| Members queried how many stalking champions Dyfed-Powys Police have, and are they are readily available for officers to seek guidance from? | The force currently has 41 champions listed across the force area. The force has identified a disproportionate balance across the local policing areas with increases required in Carmarthenshire and Powys. The local policing areas have been requested to identify individuals suitable to undertake the role and undertake training.  The current working locations are  17 – response  11 – CID  11 – HQ (training and Secondary risk assessment)  2 – Force command centre. |

# **Previous recommendations and observations**

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| --- | --- | --- | --- |
| Date of meeting | Observations | Force Response | Status |
| May 2022 | The Panel felt that on the whole victims were provided with good safeguarding advice and that good safeguarding plans were provided to victims of stalking. | We welcome the observations of the panel which provides reassurance that our focus on safety planning during the Spring Vulnerability training has had some impact. | Accepted |
| May 2022 | All cases with a domestic abuse link had received a DASH assessment. | This has seen significant improvement over recent years. | Accepted |
| May 2022 | For all stalking cases a SASH was either completed or considered. Rationale was recorded if a SASH was deemed unnecessary. Members queried if there was any guidance on how quickly a SASH should be completed? | The SASH assessment is used in a slightly different manner to the DASH risk assessment. The SASH does not solely rely on the victim input and requires research. This increases the time taken to complete. We are aware that in many cases the time taken is too long to provide a meaningful impact of the safety plan. This is an area our force stalking co-ordinator has reviewed and the recommendations are due to be reported on in September. | Accepted |
| May 2022 | It was found that on the whole the initial response to both stalking and harassment cases were done in a timely manner. | This is a welcomed observation. | Accepted |
| May 2022 | It was felt that it would be very useful if there was a safeguarding leaflet/ general safeguarding advice information pack that could be given to all victims of stalking. | This is useful feedback. The force has recently developed a covert leaflet that can be provided to victims with which the QR code leads to safety advice. A similar leaflet will be considered specifically for stalking in non-domestic circumstances. | Accepted |
| May 2022 | It was found in cases 3 and 12 that there were some aspects in relation to the investigation that possibly could have been followed-up. | We are grateful for the view of the panel. In relation to both cases feedback has been provided to the officer and supervisor. | Accepted |
| May 2022 | It was found that the crime was incorrectly recorded for cases 6 and 9. | There is currently a conflict between crime recording guidance and the practical consideration of the ‘FOUR’ mnemonic that officers are asked to consider. This is currently under review by the force stalking co-ordinator. Due to the feedback we have requested that the force crime registrar review the two crimes to ensure they meet the home office counting rules for crime recording. | Accepted. |
| May 2022 | It was acknowledged that there is no clear guidance on identifying stalking due to each case being unique. It was however queried whether all officers understand the difference between stalking and harassment? | In spring of 2022 all frontline officers received training in identifying stalking using the FOUR mnemonic as guidance to deciding whether the case is one of stalking or harassment. The training included aspects of the academic research undertaken by Professor Jayne Monckton Smith. In either case the management of risk and investigation standards should be maximised with the Crown Prosecution Service making any final consideration on charging standards. | Accepted |
| May 2022 | It was queried whether the force have champions for stalking or specific points of contact that officers can speak to if they need advice on stalking cases? | The force have stalking champions within each of the local policing areas. They are provided with enhanced training to provide peer support. In addition, the local domestic abuse officers have received advanced training to add resilience to the peers support network. | Accepted |