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Police and Crime Commissioner for Dyfed-Powys

Scrutiny Panel Dip Sampling Exercise Stalking and Harassment Members' Findings & Feedback

August 2024

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1. Overview, Background, Purpose

The Quality Assurance handbook, available on the [PCC's website](#), states the background, purpose and methodology of the Panel.

On the 19th of August 2024, the Quality Assurance Panel (QAP) members met at Dyfed Powys Police Headquarters to review a selection of incidents involving Stalking and Harassment (S&H) records and Body-Worn Videos (BWV), which are small camera devices that police officers use for recording incidents. Video footage and the investigation forms were scrutinised in 3 S&H incidents to assess:

- 1) Whether the officer identified stalking offences in the initial stages with the victim.
- 2) How the officer communicated with and supported the victim.
- 3) Whether the officer considered previous civil order breaches by the perpetrator or implemented a civil order to safeguard the victim.

The purpose of this QAP meeting originates from the OPCC's Deep Dive Review in 2023: *Is Dyfed-Powys Police effectively managing perpetrators of stalking and harassment?*

Within this report, it defines the difference between stalking and harassment as:

"Harassment may include bullying at school or in the workplace; cyber stalking (using the internet to harass someone); antisocial behaviour; sending abusive text messages; sending unwanted gifts; or unwanted phone calls, letters, emails or visits. It's harassment if the unwanted behaviour has happened more than once.

Stalking is like harassment, but it's more aggressive. The stalker will have an obsession with the person they're targeting. Someone you know could be stalking you; an ex partner or a person you were friends with, or it might be a stranger. If it's someone you know, or knew, it doesn't

mean that it's your fault; it's still stalking and it's an offence. Stalking may include regularly following someone; repeatedly going uninvited to their home; checking someone's internet use, email or other electronic communication; hanging around somewhere they know the person often visits; interfering with their property; watching or spying on someone; or identity theft (signing-up to services, buying things in someone's name). It's stalking if the unwanted behaviour has happened more than once. The four warning signs of stalking are if the behaviour you're experiencing is: • Fixated • Obsessive • Unwanted • Repeated".

An input was provided by the new Civil Order Coordinator, who explained his role is to assess the risk, management of the orders and to understand the barriers in progressing them. There are several different civil orders/notices and conditions that can be applied to S&H cases, that include:

1. Domestic Violence Protection Notices (DVPN)
2. Domestic Violence Protection Orders (DVPO)
3. Non-Molestation Orders
4. Stalking Protection Orders
5. Restraining Orders
6. Bail conditions

Some of the barriers that the Civil Order Co-ordinator specified were regarding the turnaround time for civil orders to be implemented. With the exception of a DVPN, civil orders need to be authorised by the courts, who are currently experiencing a high demand. In addition, all civil orders need to be supported by the victim; therefore, if the victim does not provide their consent, this will prohibit the use of safeguarding resources available to the police.

The Civil Order Co-ordinator emphasised the importance of his role in educating and raising awareness amongst officers, to ensure that civil orders are appropriately used to safeguard the victims. The Civil Order Coordinator

August 2024- Review of Stalking and Harassment incidents

works alongside the Domestic Abuse Stalking Perpetrator (DASP) Coordinator, whose role is to review stalking cases by using the Screening Assessment for Stalking and Harassment (SASH); a decision-making aid that assists police in identifying those victims who are vulnerable to a high-risk stalking perpetrator. The DASP coordinator is also responsible for initiating perpetrator programmes to rehabilitate offenders of stalking behaviour through educating them on the impact of their behaviour via programmes such as the Reflecting on Relationships Programme.

Overall, the Panel concluded that the complexity surrounding S&H incidents was greater than anticipated. In previous QAP meetings, the Panel would be asked to review 7-10 cases, with average duration of each BWV lasting approximately 10-15 minutes. In this instance the average length of each video lasted 55 minutes. For each video, this factored the initial contact with the victim, discussion surrounding the Domestic Abuse and Stalking and Harassment (DASH) assessment, the statement taking process and any special provisions required to go to court. The number of cases were also impacted by the volume of information the Panel were exposed to in relation to the investigation case files in order to ascertain if a civil order was considered and whether a previous civil order was breached. This resulted in 3 cases being scrutinised overall.

2. Executive Summary

Below is an overview of findings the Panel identified:

- **Female victims-** The Panel queried whether all victims involved, as part of this scrutiny, were female. The Civil Order Co-ordinator confirmed that since April - August 2024, there have been 9 DVPN issued to female perpetrators.
- **Eye Contact-** The Panel stressed the importance of eye-contact with a victim when establishing sensitive information. Due to the nature and quantity of information disclosed for stalking and harassment offences,

it was felt that officers were frequently concentrating on inputting information onto their mobile device for an extended period of time. This led to some prolonged periods of silence before the next question was asked. The Panel expressed concern that victims may find this period of silence unsettling and emphasised that reassurance through eye-contact would comfort victims. The Panel also considered that officers should explain, at the beginning of the process, the purpose of them utilising their mobile devices; which is to stress the importance of recording victims' responses to questions accurately and efficiently towards the risk assessment and investigation enquiries.

- **No Force emblem background-** Whilst observing the Rapid Video Response (RVR) for the purpose of Domestic Abuse Virtual Response Unit (DAVRU), it was noted that the officer did not have the Force's emblem nor any other form of official identification in the background which was perceived as being unprofessional.
- **Environmental disruption to BWV-** The Panel believe that as officers utilise BWV for evidential purposes, there should be a considered effort to ensure the sound quality is not disturbed. Through the videos observed, the Panel felt it important that officers should, when conducting enquiries or risk assessments, always consider their proximity to the victim and their surroundings in terms of environmental noise. It was suggested that family, friends, children and pets should also be removed to a separate room wherever practical and suitable for the victim's needs, as they can affect the quality of sound of the camera's microphone.
- **Technology difficulties-** It was felt that the handheld mobile device used by officers was an inefficient method of recording crimes/incidents due to its size. The mobile device appeared difficult to navigate and type with for the purposes of obtaining a statement.
- **Civil orders-** Within the three BWVs observed, no officer was heard discussing civil order options.

3. Review of Stalking and Harassment incidents

Case 1

Positives

- The lead officer was heard on the BWV, whilst conferring with their colleagues, confirming that they had identified stalking offences immediately.
- The lead officer displayed excellent empathy towards the victim whilst undertaking the DASH questions. These questions are sensitive and invasive in their nature in order to facilitate an accurate risk assessment. The officer gave the victim appropriate warnings as to the nature of these questions, whilst also providing welfare advice, support and encouragement throughout.
- The victim was supportive of police action and was given appropriate safeguarding advice.
- This was a complex scenario with a counter allegation from the other party. During the BWV, officers displayed sound reasoning and consideration as to the sensitivity of the matter and handling the scenario well.

Negatives

- Inefficient use of mobile data device. The device is considered too small for the purposes of scrolling and inputting information. Whilst the lead officer displayed good empathy, the use of the mobile device appeared to show a lack of reassurance to the victim due to the lack of eye contact.
- In relation to civil orders, the Panel found it difficult to ascertain whether this was in place. It was noted within the investigation paperwork that a Domestic Violence Protection Notice (DVPN) was considered; however, it was not evident whether this was followed up on. The Panel surmised that perhaps as there was a court order in place, this may have therefore required a civil order. At no point was there a discussion heard regarding civil orders during the observed BWV.
- It was noted that the Officer in Case (OIC) did not visit the victim before closing the investigation; however, the Panel surmised that the victim appeared to stop engaging with the police. There were three attempted calls and mention of a letter to the victim with no response; therefore, there was little more the Panel considered could be done on this occasion before the incident was closed. However, the Panel did query the reasons why the victim stopped engaging, which was not recorded on the record they reviewed.
- Due to the proximity of the officer and the victim, it was felt that the family dog had affected the clarity in some of the victim's answers.

The Panel queried whether the dog should have been moved to a different room whilst undertaking initial questioning to ascertain circumstances and proceeding with the DASH.

Queries Raised

- Should there be a consideration from the officers to explain, prior to initiating any recordings of DASH or a statement, that they will be utilising their mobile device to enter data and question responses?
- Could the BWV footage be used for the purposes of translating what is being discussed onto a statement form, similar to downloading a transcript? This would afford officers more time to consider answers and safeguarding the victim.
- Panel members noted that officers queried whether they should consider an SPO and that it took two and half months for the decision to be declined. This appeared to be a lengthy delay and the Panel questioned whether this was considered appropriate given the complexity of the occurrence. Does the Force consider the delay in the investigation to be too lengthy?
- The victim appeared to be supportive of police action at the beginning during the BWV, but the incident was later No Further Actioned (NFA) as the victim stopped responding to calls. Should the OIC had made attempts to visit the victim before deciding to close the incident? Does the Force consider that the counter allegation may have been a factor in the victim withdrawing their engagement with this investigation? Should the victim's rationale for withdrawing their support have been recorded by the OIC?

Case 2

Positive

- It was felt that the response from this officer was very considered. The officer took their time to explain what was happening, what was intended to happen and the reasoning. The officer matched the pace of the victim and was heard apologising for asking sensitive questions which resulted in a good interaction.
- The accompanying officer was overheard discussing safety advice and a behaviour order with the victim's teenage child.
- The investigative document contained a large proportion of safeguarding considerations amongst other measures in relation to the offence of Stalking.
- The officer explained special measures to go to court.
- Within the report, civil orders were considered; however, due to court restrictions and police bail already in effect, it was decided that civil order was not required.
- The victim received a phone call the day after reporting to provide an update, which was considered excellent service.

Negatives

- The family dog was felt to have affected the clarity of some of the victim's answers on the recording. The Panel considered it would be in the interest of the victim and the Force for family pets to be moved to a separate location if possible.
- This was originally handled as a Domestic Abuse (DA) harassment incident but this was subsequently amended to stalking with fear of violence by the supervisor.
- Whilst the officer discussed special measures to go to court, there were no details provided on the type of measures available to the victim; for example, being able to provide their testimony remotely or to use screens in court.
- The device in inputting the victim's answers did not have signal to begin with.
- Whilst asking sensitive questions, there was a prolonged period of silence whilst the officer was inputting the information onto the mobile device. This resulted in the loss of eye-contact with the victim, which the Panel felt was crucial for reassurance and to illustrate empathy.

Queries Raised

- Members of the Panel queried whether victims would prefer to have an officer of the same sex conducting their interview.
- The Panel also noted that photos of some intimate areas regarding were taken to demonstrate bruising, and queried whether an officer of the same sex taking the photos was/should have been explored? Whilst the Panel acknowledged that this is not always possible, it was felt that this option should always be made available to victims of stalking and harassment.

Case 3

Note: The body-worn camera for this incident was recorded remotely as part of DPP's RVR and DAVRU. The process involves police officers remotely calling victims of low level domestic-related incidents.

Positive

- The officer provided a good explanation as to why it was important to get a statement from the victim.
- It was identified that the Alleged Offender (AO) had previously breached bail conditions.
- Due to the virtual nature of this engagement, the victim received a call much quicker than waiting for an officer to take details face-to-face after reporting via 101.
- The officer reassured the victim and explained the process well.
- Within the investigative documents, it was clear that the Force engaged with the Legal Services department to discuss the options of a civil

order.

Negatives

- Due to the way the officer’s camera was positioned and that the officer was working from multiple screens, there did not appear to be much eye-contact. The Panel felt this was important as illustrated earlier in the report.
- The Panel were divided in their views on the virtual nature of the telephone conversation. Whilst some acknowledged its convenience and that certain generations may prefer this method of reporting sensitive information, others expressed concerns regarding its impersonal nature.
- The officer’s clothing was highlighted by members of the Panel. The officer was wearing a hoodie and not a uniform. It was also queried as to why there was no Force emblem in the background of the screen. Whilst one member specified that police emblems might cause issues should the victim wish to conceal the fact they were reporting to the police, others suggested that if this is common practice, the officer ought to have shown their identity badge to prove their identity before commencing the report.
- The Panel considered that the officer appeared to be rushing the victim and that evidence gathering was hurried as a result.

Queries Raised

- For future RVR, should officers have the Force emblem displayed on their background when speaking to the public?
- Should the officer disclose their ID badge to the victim?
- Is there a dress-code associated for officers conducting the RVR?

4. OPCC Comments and Observations

Observations	Force response
<p>Should officers, prior to taking details from victims, inform them that they are being recorded by the BWV and that they will be using a handheld mobile device for the purposes of recording evidence, DASH or a statement?</p> <p>- The Panel felt that the process observed displayed some awkward silences and prolonged entry points while the officer was recording the details.</p>	<p><i>DPP BWV Guidance states that BWV is an overt recording mechanism and when users activate their BWV they should, unless impracticable to do so by reason of the situation, behaviour, or condition of those present make a verbal announcement stating that video and audio recording is taking place. It stipulates that it is good practice to explain the nature of the incident or the reason why the recording has</i></p>

-This contributed to a lack of eye contact, which the Panel feel is essential for reassurance, empathy and to provide an overall good service to victims of sensitive crimes.

been activated. Therefore, it is accepted that officers should explain to the victim that they are being recorded.

In terms of using handheld devices (MDTs), it would be considered good practice to explain to victims that the officer will need to utilise the MDT to record key information regarding their respective allegation/complaint, resulting in accurate records being made. It is recognised that effective communication (including non-verbal cues) is important to rapport building with victims.

Learning and Development have confirmed that new recruits receive training regarding MDT use and are told to be mindful of public perception in terms of its use. Students are advised that they should explain to the public what they are doing (in terms of MDT use) and to give a brief explanation as to what the MDT does. Students are given a full day lesson on communication where they are subject to various scenarios and MDT's do not feature during this training, this is done purposefully to ensure MDT's do not hinder communication. Students are frequently reminded of the need to be mindful of MDT use and how this is perceived. This is especially highlighted during the Vulnerability week, as it shows students how the MDT can be seen as a barrier when dealing with vulnerable victims.

The issues identified within this observation will be included in the impending DA training package that is in the process of being devised for roll out to officers in January 2025.

	<p><i>This will allow good practice to be reinforced with front line staff.</i></p>
<p>In Case 1, the Panel noted that whilst there was a consideration for an SPO which took two and half months to be declined. This appeared to be a lengthy delay in the consideration of a civil order and the Panel wondered whether:</p> <ol style="list-style-type: none"> 1. This contributed towards the victim’s diminishing lack of support of police action. 2. The delay in considering this civil order is considered to be a common occurrence. 3. The counter allegation may have been a factor in the victim waning from their engagement with this investigation? 4. The OIC should have made attempts to visit the victim before deciding to close the incident? 5. Should the victim’s rationale for withdrawing their support have been recorded by the OIC? 	<p><i>Case 1 - it is apparent that the victim did not withdraw her support at any point. The victim provided statements to support the allegation throughout the investigation. The matter was NFA’d due to evidential difficulties unconnected to any victim withdrawal. Given that the victim was entirely supportive, and no withdrawal occurred, there would be no requirement to obtain a statement of withdrawal nor a requirement to document any rationale/reasons why.</i></p> <p><i>Domestic Abuse Policy States that where a victim indicates that they wish to withdraw their support for the prosecution process, a statement should be taken stating and describing any reasons for the withdrawal. That said, there victim did not withdraw her support in this case.</i></p> <p><i>Clarity is needed regarding how the panel believed victim engagement waned – the counter allegation was made in the suspect interview on the 16/05/24, the victim was contacted on the 17/05/24. The OIC documented that they were unable to progress enquiries due to competing demands and returned from annual leave until the 3/06/24, where an NFA decision was made on the 06/06/24, 3 days later.</i></p> <p><i>Whilst we acknowledge the benefits of face-to-face engagement with victims, visiting the victim prior to finalising the incident is not required as standard procedure in any relevant Policy (Stalking & Harassment</i></p>

	<p><i>and Domestic Abuse). Any visit (or lack thereof) is not a contributory factor in any decision to withdraw support in this case as the victim was fully supportive of Police action throughout.</i></p> <p><i>In terms of consideration for SPO, Policy states that the use of orders (such as SPO) should be considered from the outset. Early engagement with Legal Services and/or the Civil Co-ordinator is recommended. The crime was recorded on the 16/03/2024 and the DASP officer endorsed the Occurrence Enquiry Log (OEL) noting consideration for an SPO on the 15/04/2024, where an email requesting review by legal services was sent on the same date. Legal Services replied to this request a month later with views pertaining to challenges as to why an SPO could not be considered. An SPO was considered by the DASP and early engagement with Legal Services occurred in this case.</i></p> <p><i>Legal Services acknowledge that the period between referral and response was outside of intended response times. This case was an exception rather than the norm, which was indicative of the resourcing challenges faced within Legal Services at the time.</i></p> <p><i>It is important to note that the instructions received by Legal Services were considered insufficient and as such, time was spent on having to research the case in its entirety. This is something we are working to address, working with the Civil Order Co-ordinator in his work with operational colleagues.</i></p> <p><i>Upon review, it is not apparent that decisions or delays around the civil</i></p>
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	<p><i>order had any bearing upon the victim’s decision to support as this was maintained throughout.</i></p> <p><i>To provide reassurance, the force DASP officer checks Stalking crimes daily and endorses each Stalking occurrence and generates a task to the OIC regarding SPO consideration. This avoids unnecessary delays and should provide reassurance that delays are not a common occurrence.</i></p>
<p>In Case 2, members of the Panel queried whether the victims were advised to consider if they wanted to have an officer of the same sex conducting the interview. The Panel noted that photos of intimate areas were taken to demonstrate bruising, and it was unclear whether an officer of the same sex was explored?</p>	<p><i>In this case, two male officers responded to the call. The officers attended during the early hours of the morning and there was only one female officer on duty at the time covering the Brecon area of Powys.</i></p> <p><i>The need to secure evidence would have been balanced against the need to offer the option of a same sex officer to take the photographs.</i></p> <p><i>In any case, areas photographed were the foot, the leg and the hip to evidence bruising.</i></p> <p><i>These aforementioned areas would not normally be considered intimate, in terms of photography and the requirement to have an officer of the same sex taking photographs. If the victim had requested for photographs to be taken by an officer of the same sex, the victims’ views would be taken into consideration, and this would be arranged.</i></p> <p><i>Photography of intimate areas would be taken by a Crime Scene Investigator of the same sex.</i></p>

The Panel had the following observations in relation to the RVR:

1. Should officers have the Force emblem displayed on their background when speaking to the public?
2. Should the officer disclose their ID badge to the victim?
3. Is there a dress-code associated for officers conducting the RVR?

The RVR Officer Procedure Guidance states that officers should be dressed in uniform if normally a uniformed Police Officer and suitable smart civilian clothing if their normal duties require the wearing of plain clothes, wearing their ID badge, with a clear, suitable background.

It is therefore accepted that the hoodie worn by the officer within the call did not comply with the requirements set out in the guidance and this has been shared with the DAVRU Chief Inspector & Inspector to ensure compliance moving forward. For reassurance, the wearing of uniform is commonplace within the DAVRU unit, and the wearing of the hoodie would have been an isolated occurrence.

If the officer is wearing Police uniform, there is no requirement for them to show their ID badge, however if they were not in uniform, there would be a requirement for them to do so.

The display of the force emblem is avoided (which is guidance provided by Kent Police) when engaging with victims. This is in order that the victim (should they be discovered engaging in the RVR call) could state that they were on the call to the GP, for example, as opposed to the Police as engaging with Police could make matters worse for victims.

