

CONSULTATION RESPONSE

TO	The Home Office
FROM	Independent Police Complaints Commission
REGARDING	Consultation - Introduction of a Stalking Protection Order

The IPCC and its remit

The IPCC's primary statutory purpose is to secure and maintain public confidence in the police complaints system in England and Wales. We make decisions independently of the police, government and interest groups. We investigate the most serious complaints and incidents involving the police across England and Wales, as well as handling certain appeals from people who are not satisfied with the way the police have dealt with their complaint.

The IPCC was established by the Police Reform Act 2002 and became operational in April 2004. Since that time our remit has been extended to include:

- certain specialist police forces (including the British Transport Police and the Ministry of Defence Police).
- Her Majesty's Revenue and Customs (HMRC);
- staff who carry out certain border and immigration functions at the Home Office;
- the National Crime Agency (NCA), and previously the Serious Organised Crime Agency (SOCA);
- in London, the Mayor's Office for Policing and Crime (including the Mayor and any Deputy Mayor for Policing and Crime); and,
- Police and Crime Commissioners and their deputies.

The majority of allegations against the police are dealt with by the relevant police force (or other body) without direct IPCC involvement. However, certain types of complaints and incidents must be referred by the police to the IPCC. These include where someone has died or been seriously injured following direct or indirect contact with the police, as well as allegations of serious corruption, serious assault, criminal offences or behaviour liable to lead to misconduct proceedings which are aggravated by discrimination, and other serious criminal offences. We then decide whether it is necessary for the matter to be investigated and, if so, what level of involvement we

should have. We may choose to conduct our own independent investigation, to manage or supervise a police investigation, or decide that the matter can be dealt with locally by the police without IPCC involvement.

The IPCC's comments on the consultation

The IPCC broadly welcomes the proposal to introduce a civil stalking protection order and believes that if appropriately interpreted and utilised, it will afford additional protection to victims of stalking.

The IPCC has completed a number of investigations that have included stalking behaviour however, the majority have involved victims and perpetrators who are, or have been, within an intimate relationship.

We note that the new proposals are primarily aimed at victims of stranger stalking but we are of the opinion that the learning gathered through our investigations can meaningfully inform this consultation.

Recognising Stalking Behaviour

The consultation document highlights the need for stalking offending to be explicitly recognised and labelled as stalking at the earliest opportunity. Often, those receiving unwanted attention will not self identify as a 'victim' and the opportunity to take early action may be lost. It is essential that information is readily available to educate and inform the general public, raise awareness of stalking and to encourage early reporting and intervention to take place.

The IPCC has investigated a number of cases which have highlighted the lack of appreciation amongst police officers and staff of how stalking can manifest itself, in particular, how seemingly 'innocuous' contact can form the basis of stalking behaviour.

This has meant that early opportunities to take preventative action have been lost. The effectiveness of the new stalking protection order would rely on stalking behaviour being recognised from the outset and overtly labelled so that this tool can be effectively used to prevent fixated behaviour from escalating.

Training

The IPCC often deals with issues which have come about as a result of insufficient or inappropriate training. It is essential that with the introduction of any new measures, police officers and staff receive appropriate and thorough training to ensure understanding of what the stalking protection order can deliver and when its use is appropriate. This training should not be restricted to specialist units, such as the public protection unit, but cascaded throughout the force to ensure that those responding to initial calls, or in response to breaches of the order, are able to provide a decisive and appropriate response.

Additional features

There is value in the stalking protection order having additional features such as banning a perpetrator from a specific area or location. We would however caution that any additional restrictions would need to be clearly and quickly communicated to the police so that any breach can be speedily identified and acted upon.

Consideration would also need to be given as to how and where specific information contained within the stalking protection order should be stored and accessed. We have dealt with cases where emergency calls are responded to without front line officers being provided with relevant information, including the presence of restraining orders and non-molestation orders. This means that whilst an order may be in place, it is not acted upon as the officers are either unaware of it or unclear of the action they can take.

Independent Police Complaints Commission
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