

An inspection of the prosecution of stalking cases by the Crown Prosecution Service (CPS)

A. Introduction

According to the Office for National Statistics (ONS), one in seven people aged 16 and over in England and Wales has been a victim of stalking at least once, with women and younger people the most commonly affected¹. It is an offence that has a significant, deep and long-lasting impact on victims and how they live their lives. In its extreme form it can lead to violence or to victims fearing violence and can make them feel unsafe in their own homes, at work or at school.

Stalking is a strand of the government's mission to address violence against women and girls, with further proposals being considered to afford greater protection to victims by giving them the right to know the identity of their stalker at the earliest opportunity.

Given the impact of stalking behaviour on victims, it is imperative that cases are considered carefully and thoroughly to ensure that stalking offences are charged and prosecuted wherever the evidence supports such a charge.

B. Background

In 2017 a joint inspection was carried out by HMIC and HMCPSI into harassment and stalking – *“Living in fear – the police and CPS response to harassment and stalking”*². In that report a number of recommendations were made to improve performance, many of them to the CPS.

In 2022, the London Victims' Commissioner called for the Mayor's Office for Policing and Crime (MOPAC) to carry out research into the Metropolitan Police Service's (MPS) response to stalking victims in London. To address the Commissioner's request, MOPAC's Evidence and Insight team carried out a review of a sample of cases involving stalking offences. This review was published in 2024: The London Stalking Review 2024 – MOPAC Research.

London's Victims' Commissioner issued a response to the MOPAC review *“Reflections and Recommendations from London's Victims' Commissioner”*³ which recommended that HMCPSI should undertake a national inspection of the CPS response to stalking.

In December 2024, HMCPSI published *“An examination of cases referred to the Crown Prosecution Service included in the London Stalking Review 2024”*⁴. This report carried out a review of the cases that were considered as part of the London Stalking Review 2024 and examined the quality of the decisions on charge in cases that were submitted by the police to

¹ [‘I feel like I am living someone else’s life’: one in seven people a victim of stalking - Office for National Statistics](#)

² [living-in-fear-the-police-and-cps-response-to-harassment-and-stalking.pdf](#)

³ [London Stalking Review 2024 \(1\).pdf](#)

⁴ [Stalking-Report.pdf](#)

the CPS for a charging decision. Due to CPS file retention policies and the police not continuing to seek charge in some cases, we assessed the quality of the legal decision making in 11 out of the 41 cases that were considered in the MOPAC review. This report provided a small snapshot of how charging decisions on stalking cases are handled by the CPS, with it being recognised that this does not necessarily reflect the national picture as the cases reviewed were cases referred by the Metropolitan Police and therefore dealt with by one of two CPS Areas: London North and London South.

Given the importance, priority and impact of stalking offences on victims and the wider public, part of HMCPSI's Business Plan proposed that we carry out an inspection that would draw on findings from the 2024 report to carry out a thematic assessment of the quality of the CPS's legal decision making and case management in cases involving stalking offences. This inspection will draw on the previous recommendations made for the CPS and assess progress and whether any change made by the CPS has had impact.

C. Victims' Voice

The impact on victims of any crime can be significant. Stalking crimes are particularly damaging and pervade all sections of society. The impact on victims' day to day lives can be devastating and, in some cases can give rise to an escalation of behaviour that can result in violence or homicide. Stalking is often pervasive and can have a huge impact on the mental health of victims, and their relationships with others.

It is important that as part of HMCPSI's inspection work we understand the impact both crimes have on victims and what their experience of the criminal justice is. This will help us as we assess the CPS's approach to stalking cases and how they support victims. Our recommendations should, where appropriate, drive to improve the service provided to victims by the CPS.

With stalking offences in particular, the patterns of behaviour, their context, any escalation in behaviour, and the impact of the behaviour need to be understood by prosecutors to ensure that the most appropriate charges are being selected. The 2017 report found that *"both police and prosecutors continue to treat incidents as a single event, and therefore the patterns of behaviour are not properly understood. As a result, the severity, continuity and escalation of the offending are sometimes overlooked"*. In 2017 we found 'undercharging' where some cases were not charged at all, or fewer or less serious offences were charged. This inevitably will have a serious impact on victims and their confidence in the criminal justice process, as well as potentially a direct impact on their personal safety.

Eight years on, this inspection will focus on how the CPS prosecutes stalking cases and the impact it has on victims. We have engaged with members of the National Stalking Consortium⁵ to gain an understanding of the issues and concerns victims of stalking raise about how the

⁵ [National Stalking Consortium](#)

CPS deals with cases involving stalking and harassment. We have used this valuable insight to assist us in shaping the scope.

D. Inspection question

How effective is the Crown Prosecution Service (CPS) in charging, building and prosecuting strong cases that support and protect victims of stalking?

E. Objective

To assess the overall service provided to victims of stalking. To assess the CPS's strategy around prosecution of stalking and harassment cases. To assess the quality of casework including legal decision making and the effectiveness and efficiency of case progression, and whether prosecutors are equipped (using CPS guidance and policy) to deliver effective legal decision making in stalking and harassment cases.

F. Inspection criteria

We will assess the following sub-questions:

File submission

- i. Does the police file submission comply with the National File Standard for the type of case?⁶

Are the correct stalking offences being identified by the police as the most appropriate potential charges? Legal Decisions

- i. Is there consistency between the charges proposed by the police and those authorised by the CPS?
- ii. Does the CPS select the correct charges, supported by the evidence in cases of stalking, harassment, and breach of protective orders?
- iii. Does the CPS apply relevant guidance correctly to assist them in making charging decisions?
- iv. Does the CPS take a suspect-centric approach and consider the overall impact of the suspect's conduct on the victim?
- v. Are appropriate ancillary applications such as bad character and hearsay utilised to strengthen and support cases?
- vi. Where decisions are made not to charge, has the CPS pursued all reasonable lines of enquiry and other relevant aspects of case building?

⁶ [Director's Guidance on Charging, sixth edition, December 2020, incorporating the National File Standard | The Crown Prosecution Service](#)

vii. Where there are significant developments in stalking cases that affect the case strategy, does the CPS conduct an effective review of the case and make decisions in accordance with the AG's guidelines and the Code for Crown Prosecutors?⁷

Case Progression Does the CPS effectively and efficiently progress stalking cases pre- and post-charge?

Victims and Witnesses

- i. Does the CPS consider measures to assist victims to obtain appropriate support at court and to enable them to give their best evidence?
- ii. Does the CPS consider any witness care unit communications in a timely manner and take any action necessary to support victims and witnesses?
- iii. Does the CPS make appropriate applications in respect of bail and protective orders to ensure that victims are properly protected?
- iv. Are the CPS communicating with victims at appropriate stages of their case, and is this communication accessible?
- v. Does the CPS provide adequate information to the police if the decision is made not to charge an offence to enable the victim to properly exercise their right to review?
- vi. Does the CPS comply with its responsibilities under the Victims' Code in respect of victim personal statements, victim communication and liaison letters and the speaking to witnesses at court protocol?

Court services

- i. Was the court able to support the victim through appropriate facilities, including live link and pre-trial visits?
- ii. Does the Witness Care Unit liaise with the court prior to the trial to ensure support options are utilised?

Partnership Working

- i. Does the CPS work effectively with criminal justice partners at a strategic level to identify and resolve barriers to effective casework, build evidentially strong cases and improve the experience of victims?

⁷ A significant development includes consideration of accepting pleas to lesser offences, a review of the case after a key witness disengages and receipt of undermining unused material.

- ii. Does the CPS effectively engage with third sector organisations at both local and national levels to contribute to the development of stalking policy and guidance and to support continuous learning?

Quality Assurance/Training

- i. Does the CPS provide adequate training and legal guidance to prosecutors to enable them to effectively prosecute cases of stalking?
- ii. What assurance does the CPS undertake within Areas and nationally to identify and promote good or best practice?

G. Methodology

This inspection will focus on the performance of CPS. The inspection will include several methods of evidence gathering.

We have engaged with the National Stalking Consortium (NSC) as we have developed this scope. There will be further engagement with the NSC at the later inspection stages.

File examination and question set

The inspection will include a file examination. A sample of cases involving stalking, harassment, and/or breaches of protective orders will be drawn from all 14 CPS Areas and examined against a question set and guidance. The question set and accompanying guidance will be based on the CPS stalking or harassment guidance, policy and protocol.

The file sample will consist of 350 files in total. We will examine 25 files from each CPS Area as follows:

- a) Eight magistrates' courts and six Crown Court stalking cases from each geographical CPS Area.
- b) Three magistrates' courts and two Crown Court harassment cases from each CPS Area.
- c) Two magistrates' courts and one Crown Court case charged as breach of protective order from each CPS Area.
- d) Three stalking cases from each CPS Area where 'no further action' (NFA) is taken, including any subsequently re-opened following a successful VRR;
- e) A mix of domestic abuse and non-domestic abuse cases; and not include cases charged as controlling and coercive behaviour.

An internal consistency exercise will be held in the early stages of the file examination phase to test the question set and consistency across the inspection team. We will also hold an external consistency exercise with the CPS.

The lead inspector and, if appropriate, an inspector appointed as quality assurance lead, will carry out dip sampling during the file examination phase. The minimum number of cases to be dip sampled will be 53 (15% of the total file sample), which will be spread as required across the inspection team.

CPS Areas to be visited

Four CPS Areas will be selected for 'on-site' activity as part of this inspection. On-site activity will provide the opportunity for the inspection to gather and test evidence relating to training, staff understanding of the guidance and the Victims' Code, approach to stalking cases, and partnership working.

Mersey-Cheshire, Yorkshire & Humberside, and, most recently, Wessex are involved in a pilot whereby victims of DA related stalking are dealt with by the Enhanced Service teams. The proposal is for non-DA related stalking victims to fall within the Enhanced Service teams in due course; currently these are dealt with by the Universal Service team.

Due to recent extensive inspection activity, we will not visit Yorkshire & Humberside. Mersey-Cheshire and Wessex will be visited due to their involvement with the pilot. The four Areas to be visited are:

- CPS Mersey-Cheshire, in a performance report for DA offences referred to a stalking workshop to be delivered by the lead.
- CPS Wessex also holds a DA/stalking Joint Operational Improvement Meeting (JOIM) quarterly which will allow evidence gathering into the effectiveness of that.
- CPS East Midlands will also be visited. This will provide the opportunity to assess how stalking cases are progressed in a diverse region comprising both urban and rural areas.
- CPS Thames & Chiltern will be visited as it is one of five CPS Areas currently authorising a higher proportion of stalking cases compared to harassment cases.

Interviews and focus groups

CPS Headquarters and National interviews:

- National stalking legal lead
- National stalking policy lead
- Universal Service Team lead/s
- Enhanced Service Team lead/s

CPS Area Interviews and Focus Groups (four Areas)

- Area Stalking Leads
- Senior District Crown Prosecutors
- District Crown Prosecutors

- Prosecutors (Crown and Magistrates' Court)
- Inclusion and Community Engagement Managers (ICEMs)

Documents

The following documents will be requested from the Areas included in the on-site phase:

- Copies of any stalking and harassment training materials developed locally in addition to national training and records of attendees.
- Agenda and minutes from the three most recent local scrutiny panels where stalking and harassment cases have been discussed.
- Agenda and minutes from the three most recent case management panels involving stalking and harassment cases, if any.
- Details of any recent IQAs that have considered stalking cases, limited to five each from the Crown Court and magistrates' courts teams respectively.
- Volumes of stalking cases subject to VRR for 2024

The following documents will be requested from CPS Headquarters

- Copies of national training materials and records of attendees
- Confirmation of when training was delivered to Areas

H. Proposed timescales and resources

The inspection team will consist of the lead inspector plus four legal inspectors. It is anticipated that the inspection team can examine two prosecution cases per day and would require 175 inspector days. With four inspectors, that would equate to a file examination period of 43.75 days or 11 working weeks.

The following proposed timescale sets out the anticipated stages of the inspection:

- 16 December 2025 – Scope finalised and shared with CPS.
- 22 December – Commissioning letters to CPS Areas and Headquarters
- 5 January 2026 – Inspection commences
- 13 April onsite phase and post onsite evaluation
- 18 May report writing and QA process
- 29 June draft report to CPS for comment on factual accuracy
- 13 July pre-publication phase
- Autumn 2026 – Publication of report

I. Risks

We appreciate the ongoing burdens on the CPS at the present time and have designed this inspection to be tight and focused. We will endeavour to ensure the impact is mitigated as

best as we can. We will endeavour not to hold the external consistency exercise or interviews and focus groups during periods of peak leave.

J. Wellbeing

This inspection may include the review of casework that contains distressing content. Most inspectors involved in this inspection will have previous prosecutorial and/or inspection experience dealing with cases of this nature. All inspectors will be supported throughout the inspection, and we will comply with the HMCPSI internal wellbeing programme.

K. Equality Impact Assessment (EIA)

We have considered the impact this inspection is likely to have on disadvantaged groups or individuals with a protected characteristic. There is no indication that any groups or individuals are likely to be impacted by this inspection. Therefore, it is not anticipated that a full Equality Impact Assessment is required at this stage. This will be kept under continuous review during the course of the inspection.