

## Joint NPCC and CPS Checklist – For Use by Police Forces and CPS in Cases of Harassment or Stalking

**Date:**  
**Staff number:**

**Officer in case:**  
**Case reference:**

The Police are to complete each box on the Checklist and send to the CPS in every case where charging advice or a charging decision is sought. The form is an important part of the evidential file - it should be fully and accurately completed. If the case also involves Domestic Abuse (DA) then the DA checklist should also be completed. This form does not replace the DA check list, but complements it.

Ensure that: timely decisions are made; a charging checklist is completed for each complainant (where more than one is involved); and the overall allegation is considered through the assessment of all available evidence, including the role and behaviour of the suspect.

The checklist **does not** replace the MG3, but should supplement it. The CPS should comprehensively endorse the MG3 including addressing any evidential weaknesses.

The safety of complainants, their friends, children and dependents is paramount. The risks to them must be carefully considered in these cases. Where possible, referrals to Independent Stalking Advocacy Caseworkers (ISACs), Independent Domestic Violence Advisors (IDVAs), or equivalent specialist service support should be made at the earliest possible opportunity.

The Police must refer to the College of Policing Authorised Professional Practice [here](#). Further information about charging cases of stalking or harassment is available [here](#). Further information charging cases of domestic abuse cases is available [here](#).

POLICE OFFICER - Before starting this checklist have you collected all available evidence, and have you given consideration to the wider pattern of behaviour, its cumulative impact and the context of the behaviour? Please ensure that <b>all documentation</b> referred to in the checklist is included with the file i.e. risk assessments, statements etc	YES	NO	COMMENT*
In cases of stalking, there is a pattern of unwanted, fixated and / or obsessive behaviour which is intrusive. It could be harassment that amounts to stalking or stalking that causes fear of violence or serious alarm or distress. Have you considered why this case <b>does not</b> meet the description of stalking?	<input checked="" type="radio"/>	<input type="radio"/>	
Risk screening / risk assessment tool	<input checked="" type="radio"/>	<input type="radio"/>	
101 / 999 Call	<input checked="" type="radio"/>	<input type="radio"/>	
101 / 999 Call supplied to CPS Direct	<input checked="" type="radio"/>	<input type="radio"/>	
Body Worn Video	<input checked="" type="radio"/>	<input type="radio"/>	
Complainant's statement - refer to all previous incidents if relevant and the impact the behaviour has had on the complainant)	<input checked="" type="radio"/>	<input type="radio"/>	

Photographs; of tangible evidence such as damage <b>and any injuries</b> (taken over time as injuries develop). Photographs of perishable items i.e. flowers. Consider screenshots of text messages electronic communications etc. Consider <b>CSI advice</b> .	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Admissions – especially were admissions are made about contact via social media.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Medical evidence / DNA (if available at the time); signed consent form; medical exhibits i.e. hair, presents	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Other statements – children, attending officer, disposition of complainant/suspect, IDs of other persons present, and if relevant neighbours, family members, doctors, employers and work colleagues as well as specialist	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Passive data/Comms data/Financial data e.g. data mining foot prints, social media/other electronic evidence, messages, diaries, spyware technology, apps, bank-records CCTV. Check all devices for incoming and outgoing data, WIFI and cell site data, including spyware (NB: communications data can be collected retrospectively from the service provider)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Relevant information to include from Police Records.</b>			
	YES	NO	COMMENT*
Risk of reoffending. Any previous risk screening / identification checklist with outcome	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Any civil orders/proceedings and whether there has been previous breaches in any previous case (including DVPOs / DVPNs/PINs/court bail).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Any previous allegations (with URNs and including other complainants) and how these allegations were concluded (if case did not proceed why not?) DVDs.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Police to inform CPS of any breach or further offences, submit files to CPS and supply interview record in a	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Were any firearms used? Does the suspect or members of the household have a firearms licence or are there any intelligence reports linking the suspect and/or household members to weapons?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Information regarding the complainant and/or incidents.</b>			
	YES	NO	COMMENT*
Victim Personal Statement; if the complainant wishes to provide one (which should be updated throughout case proceedings and include the impact).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Safety of complainant (complainant's views and specialist support service views if applicable).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Whether complainant has been contacted by suspect/ friends/family whether contact is supportive or intimidating – detail within comments section.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Counter allegations/defence.	<input type="checkbox"/>	<input type="checkbox"/>	
Information to support an application for bad character	<input type="checkbox"/>	<input type="checkbox"/>	
Restraining Order – does the complainant want one and if so with what terms?	<input type="checkbox"/>	<input type="checkbox"/>	
Bail conditions that do not restrict the complainant and any children. Include locations to avoid.	<input type="checkbox"/>	<input type="checkbox"/>	
Withdrawing support/retraction. There may be a number of reasons why the police might be asked not to proceed further including fear of further harm or repercussions. See CPS Legal Guidance for further information and steps to follow including the need for an officer's statement on the appropriateness of a summons.	<input type="checkbox"/>	<input type="checkbox"/>	
Ability/willingness of complainant to attend court, give evidence and any special considerations.	<input type="checkbox"/>	<input type="checkbox"/>	
Special measures needed? And type (views of complainant and specialist support service) need to	<input type="checkbox"/>	<input type="checkbox"/>	

\* The comment box **must be completed** if no evidence available or if the section is not applicable

### CPS Prompts for Prosecutors

Prosecutors must refer to the CPS [Legal Guidance on Stalking and Harassment](#)  
The table below provides some helpful prompts for prosecutors to consider and record in the MG3 and any case review

Provision and <b>gathering of wider information</b> in addition to this evidence gathering checklist.
If further evidence is required from the police ensure this is articulated in a clear and concise action plan, and discussed with the Officer as appropriate.
Find out whether there are any concurrent or imminent public law or private law family proceedings or civil proceedings and remedies involving the complainant or suspect.
<b>Assessing the suspect/defendant.</b>
Consider in every case of harassment that is referred through if this is a case of stalking?
Ensure timely applications for; admissions, hearsay evidence and/or bad character.
Has the credibility of the defendant been fully considered? E.g. Are there any previous instances of misconduct/convictions. Check CPS systems including CMS?
<b>Do any of the statutory defences apply?</b>
<ul style="list-style-type: none"> <li>- Was the behaviour pursued for the purpose of preventing or detecting crime;</li> <li>- Was it pursued under any enactment or rule of law or to comply with any condition or requirement imposed by any person under any enactment; or</li> <li>- In the particular circumstances of the case was the pursuit of the course of conduct reasonable?</li> </ul>
Are there any other possible defences?

A plea to harassment in place of one of stalking should only occur on the rarest of occasions. When considering the acceptability of pleas has proper consideration been given to CPS [Legal Guidance](#) and the [Attorney General's Guidelines](#)?

**Victim and witness support** following a decision to charge.

Victim Personal Statement obtained and updated throughout the case progression.

Timely consideration of; special measures, Pre-Trial Witness Interviews, expert evidence and other support measures.

Identification and consideration of vulnerabilities (BME, physical or mental impairment, LGBT, age).

On-going communication through Witness Care Units/other specialist services on case progression and any other useful information.

Where there is a withdrawal or retraction; see CPS Legal Guidance for further information on the possible reasons including fear or coercion, which should be fully explored with complainant/WCU/Specialist support.