

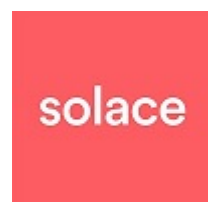
# Examining the Victim's Right to Review by police in stalking and harassment cases: report of FOI findings

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June 2021



## DISCLAIMER

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# Executive Summary

## i. Introduction

Crime survey data for England and Wales suggests that around one in six adults has experienced stalking since the age of 16 – 19.9% of women and 9.6% of men (Office for National Statistics, 2020). Stalking lacks a “strict legal definition” but Alison Bird, Clinical Stalking Lead at Solace Women’s Aid, defines it as:

### **Stalking**

A pattern of fixated, obsessive, unwanted and repeated behaviour which is intrusive and causes serious alarm and distress and/or fear of violence to the victim.

Stalking is a ‘course of conduct’ offence, which means that it is not defined by a single unwanted or intimidatory act but comprises a series of incidents (two or more) which may individually appear routine or innocuous. For this reason, stalking cases remain “difficult to prosecute” (CPS, 2018). It is therefore critical for police to look at the totality of the behaviours and not incidents in silos. Contextual evidence from survivors suggests that stalking victims are sometimes left feeling misunderstood after reporting, with the significant impacts associated with ongoing stalking going unrecognised or unacknowledged: *“I didn’t understand most of the police actions as they were not explained to me directly. I felt hurt and like my case wasn’t important anymore”* (‘D’, a stalking survivor).

Laws related to stalking have advanced significantly over the past 25 years, with the introduction of The Protection from Harassment Act 1997 (PHA 1997), and the Protection of Freedoms Act 2012. These laws have afforded greater recognition and protection for victims (CPS, 2018; Harris, 2000; Scott & Sheridan, 2011). However, evidence suggests that there is an ongoing recording gap, with stalking offences often being mis or under-recorded by police (Suzy Lamplugh Trust, 2018).

It is worth noting that when campaigners proposed the stalking legislation it was intended to be a standalone piece of legislation. However, the crime of stalking was introduced within the Protection from Harassment Act 1997 – thus further muddling it with harassment. This is a continued point of discussion with the stalking experts who sit on the National Stalking Consortium<sup>1</sup>. The Victims’ Right to Review (VRR) enables complainants to challenge police decisions, granting stalking victims who believe that their cases have been mishandled an additional avenue for seeking justice.

VRR requests lodged with the police have six possible outcomes:

1. The original decision to take no further action is upheld

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<sup>1</sup> The National Stalking Consortium was formed in 2014. It is a collaboration of organisations that focus on stalking, which aims to identify and rectify gaps in provision for victims of stalking, and improve responses to stalking across the statutory and voluntary sectors. The consortium’s work is “informed by the experiences of victims and robust academic research” (Alice Ruggles Trust, 2021).

2. The original decision to take no further action is overturned, and proceedings are started against the suspect
3. The original decision to take no further action is overturned, and the suspect is dealt with by an out of court disposal
4. The original decision to take no further action is overturned, and the case is referred to CPS for a charging decision
5. Police decide to make further enquiries before the reviewing officer makes a decision
6. The original decision to take no further action is overturned, but the statute of limitations has elapsed so police cannot start proceedings.

This report will examine the extent to which people affected by stalking are making use of the VRR, and how it is shaping outcomes in stalking cases. It will also reflect on how police recording and retrieval procedures affect the accessibility and reliability of information obtained via FOI requests.

## ii. Research Approach

In order to assess the extent to which the police VRR is being used in stalking and harassment cases, and how it is shaping outcomes for survivors, we submitted Freedom of Information requests to the CPS Information Access Team and 49 police forces across England, Wales, Northern Ireland and Scotland. It is important to note that, as we did not receive a FOI disclosure from the CPS Information Access Team, this report is based on findings from responding police forces only.

Query	Rationale
<p>1. In conjunction with the University of Suffolk, we are looking at the Victims' Right to Review in stalking or harassment cases</p> <p>Firstly, we would like to establish how many VRRs (under the enhanced Code) police forces individually have received for stalking/harassment cases (for the years listed individually below)?</p>	<p>1. To determine the extent to which stalking and harassment survivors are aware of/making use of the VRR, and how this has changed since its inception</p>
<p>2. Secondly, of those police VRRs received we would like to know how many VRRs have been upheld by police and how many have been declined?</p> <p>How many that were upheld then succeeded to a prosecution by CPS?</p> <p>This would be for the:</p> <ul style="list-style-type: none"> <li>• Year 2013 – the year VRR came into place (5<sup>th</sup> June)</li> <li>• Year 2014</li> <li>• Year 2015</li> <li>• Year 2016</li> </ul>	<p>2. To determine the extent to which VRR requests are changing outcomes in stalking and harassment cases, and how this has changed since its inception</p>

- |   |  |
|---|--|
| <ul style="list-style-type: none"><li>• Year 2017</li><li>• Year 2018</li><li>• Year 2019</li><li>• Year 2020</li></ul> |  |
|---|--|

### iii. Ethics

The focus of this report is the aggregated FOI responses from police, what these can tell us about the extent to which the VRR is being used by complainants and the impacts it has had on outcomes in stalking and harassment-related cases.

Research based on FOI requests is not typically subject to formal ethics review due to the nature of the information sought; that is, publicly accessible or requestable data that has already been carefully vetted and risk assessed by a public body's own "bureaucratic regime" before being released to researchers (Walby & Luscombe, 2018: 3). As such, the risk to individuals that may be associated with other forms of empirical social research is largely circumvented.

However, by initially relying exclusively on police data, researchers encountered an equal and opposite ethical risk. While our data could tell us what was happening (there had been a substantial increase in VRR requests, the majority of which were either declined or resulted in the original NFA decision being upheld) the human meaning and impacts of these numbers were absent from the analysis.

In order to correct this gap and supplement our understanding of the FOI responses while remaining mindful of survivors' rights to anonymity, confidentiality and autonomy, researchers reached out to Independent Stalking Advocacy Caseworkers (ISACs) based in a specialist domestic abuse organisation. These ISACs acted as intermediaries, informing survivors about the research and giving them the opportunity to respond, in writing, to a short survey on their experiences of the stalking and the VRR.

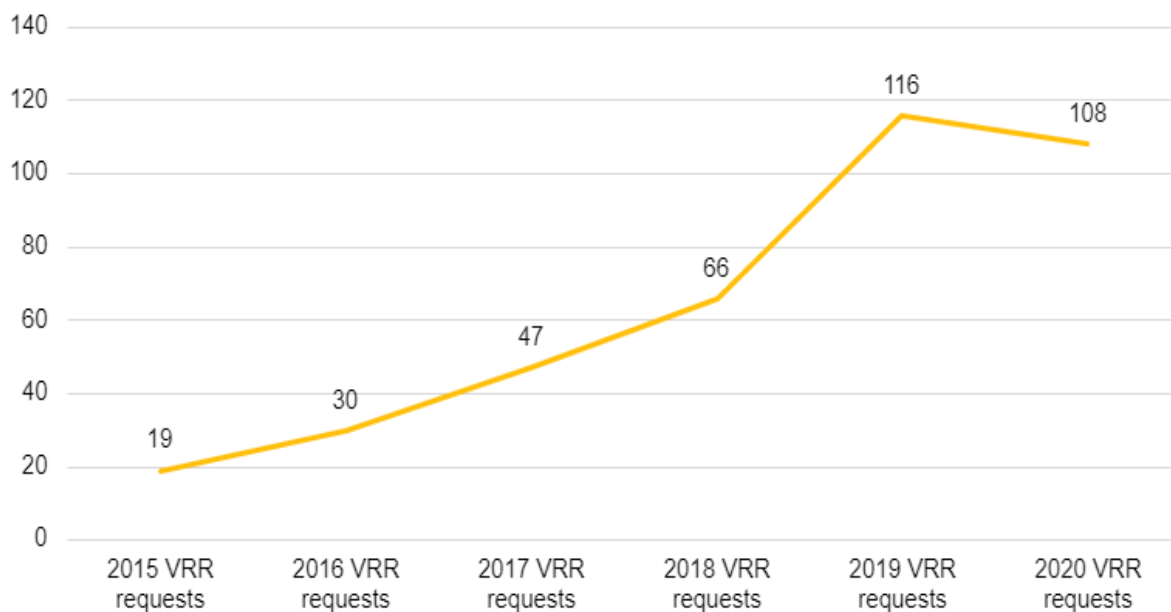


## iv. Key Findings

### iv.i. Quantitative (FOI Returns)

We received disclosures from 27 police forces. 17 forces and the CPS Information Access Team responded to our query with refusal notices or non-disclosures.

Responding police forces reported receiving a combined total of 386 VRR requests related to stalking and harassment offences from 2015-2020. Responding forces saw a steep rise in VRR requests during this period, with more than a 500% increase from 2015 to 2019.



Available data for 2020 shows a slight decline (108 requests). However, as our FOI request was submitted in July 2020, with 18 of the 27 disclosures received by 29 September 2020, the data from 67% of responding forces does not include figures for the October-December quarter. This suggests that the final number for 2020 is likely to be greater than that presented in Figure 1.

The reported outcomes show that the majority of VRR requests resulted in either the original NFA decision being upheld (the outcome for around 54% of all VRR requests received 2015-2020) or the request being found to be ineligible/out of remit for the police VRR scheme (22.5% of all requests). Only 1% of requests received from 2015-2020 resulted in the original NFA being overturned and proceedings started against the suspect, while just over 4% were referred to CPS for a charging decision.

<b>Outcome</b>	<b>#</b>	<b>%</b>
Original NFA decision upheld	209	54.1%
VRR request ineligible/out of remit	87	22.5%
Police making further enquiries before decision by reviewing officer	33	8.5%
Original NFA decision overturned, referred to CPS for charging decision	16	4.1%
Outcomes unavailable/not disaggregated by year	13	3.4%
Original NFA decision overturned, subsequently refiled as NFA	7	1.8%
NFA overturned, did not succeed to prosecution	6	1.6%
Original NFA decision overturned, proceedings started against suspect	4	1%
VRR request withdrawn by complainant	2	0.5%
No further information on record	2	0.5%
Complaint upheld; disposal decision remained	2	0.5%
No response from interested party, so VRR not conducted	2	0.5%
Case is statute barred and proceedings cannot be re-instigated	1	0.3%*
Case reopened, filed due to evidential difficulties	1	0.3%*
Case finalised by mediation; no further action taken	1	0.3%*

Outcomes for VRR requests received by all responding forces – 2015-2020

(\*Rounded to one decimal place)

## iv.ii Qualitative (case studies)

Researchers were able to draw on contextual evidence from stalking survivors who shared their experiences of navigating the system. All survivor narratives have been anonymised to protect their confidentiality while enabling them to voice their experiences.

'C' found out about the VRR scheme through their Independent Stalking Advocacy Caseworker after their case had been NFA'd by police. C felt that they had been *"let down a lot"* and that the *"only person"* on their side was their caseworker. After enduring more than 10 years of stalking by the perpetrator, C found the police decision to take no further action *"devastating"*. The outcome made them feel *"suicidal and like it would never end"*.

C made the decision to lodge a VRR request with police, with the support of their caseworker. During this period, the perpetrator's behaviour escalated, displaying *"new stalking behaviours"*. On review, C's case was referred to CPS, who charged the perpetrator with harassment and issued a non-molestation order. C felt *"relieved"* that the NFA decision had been overturned and safeguarding measures had been put in place but continues to feel *"worried that he will continue"*. C still experiences life-changing impacts from the stalking, which *"has taken over 10 years of my life"* and *"ruined my marriage and my health"*.

After 'B's stalking case was NFA'd, they were informed about the VRR scheme but chose not to pursue this. B decided not to lodge a VRR request *"as the police had been useless up to this point and I did not believe it would help"*.

Although B chose not to take advantage of the VRR scheme, this was not the end of their journey with the police. B *"eventually started afresh with the police"* and found them to be much more helpful.

'D' found out about the VRR scheme through her Independent Stalking Advocacy Caseworker (ISAC) after her case was NFA'd by police.

D felt confused about why the police did not inform her about the VRR.

*"I didn't understand most of the police actions as they were not explained to me directly. I felt hurt and like my case wasn't important anymore. It felt like the police had given up and were trying to hide information from me".*

D decided to lodge a VRR request with the police, supported by a caseworker.

D's VRR request ended in the original NFA decision being upheld.

*"The whole experience working with the police was incredibly stressful and definitely increased my feelings of anxiety around the situation. I didn't feel like I was being listened to. When the case was NFA'd in December 2019 I felt like I'd lost a battle. I didn't feel safe knowing that this was 'procedure'. The communication of the case being closed and NFA'd was scarce. It was only in 2021 that it was articulated to me that the case was closed in March 2020. The communication between the police was difficult and I felt like my safety and well-being was not paramount to the case but rather a 'result' was their main outcome".*

However, D found it helpful having an ISAC during the process.

*"Without an ISAC I wouldn't have felt confident to ask questions and know what was going on but ultimately, knowing I had support and someone fighting the same battle with me meant so much for my self-worth during a bleak process. I felt prepared going into appointments and giving statements because of my ISAC, but the most helpful part was just having someone feel the same emotions with you while being proactive and having the tools that I lacked to get answers".*

After their case was NFA'd by police, 'A' was informed about their Right to Review and decided to pursue this. A felt that their case could benefit from review as the original investigation was not *"carried out very well and ignored some of the charges and incidents"*. Following review, however, the original decision was upheld, leaving A *"gutted"*. Due to the decision to take no further action being upheld, A continued to feel *"unsafe"* and experience further incidents.

The situation evolved as A's ex-partner continued to breach the non-molestation order, leading new charges to be brought. A felt that if their case *"had been investigated properly previously, this could have been prevented"*.

## v. Analysis

Our quantitative findings show that VRR requests in relation to stalking cases have increased since the police VRR scheme was introduced in April 2015. This rise is consistent with increased awareness around stalking, victim's rights generally and the VRR specifically, meaning that victims are more likely to recognise and report stalking, more knowledgeable about their right to review and feel confident to pursue this. It could also signal that successive training and education efforts within police forces have better equipped officers to identify stalking when a victim reports another matter, whether due to learning to ask the 'right questions' or through the effective use of risk identification checklists such as DASH. Alternatively, it could be linked to increased levels of stalking and/or dissatisfaction with police handling of stalking and harassment reports. Further research is needed to determine the reason(s) for the large rise in VRR requests shown in our findings.

Our findings regarding outcomes suggest that what might be considered 'successful' VRR requests (resulting in the decision to take no further action being overturned, or in the case being referred to CPS for a charging decision) remain in the minority. The qualitative findings from our case studies speak to the significant impacts on survivors of an NFA decision being upheld – and, as in two cases, not being informed about their right to review in the first place. The contextual evidence we received from stalking survivors suggests that an original NFA decision being upheld can contribute to negative impacts for survivors.

One survivor, 'D' described her experiences as follows: *"When the case was NFA'd in December 2019 I felt like I'd lost a battle. I didn't feel safe knowing that this was 'procedure'. [...] The communication between the police was difficult and I felt like my safety and well-being was not paramount to the case but rather a 'result' was their main outcome"*.

Another survivor, 'C', experienced a more positive VRR outcome, with the original NFA decision being overturned after the stalking escalated, as the perpetrator displayed *"new stalking behaviours"*. On review, C's case was referred to CPS, who charged the perpetrator with harassment and issued a non-molestation order. While C felt *"relieved"* that the NFA decision had been overturned and safeguarding measures had been put in place, they still experience life-changing impacts from the stalking, stating that it *"has taken over 10 years of my life"* and *"ruined my marriage and my health"*.

Significantly, C was informed about their right to review by their Independent Stalking Advocacy Caseworker rather than by police. This suggests that if C had not had access to a specialist caseworker who was able to inform them about their options, they could have been vulnerable to further escalation and violence. This is a troubling finding, which may point to a need for more robust guidance and procedures for police around communicating with victims about their right to review.

## vi. Methodological challenges and implications

The CPS Information Access Team and 17 police forces – more than 35% of all public bodies contacted – were not able to provide us with requested data, with the majority issuing Section 12 refusal notices. This means that the team or person responsible for handling FOI requests calculated that the estimated cost of retrieving the requested information would exceed the “appropriate level” stipulated in the Freedom of Information and Data Protection (Fees and Appropriate Limit) Regulations 2004 – £450, equivalent to around 18 hours of work. This is because the information, while recorded on the system and in principle available for review, is not readily retrievable on a large scale; four responding police forces stated that retrieval would require manual review of every harassment and stalking case for the period in question, while the CPS Information Access Team stated that collating this information would necessitate manual review of the 4265 VRRs received relating to the Principal Offence Category of ‘Offences against the person’.

The fact that more than one-third of forces contacted were either unable to retrieve information on VRR outcomes over a several year period, or unable to do so without exceeding the appropriate cost limit for FOI requests is concerning. This pattern of responses suggests that valuable information on outcomes – while nominally available via manual review – is, in practical terms, inaccessible, which has implications for long-term monitoring and evaluation.

## vii. Conclusions and recommendations

The fact that around one-third of forces issued responses stating that they were either unable to access the requested data, or were not able to do so within reasonable time and cost limits, speaks to a lack of consistency in recording practices between forces.

Our findings suggest that there is a need for more consistent and accessible data recording/storage in relation to stalking VRR requests, both to provide more reliable information for internal monitoring and evaluation, and for identifying and understanding disparities between forces.

Further, qualitative evidence from the case studies demonstrates that not all survivors are being made aware of their right to review or adequately informed about the progress of their case. Survivor testimony suggests a need for more robust guidance and procedures for police on ensuring that stalking victims are kept apprised of their rights and developments in relation to their cases.

Finally, the case studies attest to the benefits for survivors of having an Independent Stalking Advocacy Caseworker (ISAC) to provide support and guidance during the VRR process. Our qualitative findings show that an original NFA decision being upheld can have devastating impacts for survivors. Given the preponderance of ‘negative’ outcomes, having access to an independent source of support may be especially crucial to avoid feelings of revictimisation by the system.

**Recommendation 1:** Greater coordination and uniformity in recording between forces.

**Recommendation 2:** More robust guidance and procedures in place to ensure that all survivors are made aware of their right to review and are fully informed about possible outcomes.

**Recommendation 3:** Ensure that stalking survivors have access to an Independent Stalking Advocacy Caseworker to provide support and information around their options, challenge agencies where needed and promote accountability.

# Examining the Victims' Right to Review by police in stalking and harassment cases: report of FOI findings

## 1. Introduction: Stalking and the law

Crime survey data for England and Wales suggests that around one in six adults has experienced stalking since the age of 16 – 19.9% of women and 9.6% of men (Office for National Statistics, 2020). Stalking lacks a “strict legal definition” but Alison Bird, Clinical Stalking Lead at Solace Women’s Aid, defines stalking as:

### **Stalking**

A pattern of fixated, obsessive, unwanted and repeated behaviour which is intrusive and causes serious alarm and distress and/or fear of violence to the victim

Stalking is a ‘course of conduct’ offence. This means that it is not defined by a single unwanted or intimidatory act but comprises a series of incidents (two or more behaviours constitute a course of conduct) which may individually appear routine or innocuous. Only by stepping back and evaluating the pattern of behaviour as a whole – and establishing whether, within this context, a “reasonable person” would judge it to fit the “generally received interpretation of the word ‘stalking’” – can one determine that a stalking offence has occurred (CPS, 2018). Subsequently, criminal justice responses to stalking remain subject to interpretative and evidential ambiguities, and “can be difficult to prosecute” (CPS, 2018). However, laws related to stalking have advanced significantly over the past 25 years, affording greater recognition and protection for victims (CPS, 2018; Harris, 2000; Scott & Sheridan, 2011).

The Protection from Harassment Act 1997 (PHA, 1997) came into force on 16 June 1997. Prior to the introduction of the act, prevailing criminal laws were “inadequate” when it came to stalking, unable to offer a commensurate response to perpetrators whose individual behaviours fell short of illegality (Harris: 2000: 2). While “it was possible to prosecute the ‘stalker’ whose behaviour breached existing laws, nothing could be done about seemingly innocuous harassment which could be similarly upsetting and distressing to victims” (*Ibid*). The Act, originally introduced as the Stalking Bill, was designed to rectify this situation and address all forms of harassment, including stalking. The Protection of Freedoms Act 2012, which came into force on 25 November 2012, augmented the PHA 1997 and closed remaining gaps in the law highlighted by survivors and advocates, by introducing two specific stalking offences:



*Stalking – harassment which involves a course of conduct that amounts to stalking (s.2A(1) PHA 1997)*

*Stalking – s.4A(1) PHA 1997, which can be committed two ways, namely:*

- *Stalking involving fear of violence (s.4A(1)(b)(i) PHA 1997) OR*
- *Stalking involving serious alarm or distress (s.4A(1)(b)(ii) PHA 1997) (CPS, 2018)*

These new offences highlighted stalking as a specific pattern of conduct distinct from other forms of harassment, and provided a non-exhaustive list of behaviours associated with stalking, including: following a person, contacting or attempting to contact a person, loitering in a public or private place, interfering with a person's property, watching, monitoring or spying on a person, including their use of electronic communications and publishing materials relating to, purporting to relate to, or purporting to originate from, a person.

As this list indicates, stalking is a complex and heterogeneous phenomenon “incorporating a wide range of behaviours that vary in intensity and severity” (Mackenzie & James, 2011: 3-4). As a victim's first point of contact with the criminal justice system, police act as intermediaries and gatekeepers, tasked with investigating a reported pattern of behaviour and interpreting whether it meets the threshold to refer to CPS for charging or if no further action (NFA) should be taken.

Prevalence data from crime surveys and experiential evidence from practitioners suggests that stalking remains mis- and under-recorded by police. In 2017, forces in England and Wales recorded 8,364 stalking cases – a record number, and up substantially from the previous year's figure of 4,589, but “still less than 1% of the total estimated cases of stalking across England and Wales” (Suzy Lamplugh Trust, 2018: 14). Often, cases are instead flagged as harassment or malicious communications, with significant repercussions for risk assessment and safety planning given the association between stalking and femicide (*Ibid*).

This recording gap suggests that stalking remains a “misunderstood” offence, with knock-on effects for victims (*Ibid*). The Victims' Right to Review (VRR) enables complainants to challenge police decisions, granting stalking victims who believe that their cases have been mishandled an additional avenue for seeking justice. This report will examine the extent to which people affected by stalking are making use of the VRR, and how it is shaping outcomes in stalking cases. Additionally, as the report is based on Freedom of Information (FOI) disclosures, it sheds light on the ways in which police forces in England, Wales, Scotland and Northern Ireland are recording VRR requests<sup>2</sup> – and how police recording and retrieval procedures affect the accessibility and reliability of information.

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<sup>2</sup> Police Scotland and Police Service of Northern Ireland have different procedures in relation to the VRR from police in England and Wales, while the Police Scotland VRR commenced in 2018.

## 2. What is the Victims' Right to Review?

The VRR scheme came into effect on 5<sup>th</sup> June 2013, as part of a series of reforms that successively advanced and protected the rights of crime victims. At this stage, the VRR applied only to the Crown Prosecution Service (CPS); the VRR scheme would not apply to police decisions until 1<sup>st</sup> April 2015. Traditionally, prosecutorial discretion was viewed as “quasi-absolute”, but the introduction of an administrative right to review has enabled victims to take on a new role, “in which they are considered to be agents of accountability that can scrutinise and question certain prosecutorial decisions” (Manikis, 2016: 71).

In 2004, the Domestic Violence, Crime and Victims Act (DVCVA, 2004) introduced a new Code of Practice for Victims of Crime, which outlined victims' entitlements in relation to the criminal justice system. The Code, which was placed on a statutory footing in 2006, laid out key rights, including:

- the right to be kept informed about the progress of one's case, including a suspect's arrest, charging, bailing or sentencing
- the right to 'special measures' when giving evidence for vulnerable, intimidated or younger victims
- the right to seek a review regarding decisions not to prosecute.

Revisions in 2013 and 2015 extended these rights, broadening the definition of a victim to encompass those impacted by previously excluded offences such as careless driving or minor criminal damage. These revisions also established entitlements to receive information and support from relevant public sector bodies and read a Personal Victim Statement in court – subject to the views of the court (Victim Support, 2020).

However, despite a right to review being enshrined in the Code, the DVCVA 2004 explicitly stipulated that the Code may not require anything to be done by a person “acting in the discharge of a function of a member of the Crown Prosecution Service which involves the exercise of a discretion” (S32. 5). This prescription effectively undermined victims' ability to influence the CPS, limiting the force of the Code.

In 2012, a new EU Directive “establishing minimum standards on the rights, support and protection of victims of crime” was introduced (Council Directive 2012/29/EU). Article 11 of the Directive set out a victim's rights “in the event of a decision not to prosecute”, stating that all Member States should “ensure that victims, in accordance with their role in the relevant criminal justice system, have the right to a review of a decision not to prosecute” (Ibid). The Directive would significantly strengthen the rights of victims in criminal proceedings by laying out clear obligations for Member States (Dyke, 2017).

Finally, the case of *R v Killick* [2009] was instrumental in spurring the creation of the VRR, highlighting the CPS' lack of designated review mechanisms for crime victims. At the time “all requests to review prosecutorial decisions were treated as a complaint by the CPS”, rather than being understood as the exercise of a right delineated in the (then-draft) EU Directive (Dyke, 2017: 128). In 2011, the Court of Appeal in the case concluded that victims have a right to review *without* having to seek recourse to judicial review, criticising “the existing process of judicial review for being inaccessible” (Manikis,

2016: 73). The Court emphasised a need for clearer procedural mechanisms and guidance around time limits (CPS, 2020).

In response to these recommendations, the CPS inaugurated the VRR scheme. Under the scheme, crime victims can “seek a review of decisions not to charge, to discontinue or otherwise terminate all proceedings” (CPS, 2020). For the purposes of the VRR, a victim is defined as “a person who has made an allegation that they have suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by criminal conduct” (CPS, 2020). Notably, the definition includes bereaved relatives or partners in homicide cases, parents or guardians in cases where the primary victim is under 18, and family spokespersons in cases where victims cannot communicate due to injury or disability.

If victims wish to request a review, they are generally expected to lodge their request at their local CPS office within 10 working days of being notified of the qualifying decision and of their right to seek review. Requests may be submitted after 10 working days, “although a delay may impact negatively on the outcome of the decision-making process [and] requests made more than three months after the qualifying decision was communicated are unlikely to be accepted unless there are exceptional circumstances” (CPS, 2020). Exceptional circumstances include cases in which a victim was not notified about their right to review or was given incorrect information regarding timeframes.

Wherever possible, the CPS will complete the review and communicate their decision to the victim within a review timeframe of 30 working days (this overall timeframe includes the local resolution stage and independent review stage).

On receipt of their request, the decision will be reviewed by a local prosecutor not previously involved with the case. This initial “local resolution” stage has three possible outcomes:

1. The CPS decide that the decision was wrong and should be overturned. Where possible, proceedings will begin or recommence
2. The CPS decide that the decision was right but that they ought to provide the victim with further information. In such cases, they will ask the victim to confirm whether they would like the CPS to undertake an independent review, providing details of the office to contact within 10 working days
3. The CPS decide that that the decision was right and there is no further information to be provided. In these circumstances they proceed directly to the independent review stage.

The local resolution stage is completed within 10 working days of receiving a request for review.

The independent review stage involves a reconsideration of the evidence and the public interest (corresponding to the two stages of the CPS Full Code Test for case decisions). This stage is conducted by the CPS Appeals and Review Unit, and is completed within 20 working days of receiving a request for review.

Victims are then contacted with the outcome of the review and, if they are entitled to enhanced assistance under the Victims' Code, they are offered a meeting to discuss the outcome.

Meanwhile, VRR requests lodged with the police have six possible outcomes:

1. The original decision to take no further action is upheld
2. The original decision to take no further action is overturned, and proceedings are started against the suspect
3. The original decision to take no further action is overturned, and the suspect is dealt with by an out of court disposal. Out of court disposals are designed to "allow the police to deal quickly and proportionately with low-level, often first-time offending which could more appropriately be resolved without a prosecution at court" (Ministry of Justice, 2013: 4). Out of court disposals include community resolutions, penalty notices and simple or conditional cautions. These may be used in conjunction with restorative justice techniques (Ministry of Justice, 2013)
4. The original decision to take no further action is overturned, and the case is referred to CPS for a charging decision
5. Police decide to make further enquiries before the reviewing officer makes a decision
6. The original decision to take no further action is overturned, but the statute of limitations has elapsed so police cannot start proceedings.

There are cases which do not fall within the scope of the scheme. For example:

- those where the qualifying decision was made prior to 5<sup>th</sup> June 2013 (or 1<sup>st</sup> April 2015 for police VRR requests)
- cases concluded by an out of court disposal such as a caution, conditional caution or penalty notice
- cases where charges are brought in respect of some, but not all, allegations or suspects (or where some charges/proceedings are substantially altered, left to lie on file or terminated but related ones continue)
- cases where the victim has withdrawn support for the prosecution or requested proceedings be terminated
- cases where the police have exercised their discretion not to investigate/continue investigating and the CPS has not been requested to make a formal decision to charge (CPS, 2020).

In instances where the police have independently decided not to investigate, or declined to investigate further, the victim's request for review must be directed to the relevant police service.

### 3. Research Approach

In order to assess the extent to which the police Victims' Right to Review is being used in stalking and harassment cases, and how it is shaping outcomes for survivors, we submitted Freedom of Information requests to the CPS Information Access Team and 49 police forces across England, Wales, Northern Ireland and Scotland.

The Freedom of Information Act 2000 (FOIA, 2000), and Freedom of Information (Scotland) Act 2002, came into effect from 1 January 2005. The Acts established a statutory “right to know” which empowers individuals to seek information about the activities of public authorities, and receive that information within a reasonable timescale (unless exemptions apply). The Acts were designed to promote “openness and accountability” among public bodies and create a more informed and engaged citizenry (HM Government, 1997: 1). The FOIA has been particularly instrumental in facilitating access to “data held by the police which would previously have been unattainable”, enabling researchers to gather information on politically/socially sensitive topics such as whistleblowing and the use of less lethal force (Kingston *et al*, 2019). Since the Acts came into force, public bodies maintain channels of access for members of the public seeking information. We contacted the CPS and police forces via these dedicated FOIA request email addresses.

It is important to note that as we did not receive a FOI disclosure from the CPS Information Access Team, this report is based on findings from responding police forces only.

Query	Rationale
<p>1. In conjunction with the University of Suffolk, we are looking at the Victims’ Right to Review in stalking or harassment cases</p> <p>Firstly, we would like to establish how many VRRs (under the enhanced Code) police forces individually have received for stalking/harassment cases (for the years listed individually below)?</p>	<p>1. To determine the extent to which stalking and harassment survivors are aware of/making use of the VRR, and how this has changed since its inception</p>
<p>2. Secondly, of those police VRRs received, we would like to know how many VRRs have been upheld by police and how many have been declined?</p> <p>How many that were upheld then succeeded to a prosecution by CPS?</p> <p>This would be for the:</p> <ul style="list-style-type: none"> <li>• Year 2013 – the year the VRR came into place on 5<sup>th</sup> June</li> <li>• Year 2014</li> <li>• Year 2015</li> <li>• Year 2016</li> <li>• Year 2017</li> <li>• Year 2018</li> <li>• Year 2019</li> <li>• Year 2020</li> </ul>	<p>2. To determine the extent to which VRR requests are changing outcomes in stalking and harassment cases, and how this has changed since its inception</p>

Clarification	Rationale
<p>Further to your query regarding our FOI request, we are interested in all incidents and/or courses of conduct reported as harassment or stalking by the complainant, or that were flagged as such on your system. The CPS website states that stalking offences came into force on 25 November 2012, under two new offences inserted into the Protection from Harassment Act 1997:</p> <p>Stalking - harassment which involves a course of conduct that amounts to stalking (s.2A(1) PHA 1997)</p> <p>Stalking – s.4A(1) PHA 1997, which can be committed two ways, namely:</p> <ul style="list-style-type: none"> <li>- Stalking involving fear of violence (s.4A(1)(b)(i) PHA 1997) OR</li> <li>- Stalking involving serious alarm or distress (s.4A(1)(b)(ii) PHA 1997)</li> </ul> <p>Please could you retrieve all incidents that were flagged as stalking and/or harassment, with reference to the 1997 PHA and other relevant Acts</p>	<p>One force contacted researchers with a request for clarification regarding the specific offences and legislation in which we were interested</p> <p>This clarification request reflects the relative recency of stalking as a distinct offence and the legal ambiguities and complexities associated with course of conduct offences (see Introduction)</p> <p>Additionally, this illustrates some of the methodological challenges associated with using FOI requests as a research tool (see Analysis)</p>

## 4. Ethics

The focus of this report is the aggregated FOI responses from police, what these can tell us about the extent to which the VRR is being used by complainants, and the impacts it has had on outcomes in stalking and harassment-related cases.

Research based on FOI requests is not typically subject to formal ethics review due to the nature of the information sought: publicly accessible or requestable data that has already been carefully vetted and risk assessed by a public body's own "bureaucratic regime" before being released to researchers (Walby & Luscombe, 2018: 3). Because of this regime, "once released, these records are considered published material, rendering ERB review of research involving FOI redundant" (*Ibid*). Although this does not obviate the need to consider broader harms that could result from the dissemination of such data (for example, weighing reputational risks to underperforming public bodies against the public's 'right to know', or how to responsibly interpret and frame socially/politically sensitive findings) it circumvents the need to extensively plan for and mitigate *individual* level risks to participants.

However, by initially relying exclusively on police data, researchers encountered an equal and opposite ethical risk. While our data could tell us *what* was happening – there had been a substantial increase in VRR requests, the majority of which were either declined or resulted in the original NFA decision being upheld – the human meaning and impacts of these numbers were absent from the analysis. In order to correct this gap and supplement our understanding of the FOI responses, while remaining mindful of survivors' rights to anonymity, confidentiality and autonomy, researchers reached out to Independent Stalking Advocacy Caseworkers (ISACs) based in a specialist domestic abuse organisation. These ISACs would act as intermediaries, informing survivors about the research and giving them the opportunity to respond, in writing, to a short survey on their experiences of the stalking and the VRR.

## 5. Key findings

### 5.1 Quantitative (Police FOI Returns)

We received disclosures from 27 police forces, which are laid out in full in Appendix 1. 17 forces responded to our query with refusal notices or non-disclosures (see Appendix 2).

#### 5.1.1 Trends in VRR requests received

Responding police forces reported receiving a combined total of 386 VRR requests related to stalking and harassment offences from 2015-2020.

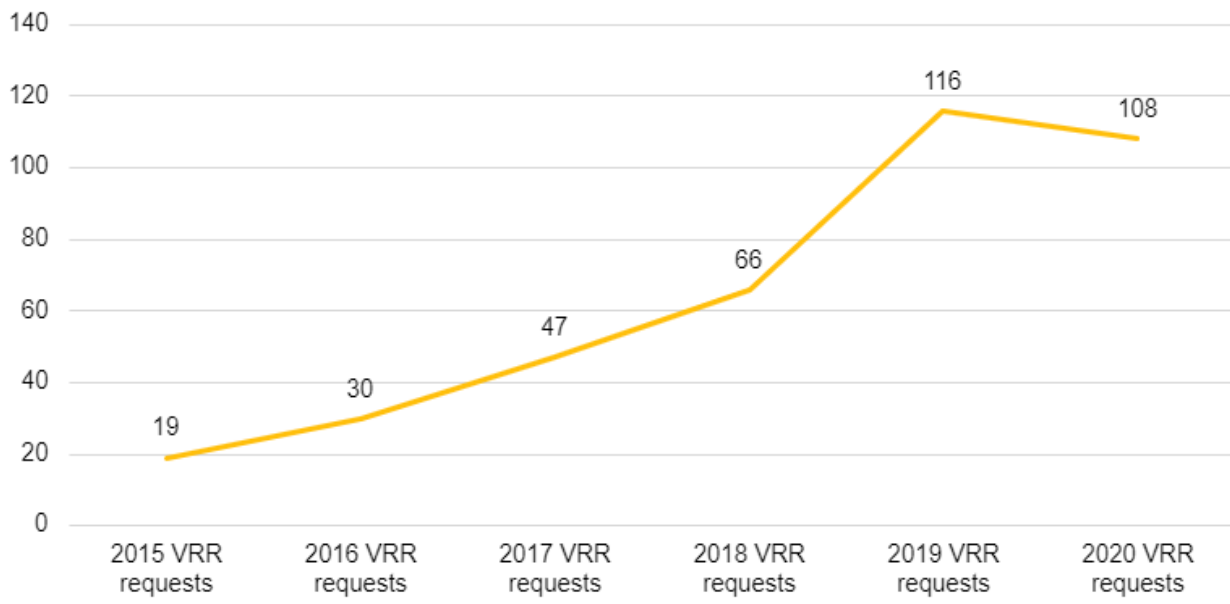


Figure 1: Trends in VRR requests received – 2015-2020



As Figure 1 illustrates, forces saw a large rise in VRR requests during this period, with a more than 500% increase from 2015 to 2019. Available data for 2020 shows a slight decline (108 requests). However, as our FOI request was submitted in July 2020, with 18 of the 27 disclosures received by 29 September 2020, the data from 67% of responding forces does not include figures for the October-December quarter. This suggests that the final number for 2020 is likely to be greater than that presented in Figure 1.

As discussed further in Analysis, in the absence of multiple sources and types of data to triangulate and ‘anchor’ any interpretation, this rise in VRR requests could be attributed to a variety of causes.

## 5.1.2 Breakdown of outcomes

The reported outcomes per year (Table 1 and Figure 2) shows that the majority of VRR requests resulted in either the original NFA decision being upheld (the outcome for around 54% of all VRR requests received 2015-2020) or the request being found to be ineligible/out of remit for the police VRR scheme (22.5% of all requests). Only 1% of requests received from 2015-2020 resulted in the original NFA being overturned and proceedings started against the suspect, while just over 4% were referred to CPS for a charging decision. Figure 2 shows that this trend grew less marked over time; however, this may reflect the fact that enquiries are still ongoing in a higher proportion of recent cases, with no final decision in place (5% of requests from 2019 and 23% of requests from 2020). It is therefore possible that the ‘final’ data would more closely resemble the breakdown of outcomes for previous years.

As noted in the previous section, there was a substantial rise in stalking-related VRR requests between 2015 and 2020, with a peak of 116 requests in 2019. However, the available data suggests that the overall percentage of ‘successful’ VRR requests remains low, with the majority of requests ending in the NFA decision being upheld or the request being declined as out of scope.

<b>Outcome</b>	<b>#</b>	<b>%</b>
Original NFA decision upheld	209	54.1%
VRR request ineligible/out of remit	87	22.5%
Police making further enquiries before decision by reviewing officer	33	8.5%
Original NFA decision overturned, referred to CPS for charging decision	16	4.1%
Outcomes unavailable/not disaggregated by year	13	3.4%
Original NFA decision overturned, subsequently refiled as NFA	7	1.8%
NFA overturned, did not succeed to prosecution	6	1.6%
Original NFA decision overturned, proceedings started against suspect	4	1%
VRR request withdrawn by complainant	2	0.5%
No further information on record	2	0.5%
Complaint upheld; disposal decision remained	2	0.5%
No response from interested party, so VRR not conducted	2	0.5%
Case is statute barred and proceedings cannot be re-instigated	1	0.3%*
Case reopened, filed due to evidential difficulties	1	0.3%*
Case finalised by mediation; no further action taken	1	0.3%*

Table 1: Outcomes for VRR requests received 2015-2020

(\*Rounded to one decimal place)

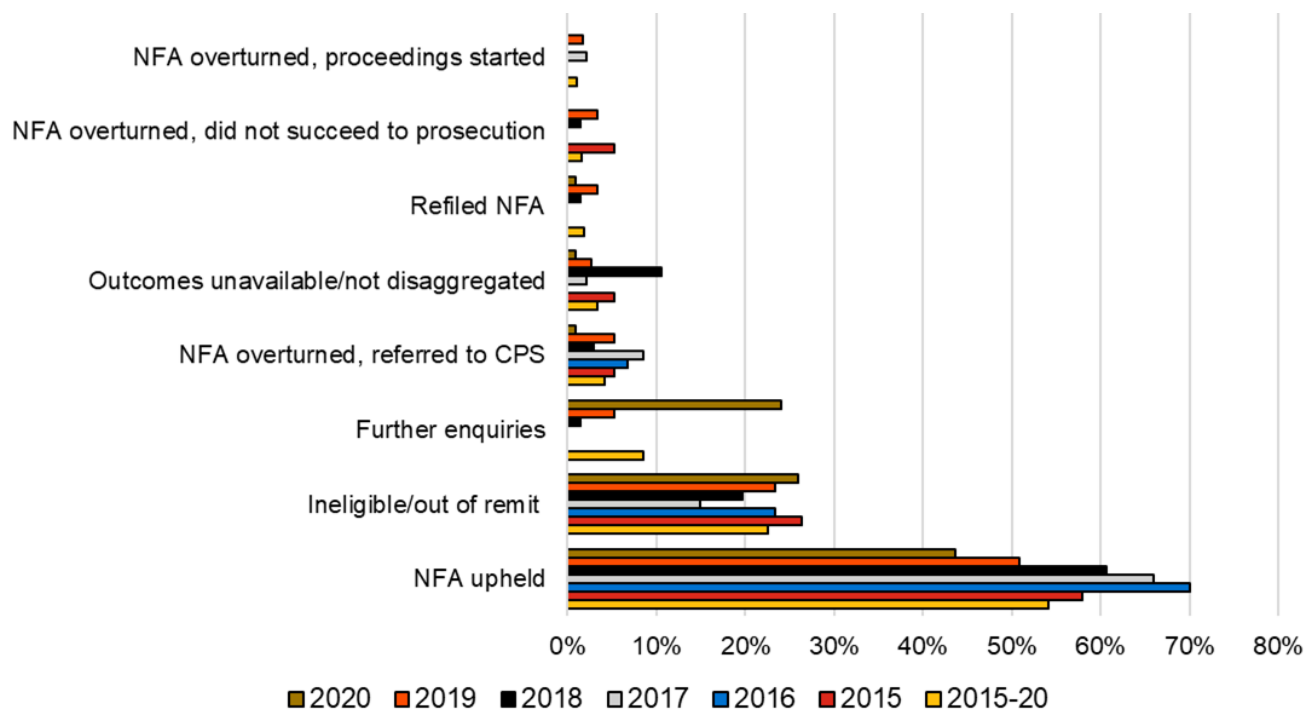


Figure 2: Outcomes for VRR requests – 2015-2020<sup>3</sup>

## 5.2 Qualitative (Case Studies)

Researchers were able to draw on contextual evidence from stalking survivors who shared their experiences of navigating the system. All survivor narratives have been anonymised to protect their confidentiality while enabling them to voice their experiences.

After B’s stalking case was NFA’d, they were informed about the VRR scheme but chose not to pursue this. B decided not to lodge a VRR request *“as the police had been useless up to this point and I did not believe it would help”*.

Although B chose not to take advantage of the VRR scheme, this was not the end of their journey with the police; B *“eventually started afresh with the police”* and found them to be much more helpful.

<sup>3</sup> Eight most common outcomes. For a full breakdown of all reported outcomes, see Figure 4, in Appendix.

'D' found out about the VRR scheme through her Independent Stalking Advocacy Caseworker (ISAC) after her case was NFA'd by police.

D felt confused about why the police did not inform her about the VRR.

*"I didn't understand most of the police actions as they were not explained to me directly. I felt hurt and like my case wasn't important anymore. It felt like the police had given up and were trying to hide information from me".*

D made the decision to lodge a VRR request with the police, with the support of her caseworker.

D's VRR request ended in the original NFA decision being upheld.

*"The whole experience working with the police was incredibly stressful and definitely increased my feelings of anxiety around the situation. I didn't feel like I was being listened to. When the case was NFA'd in December 2019 I felt like I'd lost a battle. I didn't feel safe knowing that this was 'procedure'. The communication of the case being closed and NFA'd was scarce. It was only in 2021 that it was articulated to me that the case was closed in March 2020. The communication between the police was difficult and I felt like my safety and well-being was not paramount to the case but rather a 'result' was their main outcome".*

However, D found it helpful having an ISAC during the process.

*"Without an ISAC I wouldn't have felt confident to ask questions and know what was going on but ultimately, knowing I had support and someone fighting the same battle with me meant so much for my self worth during a bleak process. I felt prepared going into appointments and giving statements because of my ISAC but the most helpful part was just having someone feel the same emotions with you while being proactive and having the tools that I lacked to get answers".*

'C' found out about the VRR scheme through their Independent Stalking Advocacy Caseworker after their case had been NFA'd by police. C felt that they had been *"let down a lot"* and that the *"only person"* on their side was their caseworker. After enduring more than 10 years of stalking by the perpetrator, C found the police decision to take no further action *"devastating"*. The outcome made them feel *"suicidal and like it would never end"*.

C made the decision to lodge a VRR request with police, with the support of their caseworker. During this period, the stalking escalated, as the perpetrator displayed *"new stalking behaviours"*. On review, C's case was referred to CPS, who charged the perpetrator with harassment and issued a non-molestation order. C felt *"relieved"* that the NFA decision had been overturned and safeguarding measures had been put in place, but continued to feel *"worried that he will continue"*. C still experiences life-changing impacts from the stalking, which *"has taken over 10 years of my life"* and *"ruined my marriage and my health"*.

After their case was NFA'd by police, 'A' was informed about their Right to Review and decided to pursue this. A felt that their case could benefit from review as the original investigation was not *"carried out very well and ignored some of the charges and incidents"*. Following review, however, the original decision was upheld, leaving A *"gutted"*. Due to the decision to take no further action being upheld, A continued to feel *"unsafe"* and experience further incidents.

The situation evolved as A's ex-partner continued to breach the non-molestation order, leading new charges to be brought. A felt that if their case *"had been investigated properly previously, this could have been prevented"*.

## 6. Analysis

Our quantitative findings show that VRR requests in relation to stalking cases have increased since the police VRR scheme was introduced in April 2015, with a nearly five-fold increase (468%) in incoming requests by 2020. This rise could be attributable to various factors. For example, it is consistent with increased awareness around stalking, victim's rights generally and the VRR specifically, meaning that victims are more likely to recognise and report stalking, more knowledgeable about their right to review and feel confident to pursue this. It could also signal that successive training and education efforts within police forces have better equipped officers to identify stalking when a victim reports another matter, whether due to learning to ask the 'right questions' or through the effective use of risk identification checklists such as DASH. Alternatively, this rise could equally be attributable to increased levels of stalking and/or dissatisfaction with police handling of stalking and harassment reports.

This kind of interpretive challenge is not unique but extends to the reporting of other forms of gender-based violence: for example, Sweden, Denmark and Finland are the "most gender equal countries in the world" according to metrics such as the Global Gender Gap Index. And yet survey research indicates that self-reported lifetime prevalence of intimate partner abuse by women in these countries is among the highest across the EU, an apparent contradiction (Gracia & Merlo, 2016: 27). Some researchers attribute this so-called 'Nordic paradox' to increased recognition and (self-) reporting rather than increased prevalence, but this remains in contention. Further research is needed to determine the reason(s) for the large rise in VRR requests shown in our findings.

Meanwhile, our findings regarding outcomes suggest that what might be considered 'successful' VRR requests – resulting in the decision to take no further action being overturned, or in the case being referred to CPS for a charging decision – remain in the minority. But this quantitative data is not the whole picture.

Contextual evidence from the survivors featured in our case studies offers a glimpse of the heavy human impacts associated with these numbers. Our case studies demonstrate that, in spite of a dramatic increase in police VRR requests in relation to stalking cases since the VRR's introduction in 2015, some survivors are still not being informed about their right to review by police.

One survivor, 'D', shared her experience of learning about the VRR from her Independent Stalking Advocacy Caseworker rather than the police who had handled her case: "*It felt like the police had given up and were trying to hide information from me*". Another survivor, 'C', who had also learned about the VRR through their caseworker felt that they had been "*let down a lot*" and that the "*only person*" on their side was their caseworker.

Similarly, the qualitative findings from our case studies speak to the significant impacts on survivors of an 'NFA' decision being upheld.

D described her experiences as follows: "*When the case was NFA'd in December 2019 I felt like I'd lost a battle. I didn't feel safe knowing that this was 'procedure' [...] The communication*

*between [me and] the police was difficult, and I felt like my safety and well-being was not paramount to the case but rather a 'result' was their main outcome".*

C experienced a more positive VRR outcome, with the original NFA decision eventually being overturned after the stalking escalated and their stalker began displaying "*new stalking behaviours*". On review, C's case was referred to CPS, who charged the perpetrator with harassment and issued a non-molestation order. While C felt "*relieved*" that the NFA decision had been overturned and safeguarding measures had been put in place, they still experienced life-changing impacts from the stalking, stating that it "*has taken over 10 years of my life*" and "*ruined my marriage and my health*".

Significantly, C was informed about their right to review by their Independent Stalking Advocacy Caseworker rather than by police. This suggests that if C had not had access to a specialist caseworker who was able to inform them about their options, it is possible that they could have been vulnerable to further escalation and violence. This is a troubling finding, which may point to a need for more robust guidance and procedures for police around communicating with victims about their right to review.

## 6.1 Methodological challenges and implications

As discussed in Key Findings, the CPS Information Access Team and 17 police forces – more than 35% of all public bodies contacted – were not able to provide us with requested data, with the majority issuing Section 12 refusal notices. This means that the team or person responsible for handling FOI requests calculated that the estimated cost of retrieving the requested information would exceed the "appropriate level" stipulated in the Freedom of Information and Data Protection (Fees and Appropriate Limit) Regulations 2004 – £450, equivalent to around 18 hours of work. This is because the information, while recorded on the system and in principle available for review, is not readily retrievable on a large scale; four responding police forces stated that retrieval would require manual review of every harassment and stalking case for the period in question, while the CPS Information Access Team stated that collating this information would necessitate manual review of the 4265 VRRs received relating to the Principal Offence Category of 'Offences against the person'.

These responses reflect well-documented methodological challenges associated with the use of FOI requests to access police data (see Kingston *et al*, 2019). While the FOIA 2000 was intended to democratise access to information, granting researchers entry into data previously only held by public bodies, prior research utilising police FOI requests has highlighted institutional limitations and inconsistencies in data collection and recording. Researchers cite obstructive or stonewalling tactics by police forces including "non-compliance with the Act, requests for further clarification and details of the request for information, as well as the variations in approaches to dealing with FOI by the police due to a lack of coordination" (Kingston *et al*, 2019: 3).

However, in some cases, a missing or "inadequate response may, in itself, serve as data" (Savage & Hyde, 2014: 313). The fact that more than one-third of forces contacted were unable to retrieve information on VRR outcomes over a several year period, or unable to do so

without grossly exceeding the appropriate cost limit for FOI requests is concerning. This pattern of responses suggests that valuable information on outcomes, while nominally available via manual review, is – in practical terms – inaccessible. Subsequently, this may have serious implications for long-term monitoring and evaluation.

## 7. Conclusion and recommendations

Our findings suggest that there is a need for more consistent and accessible data recording/storage in relation to stalking VRR requests.

The fact that more than one-third of forces contacted were unable to retrieve information on VRR outcomes over a several-year period, or were unable to do so without exceeding the appropriate cost limit for FOI requests is concerning, and speaks to a lack of consistency in recording and data storage practices between forces. This pattern of responses suggests that valuable information on outcomes – while nominally available via manual review – is, in practical terms, inaccessible, which has implications for long-term monitoring and evaluation. Equally, this makes it more difficult for external researchers or bodies to identify and understand disparities between forces and areas.

Qualitative evidence from case studies suggests that some victims are not told about the right to review. Further, both the case studies and the quantitative findings from our FOI request demonstrate that, when they are told, upholding the original decision to take no further action remains the most common outcome. Victims may then feel further victimised by the system, or feel that their case has not been validated or taken seriously. Case study findings indicate that if there were more stalking advocates working with victims of stalking, they would be better informed about their options and feel more supported. Equally, the presence of an independent advocate with specialist knowledge and expertise would support survivors to challenge agencies where needed and promote accountability.

**Recommendation 1:** Greater coordination and uniformity in recording between forces.

**Recommendation 2:** More robust guidance and procedures in place to ensure that all survivors are made aware of their right to review and are fully informed about possible outcomes.

**Recommendation 3:** Ensure that stalking survivors have access to an Independent Stalking Advocacy Caseworker to provide support and information around their options, challenge agencies where needed and promote accountability.



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## 9. Appendix 1: Responses by force

### 9.1 Overturned cases that led to prosecutions, by responding force

<b>Public body</b>	<b>VRR requests 2015-20</b>	<b>Overturned cases that succeeded to a prosecution<sup>4</sup></b>
West Midlands	16	0
Staffordshire	4	0
North Yorkshire	7	1
Wiltshire	17	0
North Wales	24	1
Derbyshire	7	0
Dorset	12	-
Essex	25	0
Warwickshire	0	0

<sup>4</sup> Based on details given at time of response. As some cases are ongoing, this is subject to change

Public body	VRR requests 2015-20	Overtured cases that succeeded to a prosecution <sup>4</sup>
West Yorkshire	47	0
South Wales	10	0
Avon and Somerset	35	0
Gwent	11	1 <sup>5</sup>
British Transport Police	1	0
South Yorkshire	10	0
Civil Nuclear Constabulary	0	0
Leicestershire Constabulary	21	1
Surrey Police	7	1 <sup>6</sup>
Dyfed-Powys Police	7	0
Merseyside Police	4	0

<sup>5</sup> Not included in figures **per year** for 2015-2020 as disaggregated information on outcomes per year not given

<sup>6</sup> Complaint upheld and CPS charged for harassment

<b>Public body</b>	<b>VRR requests 2015-20</b>	<b>Overtured cases that succeeded to a prosecution<sup>4</sup></b>
West Mercia Police	9	0
Ministry of Defence Police	0	0
Gloucestershire Constabulary	8	-
Bedfordshire Police	0	0
Kent	25	0
Hertfordshire Constabulary	8	0
Lancashire Police	71	0
<b>Total for all forces</b>	<b>386</b>	<b>5</b>

Table 2: Overtured cases that succeeded to prosecution

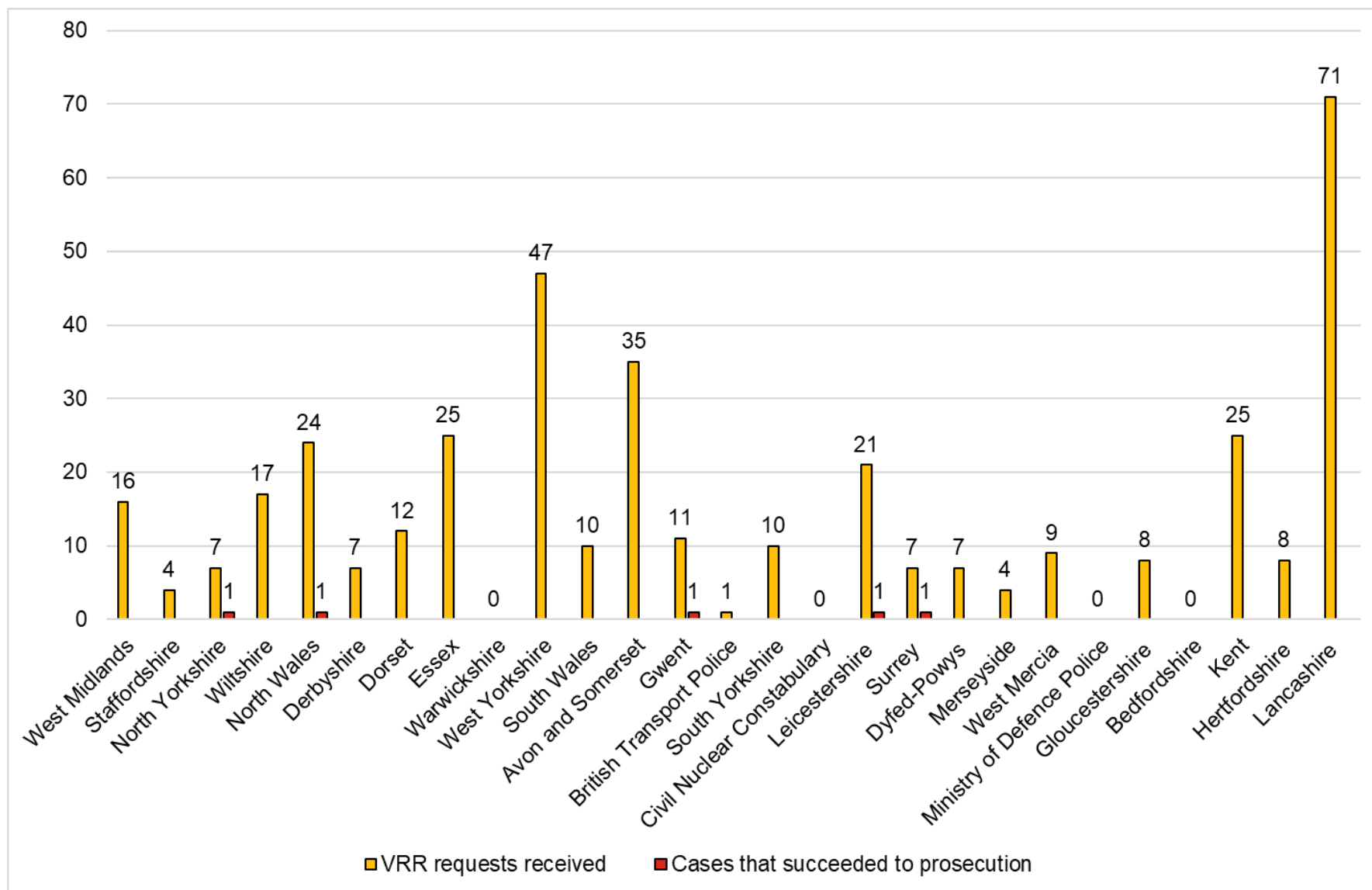


Figure 3: Cases that succeeded to prosecution – 2015-2020

## 9.2 All responding forces outcome data – 2015

Public Authority	2015 VRR	Ineligible/out of remit	Original decision upheld	Refiled as NFA	Original decision overturned, did not succeed to prosecution	Proceedings started	Referred to CPS	Further enquiries	No disagg. information
West Midlands	1	0	1	0	0	0	0	0	0
Staffordshire	0	0	0	0	0	0	0	0	0
North Yorkshire	-	-	-	-	-	-	-	-	-
Wiltshire	2	1	0	0	1	0	0	0	0
North Wales	2	2	0	0	0	0	0	0	0
Derbyshire	1	0	0	0	0	0	1	0	0
Dorset	0	0	0	0	0	0	0	0	0
Essex	3	0	3	0	0	0	0	0	0
Warwickshire	0	0	0	0	0	0	0	0	0
West Yorkshire	0	0	0	0	0	0	0	0	0
South Wales	1	0	1	0	0	0	0	0	0
Avon and Somerset	4	1	3	0	0	0	0	0	0
Gwent	1	-	-	-	-	-	-	-	1
British Transport Police	0	0	0	0	0	0	0	0	0

Public Authority	2015 VRR	Ineligible/out of remit	Original decision upheld	Refiled as NFA	Original decision overturned, did not succeed to prosecution	Proceedings started	Referred to CPS	Further enquiries	No disagg. information
South Yorkshire	0	0	0	0	0	0	0	0	0
Civil Nuclear Constabulary	0	0	0	0	0	0	0	0	0
Leicestershire Constabulary	0	0	0	0	0	0	0	0	0
Surrey Police	0	0	0	0	0	0	0	0	0
Dyfed-Powys Police	1	0	1	0	0	0	0	0	0
Merseyside Police	0	0	0	0	0	0	0	0	0
West Mercia Police	1	0	1	0	0	0	0	0	0
Ministry of Defence Police	0	0	0	0	0	0	0	0	0
Gloucestershire Constabulary	0	0	0	0	0	0	0	0	0
Bedfordshire Police	0	0	0	0	0	0	0	0	0
Kent	1	0	1	0	0	0	0	0	0
Hertfordshire Constabulary	-	-	-	-	-	-	-	-	-
Lancashire Police	1	1	0	0	0	0	0	0	0
<b>All forces total</b>	<b>19</b>	<b>5</b>	<b>11</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>

Table 3: All responding forces outcome data – 2015



### 9.3 All responding forces outcome data – 2016

Public Authority	2016 VRR	Ineligible/out of remit	Original decision upheld	Refiled as NFA	Proceedings started	Referred to CPS	Further enquiries	No disagg. information
West Midlands	0	0	0	0	0	0	0	0
Staffordshire	1	0	1	0	0	0	0	0
North Yorkshire	-	-	-	-	-	-	-	-
Wiltshire	5	3	2	0	0	0	0	0
North Wales	3	1	2	0	0	0	0	0
Derbyshire	0	0	0	0	0	0	0	0
Dorset	1	0	1	0	0	0	0	0
Essex	2	0	2	0	0	0	0	0
Warwickshire	0	0	0	0	0	0	0	0
West Yorkshire	1	0	1	0	0	0	0	0
South Wales	1	0	1	0	0	0	0	0
Avon and Somerset	3	2	1	0	0	0	0	0
Gwent	0	0	0	0	0	0	0	0
British Transport Police	0	0	0	0	0	0	0	0
South Yorkshire	0	0	0	0	0	0	0	0

Public Authority	2016 VRR	Ineligible/out of remit	Original decision upheld	Refiled as NFA	Proceedings started	Referred to CPS	Further enquiries	No disagg. information
Civil Nuclear Constabulary	0	0	0	0	0	0	0	0
Leicestershire Constabulary	1	0	1	0	0	0	0	0
Surrey Police	0	0	0	0	0	0	0	0
Dyfed-Powys Police	2	0	2	0	0	0	0	0
Merseyside Police	0	0	0	0	0	0	0	0
West Mercia Police	0	0	0	0	0	0	0	0
Ministry of Defence Police	0	0	0	0	0	0	0	0
Gloucestershire Constabulary	0	0	0	0	0	0	0	0
Bedfordshire Police	0	0	0	0	0	0	0	0
Kent	5	0	5	0	0	0	0	0
Hertfordshire Constabulary	-	-	-	-	-	-	-	-
Lancashire Police	5	1	2	0	0	2	0	0
<b>All forces total</b>	<b>30</b>	<b>7</b>	<b>21</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>

Table 4: All responding forces outcome data – 2016

## 9.4 All responding forces outcome data – 2017

Public Authority	2017 VRR	Ineligible/out of remit	Original decision upheld	Proceedings started	Referred to CPS	Further enquiries	Case reopened, filed due to evidential difficulties	Finalised by mediation	Refiled as NFA	No disagg. information
West Midlands	3	0	2	0	0	0	1	0	0	0
Staffordshire	2	0	2	0	0	0	0	0	0	0
North Yorkshire	-	-	-	-	-	-	-	-	-	-
Wiltshire	2	1	1	0	0	0	0	0	0	0
North Wales	1	0	1	0	0	0	0	0	0	0
Derbyshire	1	0	1	0	0	0	0	0	0	0
Dorset	1	0	1	0	0	0	0	0	0	0
Essex	3	0	3	0	0	0	0	0	0	0
Warwickshire	0	0	0	0	0	0	0	0	0	0
West Yorkshire	1	0	1	0	0	0	0	0	0	0
South Wales	2	0	2	0	0	0	0	0	0	0
Avon and Somerset	8	3	5	0	0	0	0	0	0	0
Gwent	1	-	-	-	-	-	-	-	-	1
British Transport Police	0	0	0	0	0	0	0	0	0	0

Public Authority	2017 VRR	Ineligible/out of remit	Original decision upheld	Proceedings started	Referred to CPS	Further enquiries	Case reopened, filed due to evidential difficulties	Finalised by mediation	Refiled as NFA	No disagg. information
South Yorkshire	1	0	0	0	0	0	0	1	0	0
Civil Nuclear Constabulary	0	0	0	0	0	0	0	0	0	0
Leicestershire Constabulary	9	1	6	0	2	0	0	0	0	0
Surrey Police	2	0	0	1	0	0	0	0	1	0
Dyfed-Powys Police	1	0	1	0	0	0	0	0	0	0
Merseyside Police	0	0	0	0	0	0	0	0	0	0
West Mercia Police	0	0	0	0	0	0	0	0	0	0
Ministry of Defence Police	0	0	0	0	0	0	0	0	0	0
Gloucestershire Constabulary	1	0	0	0	1	0	0	0	0	0
Bedfordshire Police	0	0	0	0	0	0	0	0	0	0
Kent	1	0	1	0	0	0	0	0	0	0
Hertfordshire Constabulary	-	-	-	-	-	-	-	-	-	-
Lancashire Police	7	2	4	0	1	0	0	0	0	0
<b>All forces total</b>	<b>47</b>	<b>7</b>	<b>31</b>	<b>1</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>

Table 5: All responding forces outcome data – 2017

## 9.5 All responding forces outcome data – 2018

Public Authority	2018 VRR	Ineligible/ out of remit	Original decision upheld	Refiled as NFA	Original decision overturned, did not succeed to prosecution	Proceedings started	Referred to CPS	Further enquiries	Withdrawn by complainant	No disagg. information
West Midlands	3	0	3	0	0	0	0	0	0	0
Staffordshire	1	0	0	0	0	0	1	0	0	0
North Yorkshire	4	-	2	-	-	-	-	-	-	2
Wiltshire	2	2	0	0	0	0	0	0	0	0
North Wales	5	1	4	0	0	0	0	0	0	0
Derbyshire	0	0	0	0	0	0	0	0	0	0
Dorset	3	2	0	0	0	0	0	1	0	0
Essex	4	0	3	1	0	0	0	0	0	0
Warwickshire	0	0	0	0	0	0	0	0	0	0
West Yorkshire	10	4	6	0	0	0	0	0	0	0
South Wales	0	0	0	0	0	0	0	0	0	0
Avon and Somerset	6	0	5	0	1	0	0	0	0	0
Gwent	5	-	-	-	-	-	-	-	-	5
British Transport Police	0	0	0	0	0	0	0	0	0	0

Public Authority	2018 VRR	Ineligible/ out of remit	Original decision upheld	Refiled as NFA	Original decision overturned, did not succeed to prosecution	Proceedings started	Referred to CPS	Further enquiries	Withdrawn by complainant	No disagg. information
South Yorkshire	2	0	2	0	0	0	0	0	0	0
Civil Nuclear Constabulary	0	0	0	0	0	0	0	0	0	0
Leicestershire Constabulary	2	1	1	0	0	0	0	0	0	0
Surrey Police	3	0	3	0	0	0	0	0	0	0
Dyfed-Powys Police	0	0	0	0	0	0	0	0	0	0
Merseyside Police	0	0	0	0	0	0	0	0	0	0
West Mercia Police	1	0	1	0	0	0	0	0	0	0
Ministry of Defence Police	0	0	0	0	0	0	0	0	0	0
Gloucestershire Constabulary	0	0	0	0	0	0	0	0	0	0
Bedfordshire Police	0	0	0	0	0	0	0	0	0	0
Kent	2	0	2	0	0	0	0	0	0	0
Hertfordshire Constabulary	3	0	3	0	0	0	0	0	0	0
Lancashire Police	10	3	5	0	0	0	1	0	1	0
<b>All forces total</b>	<b>66</b>	<b>13</b>	<b>40</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>7</b>

Table 6: All responding forces outcome data – 2018

## 9.6 All responding forces outcome data - 2019

Public Authority	2019 VRR	Ineligible/ out of remit	Original decision upheld	Refiled as NFA	Original decision overturned, did not succeed to prosecution	Proceedings started	Referred to CPS	Further enquiries	No further information on record	Complaint upheld; disposal decision remained	No response from interested party	No disagg. information
West Midlands	6	0	2	3	0	0	0	1	0	0	0	0
Staffordshire	0	0	0	0	0	0	0	0	0	0	0	0
North Yorkshire	3	0	2	0	0	1	0	0	0	0	0	0
Wiltshire	5	2	1	0	2	0	0	0	0	0	0	0
North Wales	8	5	3	0	0	0	0	0	0	0	0	0
Derbyshire	1	0	0	0	0	0	0	1	0	0	0	0
Dorset	5	2	2	0	0	0	0	1	0	0	0	0
Essex	12	0	5	1	0	0	3	1	1	0	1	0
Warwickshire	0	0	0	0	0	0	0	0	0	0	0	0
West Yorkshire	19	12	6	0	0	0	0	1	0	0	0	0
South Wales	3	0	3	0	0	0	0	0	0	0	0	0

Public Authority	2019 VRR	Ineligible/ out of remit	Original decision upheld	Refiled as NFA	Original decision overturned, did not succeed to prosecution	Proceedings started	Referred to CPS	Further enquiries	No further information on record	Complaint upheld; disposal decision remained	No response from interested party	No disagg. information
Avon and Somerset	11	2	6	0	2	0	0	0	1	0	0	0
Gwent	3	-	-	-	-	-	-	-	-	-	-	3
British Transport Police	1	0	1	0	0	0	0	0	0	0	0	0
South Yorkshire	1	0	0	0	0	0	0	1	0	0	0	0
Civil Nuclear Constabulary	0	0	0	0	0	0	0	0	0	0	0	0
Leicestershire Constabulary	3	2	0	0	0	1	0	0	0	0	0	0
Surrey Police	1	0	0	0	0	0	0	0	0	1	0	0
Dyfed-Powys Police	1	0	1	0	0	0	0	0	0	0	0	0
Merseyside Police	3	0	3	0	0	0	0	0	0	0	0	0
West Mercia Police	2	0	2	0	0	0	0	0	0	0	0	0
Ministry of Defence Police	0	0	0	0	0	0	0	0	0	0	0	0
Gloucestershire Constabulary	2	0	1	0	0	0	1	0	0	0	0	0
Bedfordshire Police	0	0	0	0	0	0	0	0	0	0	0	0
Kent	11	0	11	0	0	0	0	0	0	0	0	0
Hertfordshire Constabulary	3	0	2	0	0	0	0	0	0	0	1	0



Public Authority	2019 VRR	Ineligible/ out of remit	Original decision upheld	Refiled as NFA	Original decision overturned, did not succeed to prosecution	Proceedings started	Referred to CPS	Further enquiries	No further information on record	Complaint upheld; disposal decision remained	No response from interested party	No disagg. information
Lancashire Police	12	2	8	0	0	0	2	0	0	0	0	0
<b>All forces total</b>	<b>116</b>	<b>27</b>	<b>59</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>6</b>	<b>6</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>3</b>

Table 7: All responding forces outcome data – 2019

## 9.7 All responding forces outcome data – 2020

Public Authority	2020 VRR	Ineligible/ out of remit	Original decision upheld	Refiled as NFA	Proceedings started	Referred to CPS	Original decision overturned; statute barred	Further enquiries	Withdrawn by complainant	Complaint upheld, disposal decision remained	No disagg. information
West Midlands	3	1	0	1	0	0	0	1	0	0	0
Staffordshire	0	0	0	0	0	0	0	0	0	0	0
North Yorkshire	0	0	0	0	0	0	0	0	0	0	0
Wiltshire	1	1	0	0	0	0	0	0	0	0	0
North Wales	5	1	1	0	1	0	0	2	0	0	0
Derbyshire	4	0	3	0	0	0	0	1	0	0	0
Dorset	2	1	1	0	0	0	0	0	0	0	0
Essex	1	0	0	0	0	0	0	1	0	0	0
Warwickshire	0	0	0	0	0	0	0	0	0	0	0
West Yorkshire	16	6	6	0	0	0	0	4	0	0	0
South Wales	3	0	3	0	0	0	0	0	0	0	0
Avon and Somerset	3	2	1	0	0	0	0	0	0	0	0
Gwent	1	-	-	-	-	-	-	-	-	-	1

Public Authority	2020 VRR	Ineligible/ out of remit	Original decision upheld	Refiled as NFA	Proceedings started	Referred to CPS	Original decision overturned; statute barred	Further enquiries	Withdrawn by complainant	Complaint upheld, disposal decision remained	No disagg. information
British Transport Police	0	0	0	0	0	0	0	0	0	0	0
South Yorkshire	6	0	3	0	0	0	0	3	0	0	0
Civil Nuclear Constabulary	0	0	0	0	0	0	0	0	0	0	0
Leicestershire Constabulary	6	4	1	0	0	0	0	0	1	0	0
Surrey Police	1	0	0	0	0	0	0	0	0	1	0
Dyfed-Powys Police	2	0	1	0	0	0	0	1	0	0	0
Merseyside Police	1	0	1	0	0	0	0	0	0	0	0
West Mercia Police	5	0	2	0	0	0	0	3	0	0	0
Ministry of Defence Police	0	0	0	0	0	0	0	0	0	0	0
Gloucestershire Constabulary	5	0	4	0	0	0	1	0	0	0	0
Bedfordshire Police	0	0	0	0	0	0	0	0	0	0	0
Kent	5	0	5	0	0	0	0	0	0	0	0
Hertfordshire Constabulary	2	0	1	0	0	1	0	0	0	0	0

Public Authority	2020 VRR	Ineligible/ out of remit	Original decision upheld	Refiled as NFA	Proceedings started	Referred to CPS	Original decision overturned; statute barred	Further enquiries	Withdrawn by complainant	Complaint upheld, disposal decision remained	No disagg. information
Lancashire Police	36	12	14	0	0	0	0	10	0	0	0
<b>All forces total</b>	<b>108</b>	<b>28</b>	<b>47</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>26</b>	<b>1</b>	<b>1</b>	<b>1</b>

Table 8: All responding forces outcome data – 2020

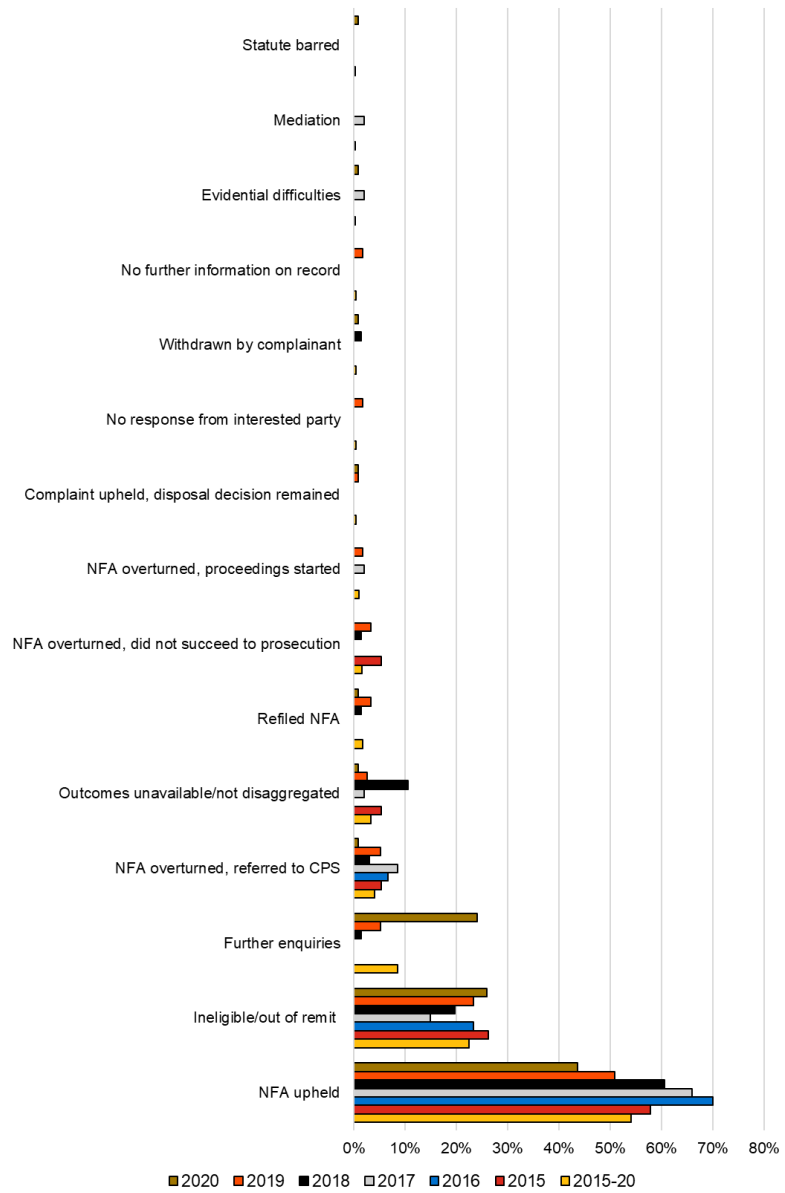


Figure 4: Outcomes for VRR requests received; all services – 2015-2020

## 10. Appendix 2: Refusal notices and non-disclosures

Police force/public authority	Reason for refusal
Cambridgeshire Constabulary	<p>Section 30 and 40 Refusal Notice: Class-based exemptions due to the nature of information requested.</p> <p><i>“Cambridgeshire Constabulary can confirm that it holds information in relation to your request however, I am not obliged to supply the information you have requested. Such information is exempt under the following exemptions:</i></p> <p><i>Section 30(1)(a)(b) – Investigations and Proceedings conducted by Public Authorities</i></p> <p><i>Section 40(2) – Personal Information”</i></p>
Cheshire Constabulary	<p>Section 12 Refusal Notice: Cost of compliance, due to difficulty of retrieving data.</p> <p><i>“We are unable to provide this as it would exceed the appropriate costs limit under section 12 of the Freedom of Information Act 2000. This is currently £450. The basis for this calculation is the cost of retrieving the data to answer your questions.”</i></p>
City of London Police	<p>Section 12 Refusal Notice: Cost of compliance, due to difficulty of retrieving data.</p> <p><i>“The City of London Police (COLP) are unable to answer your request as the information requested cannot be collated within the timeframe/cost threshold set out by the Freedom of Information and Data Protection Act Fees Regulations 2004.”</i></p>

Police force/public authority	Reason for refusal
Cleveland Police	<p>Outcomes not retrievable currently due to recording and allocation process.</p> <p><i>“We have made enquiries within the force and have been able to ascertain that when a Victims’ Right to Review (VRR) is received it is, currently logged by Standards and Ethics and acknowledged it is then input onto NICHE where it is automatically allocated to an officer, of at least Chief Inspector rank, in a different district to ensure impartiality and the final decision letter goes from that officer. Unfortunately Standards and Ethics are just advised it has been completed not the outcome.</i></p> <p><i>The VRR recording and allocation process is currently being looked [into] and a new system of recording, with a new department is being looked at.</i></p> <p><i>Please note any statistical data supplied in relation to Freedom of Information requests is a snapshot of data held at the time the request was received by the Freedom of Information office and is subject to constant change/updates.</i></p> <p><i>The Cleveland Police response to your request is unique and it should be noted that Police Forces do not use generic systems or identical procedures to capture and record data therefore responses from Cleveland Police should not be used as a comparison with any other force response you receive.</i></p>
Cumbria Constabulary	<p>Section 12 Refusal Notice: Cost of compliance, due to difficulty of retrieving data.</p> <p><i>“I am satisfied that the time required to respond to your request will significantly exceed the “appropriate level” as stated in the Freedom of Information and Data Protection (Fees and Appropriate Limit) Regulations 2004. The current limit for police forces has been set at £450, which equates to 18 hours of work.”</i></p>

Police force/public authority	Reason for refusal
Devon and Cornwall Police	<p>Section 12 Refusal Notice: Cost of compliance, due to difficulty of retrieving data.</p> <p><i>"I can confirm that Devon and Cornwall Police holds information falling within the description specified in your request. However, it is estimated that to locate, retrieve and extract the specific information is likely to take longer than 18 hours.</i></p> <p><i>The time period of 18 hours is considered the 'appropriate limit', as per section 12(3), to the amount of time/money spent on one individual request under the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004."</i></p>
Durham Constabulary	<p>Section 12 Refusal Notice: Cost of compliance, due to difficulty of retrieving data.</p> <p><i>"Although the information is held, there is no facility to easily access the information requested. To access and retrieve accurate data would require a member of staff to manually review over 8000 stalking and harassment records in the last 12 months alone to ascertain whether a victim's right of review was recorded. A conservative estimate of the time needed to check each individual record is 3 minutes.</i></p> <p><i>The cost of providing you with the information is above the amount to which we are legally required to respond. Accordingly therefore, I will be unable to provide any information in relation to your request under Section 12 of the Freedom of Information Act 2000."</i></p>
Hampshire Constabulary	<p>Section 12 Refusal Notice: Cost of compliance, due to difficulty of retrieving data.</p> <p><i>"Hampshire Constabulary does not hold this information in a retrievable format. The cost of determining if the information is held, locating and retrieving the information exceeds the 'appropriate level' as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004. It is estimated that it would cost more than £450 to comply with your request."</i></p>



Police force/public authority	Reason for refusal
Humberside Police	<p>Section 12 Refusal Notice: Cost of compliance, due to difficulty of retrieving data.</p> <p><i>“In order to extract relevant data all harassment cases would need to be retrieved and manually reviewed. This would greatly exceed the appropriate limit of 18 hours. There it has been determined that this is exempt under S12 of the Act”</i></p>
Metropolitan Police Service	<p>Section 12 Refusal Notice: Cost of compliance, due to difficulty of retrieving data.</p> <p><i>“The MPS is unable to collate the information requested within the cost threshold set out by the Freedom of Information and Data Protection Act Fees Regulations 2004. In this regard, I estimate that the cost of complying with your request would exceed the appropriate limit.”</i></p>
Norfolk and Suffolk Constabularies	<p>Section 12 Refusal Notice: Cost of compliance, due to difficulty of retrieving data.</p> <p><i>“The Norfolk and Suffolk Constabularies estimates that to retrieve all the information you have requested for both forces would exceed cost in excess of £450 (per force). This would therefore exceed the appropriate limit for dealing with a Freedom of Information request, in terms of costs, and therefore Section 12(1) of the Freedom of Information Act applies.”</i></p>
Northamptonshire Police	<p>Section 12 Refusal Notice: Cost of compliance, due to difficulty of retrieving data.</p> <p><i>“The information about Victims’ Right to Review is not recorded in a searchable field within the crime system. The information we do hold would require manual research into all individual records of Stalking or Harassment for the identified years. It is my assessment that the cost of providing you with the information requested would exceed the ‘appropriate level’ as set out in the Freedom of Information (Appropriate Limit and Fees) Regulations 2004 which is currently £450 for ‘prescribed costs’.”</i></p>

Police force/public authority	Reason for refusal
Northumbria	<p>Section 12 Refusal Notice: Cost of compliance, due to difficulty of retrieving data.</p> <p><i>"I can neither confirm nor deny that the information you require is held by Northumbria Police as to actually determine if it is held would exceed the permitted 18 hours therefore Section 12(2) of the Freedom of Information Act would apply. This section does not oblige a public authority to comply with a request for information if the authority estimated that the cost of complying with the request would exceed the appropriate limit of 18 hours, equating to £450.00"</i></p>
Police Scotland	<p>Section 17 Refusal Notice: No information held.</p> <p><i>"Police Scotland does not hold any information in relation to the VRR Scheme and as such, Section 17 of the Freedom of Information (Scotland) Act 2002, has been applied."</i></p>
Police Service of Northern Ireland	<p>Section 12 Refusal Notice: Cost of compliance, due to difficulty of retrieving data.</p> <p><i>"It is estimated that the cost of complying with your request for information would exceed the "appropriate costs limit" under Section 12(1) of the Freedom of Information Act 2000 [...] The information request whilst it may be held by PSNI electronically it is not held in a structure that enables extraction without manual intervention. For reviews in relation to a PSNI only decision (e.g. where an occurrence is classed as No Further Police Action), it is possible that Victims' Right to Review (VRRs) would be mentioned in the occurrence entry log (OEL) of an occurrence, would require reading through each log to determine if a review was requested, which will exceed the 18 hour limit."</i></p>

Police force/public authority	Reason for refusal
Thames Valley Police	<p>Request to withdraw and resubmit at a later date due to extraordinary circumstances.</p> <p><i>“I am sure you will appreciate that during the Covid-19 epidemic, we need to focus on our critical policing activities. We have identified that dealing with your request, at this time, would require a disproportionate and unjustified diversion of policing resources away from those critical activities. We are therefore inviting you to consider withdrawing your request and resubmitting it at a later date.”</i></p>
CPS Information Access Team	<p>Section 12 Refusal Notice: Cost of compliance, due to difficulty of retrieving data.</p> <p><i>“The Crown Prosecution Service (CPS) does not collate any central records in respect of Victims’ Right to Review (VRR) requests linked to specific offences. The CPS does however record limited data for VRR requests under Principal Offence Categories. The Principal Offence Category indicates the most serious offence with which the defendant is charged at the time of finalisation. Stalking and harassment both come under the Principal Offence Category of ‘Offences against the person’. In order to ascertain how many VRR requests were received in relation to cases involving offences of stalking and harassment between 2013 and 2020 (as described in question one), and which of those VRR requests were upheld or declined by the CPS (as described in question two), a manual review of all case files involving an offence that has been recorded under the Principal Offence Category of ‘Offences against the person’, in which records show that a VRR was made, would be required.</i></p> <p><i>As a guide, during the period of 2013 to 2019, 4265 VRRs were received relating to the Principal Offence Category of ‘Offences against the person’.</i></p> <p><i>Section 12(1) of the FOI Act means public authorities are not obliged to comply with a request for information if it estimates the cost of complying would exceed the appropriate limit.”</i></p>

Table 9: Refusal notices and non-disclosures

## 11. Appendix 3: Survey presented to stalking survivors

Q1. If the outcome of your stalking case was no further action by police, were you told that you could have this reviewed under the Victims' Right to Review?
Q2 If you were not told about your Right to Review, how does that make you feel?
Q3. If you did request a review what was the outcome: (highlight whichever is appropriate below)
(a) the original decision to take no further action is upheld
(b) original decision is overturned and proceedings are started against the suspect
(c) original decision is overturned and the suspect dealt with by out of court disposal
(d) original decision is overturned and the case referred to the CPS for a charging decision
(e) police decide to make further enquiries before the reviewing officer can make a decision

(f) original decision is overturned but the case's statute of limitations has run out so we can't start proceedings
Q4. How did the outcome make you feel?
Any other comments?

Table 10: Survey presented to survivors on their experiences of stalking & VRR