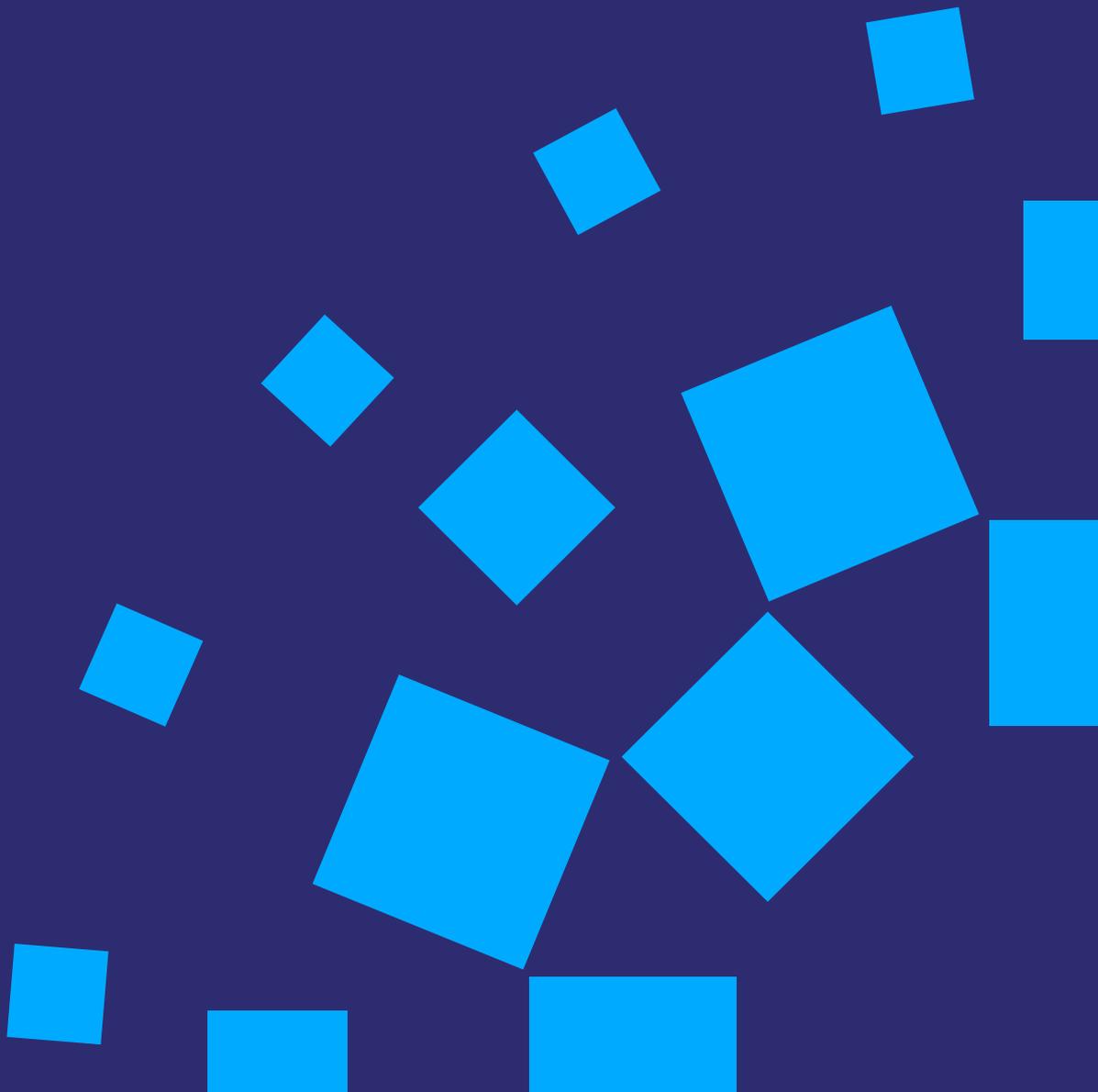




College of  
**Policing**

Working together  
to prevent crime

# Violence against women and girls: Toolkit 2021



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# Introduction

In July 2021, the government launched its [\*\*Tackling Violence against Women and Girls Strategy\*\*](#). Evidence presented in the strategy suggests that some forms of violence against women and girls are so commonplace that many women and girls don't even think they are worth reporting. This is the case for things like being grabbed, touched, and/or threatened by strangers.

The strategy presents evidence that describes how many victims experience these forms of violence and harassment, highlighting concerns about women and girls' safety in public places. The evidence includes a survey conducted by Plan International UK in 2018, which showed that as many as 38% of the young girls surveyed aged 14 to 21 have experienced verbal harassment, including sexual comments in public places, at least once a month<sup>1</sup>. The Opinions and Lifestyle Survey June 2021<sup>2</sup> found that from a sample of 16,112 adults aged 16 years and over in Great Britain, two out of three women aged 16 to 34 years had experienced one form of harassment in the previous 12 months. In total, 44% of women aged 16 to 34 years had experienced catcalls, whistles, unwanted sexual comments or jokes in the previous 12 months, while 29% had felt like they were being followed. Crime Survey for England and Wales (CSEW) data shows that 31% of women felt unsafe walking alone after dark (in comparison to 13% of men)<sup>3</sup>. Since its inception in June 2020, the [\*\*Everyone's Invited\*\*](#) website has received thousands of testimonies of rape culture in schools, universities and other organisations across the UK, providing an insight into the prevalence and widespread nature of the problem experienced by young girls and women.

In addition to harassment and violence in physical public spaces, women and girls are also at risk of harassment and abuse in the online space. Crimes that take place online can have additional considerations – for example, it

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1 Plan International UK. (2018). [\*\*Street harassment\*\*](#) [internet]. [Accessed 26 November 2021]

2 Office for National Statistics. (2021). [\*\*Perceptions of personal safety and experiences of harassment, Great Britain: 2 to 27 June 2021\*\*](#) [internet]. [Accessed 26 November 2021]

3 Office for National Statistics. (2021). [\*\*Estimates of proportions for how safe people feel walking alone after dark, by respondent sex, Crime Survey for England and Wales, year ending March 2020\*\*](#) [internet]. [Accessed 26 November 2021]

may be easier for the perpetrator to remain unknown or for them to carry out their abuse from any location. In 2017, Amnesty International and Ipsos Mori conducted a survey relating to online abuse or harassment of women aged 18-55 years in the UK, US, New Zealand, Spain, Italy, Poland, Sweden and Denmark. It found that in the UK, 21% of respondents had experienced abuse or harassment online at least once. The average was 23% across the countries, ranging from 17% to 30%. A further breakdown of results shows that 18% of these women said that they had received abuse or harassment from a current or former partner, while 59% said that they had received abuse from someone who they did not know personally at all<sup>4</sup>. The Independent Inquiry into Child Sexual Abuse found that girls are more likely than boys to be victims of online-facilitated child sexual abuse<sup>5</sup>.

Policing is committed to addressing public sexual harassment so that women and girls feel safe in our public spaces, whether they're online or on the streets. The recent focus on safety of women and girls has led to concerns about the need for new offences to address misogyny. The College of Policing has produced this advice for police officers to set out offences that currently exist that can be considered by police responders. In particular, there are existing offences that can deal with harassment that happens in the street, such as name calling or making lewd comments. The advice does not include every possible offence because for the more serious types of incident such as rape, police responders will be aware of the offences under which they can be charged. In addition, it is important to note that girls under 18 who are victims may be appropriately protected through specific child safeguarding powers, such as police protection under s46, Children Act, 1989 or emergency protection orders. The intention is to point responders to existing laws that might be appropriate to address certain behaviours that might otherwise be thought not to be an offence. This guide also contains links to resources that can help to ensure that proper use is consistently made of protective tools, such as stalking protection orders.

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4 Amnesty International. (2017). [\*\*Amnesty reveals alarming impact of online abuse against women\*\*](#) [internet]. [Accessed 26 November 2021]

5 Chahal C-M, Palmer E, Dodds S and Milan S. (2018). Rapid evidence assessment: Characteristics and vulnerabilities of victims of online-facilitated child sexual abuse and exploitation [internet]. Independent Inquiry into Child Sexual Abuse. [Accessed 26 November 2021]

# Violence against women and girls, including misogynistic behaviours, and possible police actions

Types of misogynistic behaviours, the offences under which they could be prosecuted and protective measures that could be used to prevent further offending are described below. Further details and relevant resources for the use of relevant protective measures are provided in

## **Protective measure and civil orders**

### **Street harassment**

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## Street harassment

### Catcalling and wolf whistling

#### Relevant offences that may cover the behaviour (dependent on the circumstances of the case)

- **Public Order Act 1986, s 4A** (intentional harassment, alarm or distress).
- **Public Order Act 1986, s 5** (harassment, alarm or distress).
- Where these behaviours are part of a course of conduct (ie, occurred on at least two occasions), this may constitute harassment or stalking. Charging under **Protection from Harassment Act 1997, s 2/4 and s 2A/4A** may be more appropriate, as opposed to a single-incident Public Order Act 1986 offence.

#### Preventative strategies

- **Public spaces protection orders**
- **Criminal behaviour orders**
- **Community protection notice**

### Exposure

#### Relevant offences that may cover the behaviour (dependent on the circumstances of the case)

- **Sexual Offences Act 2003, s 66.**
- A person commits an offence if he both:
  - intentionally exposes his genitals
  - intends that someone will see them and be caused alarm or distress

#### Preventative strategies

- **Pre-charge bail**
- **Sexual harm prevention orders**

## Exposure

- [Sexual risk orders](#)
- [Criminal behaviour orders](#)
- [Community protection notice](#)
- [Public spaces protection orders](#)

## Following, persistent following, cornering, isolating

Relevant offences that may cover the behaviour  
(dependent on the circumstances of the case)

- [Public Order Act 1986, s 4A](#) (intentional harassment, alarm or distress).
- [Public Order Act 1986, s 5](#) (harassment, alarm or distress).
- [Criminal Justice Act 1988, s 39](#) (common assault).
- Where these behaviours are part of a course of conduct (ie, occurred on at least two occasions), this could be considered stalking or harassment. Charging under [Protection from Harassment Act 1997, s 2/4 and s 2A/4A](#) may be more appropriate, as opposed to a single-incident Public Order Act 1986 offence. In a domestic setting, this could also be considered to be coercive and controlling behaviour (see below for advice).
- Where a court is dealing with an offender for an offence, it may make a restraining order for the purpose of protecting the victim, or victims, of the offence – or any other person mentioned in the order – from conduct that amounts to harassment or will cause a fear of violence.
- Under the [Protection from Harassment Act 1997](#), a court can impose a restraining order where the defendant is acquitted for an offence, if it considers it necessary to do so to protect a person from harassment from the defendant.

## Following, persistent following, cornering, isolating

### Preventative strategies

- [Pre-charge bail](#)
- [Stalking protection orders](#)
- [Restraining orders](#)
- [Non-molestation orders](#)
- See also: [College Learn: Public Protection Tactical Menu of Options](#)

## Kerb crawling

### Relevant offences that may cover the behaviour (dependent on the circumstances of the case)

- Under [Section 51A of the Sexual Offences Act 2003](#) (as amended by [Section 19 of the Policing and Crime Act 2009](#)), it is an offence for a person in a street (including in a vehicle) or public place to solicit another for the purpose of obtaining a sexual service. This replaces the offences of kerb crawling and persistent soliciting under Sections 1 and 2 of the [Sexual Offences Act 1985](#). The amendment removes the requirement to prove persistence. This enables an offender to be prosecuted on the first occasion they are found to be soliciting, without the need to prove persistent behaviour, or that the behaviour was likely to cause annoyance or nuisance to others.

### Preventative strategies

- [Pre-charge bail](#)
- [Criminal behaviour orders](#)
- [Community protection notice](#)
- See also: [College Learn: Public Protection Tactical Menu of Options](#)

## Kerb crawling (non-prostitution-based)

### Relevant offences that may cover the behaviour (dependent on the circumstances of the case)

- **Public Order Act 1986, s 4A** (intentional harassment, alarm or distress).
- **Public Order Act 1986, s 5** (harassment, alarm or distress).
- Where these behaviours are part of a course of conduct (ie, occurred on at least two occasions), this could be considered stalking or harassment. Charging under **Protection from Harassment Act 1997, s2/4 and s2A/4A** may be more appropriate, as opposed to a single-incident Public Order Act 1986 offence.

### Preventative strategies

- **Pre-charge bail**
- **Criminal behaviour orders**
- **Community protection notice**
- See also: **College Learn: Public Protection Tactical Menu of Options**

## Leering or persistent staring

### Relevant offences that may cover the behaviour (dependent on the circumstances of the case)

- **Public Order Act 1986, s 4A** (intentional harassment, alarm or distress).
- **Public Order Act 1986, s 5** (harassment, alarm or distress).
- Where these behaviours are part of a course of conduct (ie, occurred on at least two occasions), this could be considered stalking or harassment. Charging under **Protection from Harassment Act 1997, s 2/4 and s 2A/4A** may be more appropriate, as opposed to a single-incident Public Order Act 1986 offence.

## Leering or persistent staring

### Preventative strategies

- [Stalking protection orders](#)
- [Restraining orders](#)
- [Non-molestation orders](#)
- See also: [College Learn: Public Protection Tactical Menu of Options](#)

## Physical assault that has a sexual or gender-based element

### Relevant offences that may cover the behaviour (dependent on the circumstances of the case)

- Physical assault – common assault (common law, [section 39 of the Criminal Justice Act 1988](#)).
- Women and girls might be viewed as vulnerable in particular circumstances. Where this is the case, the prosecution papers should make this clear to enable enhanced sentencing, under Sentencing Council rules.

### Preventative strategies

- [Sentencing Council guidelines: Aggravating and mitigating factors](#)
- [Pre-charge bail](#)

## Sexual assault

Relevant offences that may cover the behaviour  
(dependent on the circumstances of the case)

- **Sexual Offences Act 2003, s 3** (sexual assault).
- If the victim is under 16, a range of child sex offences may be appropriate.

Preventative strategies

- **Pre-charge bail**
- **Sexual risk orders**
- **Sexual harm prevention orders**
- **Domestic violence protection notices and orders**
- **Restraining orders**
- **Non-molestation orders**
- **Civil injunctions**

## Sexual gestures

Relevant offences that may cover the behaviour  
(dependent on the circumstances of the case)

- Outraging public decency (common law).
- Public nuisance (common law - to be made statutory by the Police, Crime, Sentencing and Courts Bill).
- **Public Order Act 1986, s 4A** (intentional harassment, alarm or distress).

Preventative strategies

- **CPS guidance: Criminal behaviour orders**
- **Community protection notice**

## Sexual propositioning, sexually explicit comments, intrusive persistent questioning

### Relevant offences that may cover the behaviour (dependent on the circumstances of the case)

- **Public Order Act 1986, s 4A** (intentional harassment, alarm or distress).
- **Public Order Act 1986, s 5** (harassment, alarm or distress).
- Where these behaviours are part of a course of conduct (ie, occurred on at least two occasions), they may amount to harassment. Charging under **Protection from Harassment Act 1997, s 2/4 and s 2A/4A** may be more appropriate, as opposed to a single-incident Public Order Act 1986 offence.
- If the victim is under 16, consider **Sexual Offences Act 2003, s 15A** (sexual communication with a child). Other child sex offences may be appropriate, depending on the circumstances.

### Preventative strategies

- **Stalking protection orders**
- **Civil injunctions**
- **Criminal behaviour orders**

## Sexual touching

### Relevant offences that may cover the behaviour (dependent on the circumstances of the case)

- Criminal offence of sexual assault under **Sexual Offences Act 2003, s 3**.
- A person ('A') commits an offence if:
  - he intentionally touches another person ('B')
  - the touching is sexual
  - B does not consent to the touching
  - A does not reasonably believe that B consents

## Sexual touching

### Preventative strategies

- [Pre-charge bail](#)
- [Sexual risk orders](#)
- [Sexual harm prevention orders](#)
- See also: [College Learn: MOSOVO civil orders briefing sheet](#)

## Upskirting

### Relevant offences that may cover the behaviour (dependent on the circumstances of the case)

- Upskirting is the act of operating equipment or recording an image from underneath a person's clothing without their consent or reasonable belief in their consent. This can occur anywhere – for example, on public transport, on escalators or stairs, at schools and public events – and victims can experience significant and enduring emotional distress.
- It is an offence under [section 67A of the Sexual Offences Act 2003](#) to operate equipment or record an image under another person's clothing (without their consent or a reasonable belief of their consent) with the intention of observing or looking at, or enabling another person to observe or look at, their genitals or buttocks (whether exposed or covered with underwear), or the underwear covering the genitals or buttocks, where the purpose is to obtain sexual gratification or to cause humiliation, distress or alarm.

Alternatively, consider assault, Public Order Act 1986 offences, and stalking or harassment.

### Preventative strategies

- [Pre-charge bail](#)
- [Sexual harm prevention orders](#)
- [Sexual risk orders](#)
- For further advice, see: [College Learn: Upskirting advice](#)

## Viewing pornography in public

### Relevant offences that may cover the behaviour (dependent on the circumstances of the case)

- Viewing pornography in public could fall under outraging public decency laws if more than one person is affected.
- If viewed in the presence of children, it could also come under the **Sexual Offences Act 2003**.
- In certain circumstances it could also count as a public order offence, for example:
  - **Public Order Act 1986, s 4A** (intentional harassment, alarm or distress)
  - **Public Order Act 1986, s 5** (if it involves disorderly behaviour)

### Preventative strategies

- **Sexual risk orders**
- **Community protection notice**
- **Public spaces protection orders**



## Voyeurism

### Relevant offences that may cover the behaviour (dependent on the circumstances of the case)

- Under **Sexual Offences Act 2003, s 67**, a person ('A') commits an offence if:
  - for the purpose of obtaining sexual gratification, he observes another person doing a private act, and he knows that the other person does not consent to being observed for his sexual gratification
  - he operates equipment with the intention of enabling another person to observe, for the purpose of obtaining sexual gratification, a third person (B) doing a private act, and he knows that B does not consent to his operating equipment with that intention
  - he records another person (B) doing a private act, he does so with the intention that he or a third person will, for the purpose of obtaining sexual gratification, look at an image of B doing the act, and he knows that B does not consent to his recording the act with that intention
  - he installs equipment, or constructs or adapts a structure or part of a structure, with the intention of enabling himself or another person to commit an offence

### Preventative strategies

- **Pre-charge bail**
- **Sexual harm prevention orders**
- **Sexual risk orders**
- See also: **College Learn: MOSOVO civil orders briefing sheet**

## Domestic or relationship abuse

### Cyberflashing

#### Relevant offences that may cover the behaviour (dependent on the circumstances of the case)

- Cyberflashing, the sending of unsolicited sexual images, is potentially covered under **Malicious Communications Act 1998, s 1** – offence of sending letters with intent to cause distress or anxiety.
- This states that any person who sends one of the following forms of communications to another person is guilty of an offence if his purpose – or one of his purposes – in sending it is that it should cause distress or anxiety to the recipient, or to any other person to whom he intends that it – or its contents or nature – should be communicated.
  - A letter, electronic communication or article of any description that conveys:
    - a message that is indecent or grossly offensive
    - a threat
    - information that is false and known or believed to be false by the sender
  - Any article or electronic communication that is, in whole or part, of an indecent or grossly offensive nature.

#### Preventative strategies

- **Sexual Offences Act 2003: Sexual risk orders**
- **CPS guidance: Criminal behaviour orders**

### Cyberstalking

#### Relevant offences that may cover the behaviour (dependent on the circumstances of the case)

- **Malicious Communications Act 1998, s 1**, as described above for cyberflashing.

## Cyberstalking

- **Communications Act 2003, s 127** (malicious communications), which specifically mentions ‘persistently makes use of a public electronic communications network’.
- Where these behaviours are part of a course of conduct (ie, occurred on at least two occasions), this may constitute harassment or stalking. Charging under **Protection from Harassment Act 1997, s 2/4 and s 2A/4A** may be more appropriate, as opposed to a single-incident Public Order Act 1986 offence.

## Preventative strategies

- **Pre-charge bail**
- **Stalking protection orders**
- **Restraining orders**
- **Non-molestation orders**
- **Sexual harm prevention orders (in relation to the offence under Communications Act 2003, s 127)**
- See also: **College Learn: MOSOVO civil orders briefing sheet**

## Domestic abuse and controlling or coercive behaviour

### Relevant offences that may cover the behaviour (dependent on the circumstances of the case)

- Domestic abuse is defined in the **Domestic Abuse Act 2021, s 1** as:
  - Behaviour of a person (‘A’) towards another person (‘B’) is domestic abuse if A and B are each aged 16 or over and are personally connected to each other, and the behaviour is abusive.
- Behaviour is abusive if it consists of any of the following:
  - physical or sexual abuse
  - violent or threatening behaviour
  - controlling or coercive behaviour
  - economic abuse
  - psychological, emotional or other abuse

## Domestic abuse and controlling or coercive behaviour

- It does not matter whether the behaviour consists of a single incident or a course of conduct.
- For offences associated with domestic abuse, see: **APP: Context and dynamics of domestic abuse**.
- Controlling or coercive behaviour can be a warning sign of a risk of future violence towards the victim. Although the conduct may appear low-level, any behaviour or pattern suggestive of controlling or coercive behaviour must be treated seriously and investigated to determine whether an offence has been committed under the **Serious Crime Act 2015, s 76**. Controlling or coercive behaviour towards another can also include, or be committed in conjunction with, a range of other offences.

### Preventative strategies

- **Pre-charge bail**
- **Domestic violence protection notices and orders**
- **Restraining orders**
- **Non-molestation orders**
- **Civil injunctions**
- **Stalking protection orders**

## Non-fatal strangulation or attempts to choke or suffocate through drowning or pillow over head

### Relevant offences that may cover the behaviour (dependent on the circumstances of the case)

- Non-fatal strangulation between intimate partners represents an extreme controlling form of violent behaviour<sup>6</sup> and is an important risk factor for homicide in women<sup>7</sup>. Consequently, consideration should be given to controlling or coercive behaviour (**Serious Crime Act 2015, s 76**).

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6 Stansfield R and Williams KR. (2018). 'Coercive control between intimate partners: An application to non-fatal strangulation'. *Journal of Interpersonal Violence*, 36(9-10).

7 Glass N and others. 'Non-fatal strangulation is an important risk factor for homicide of women'. *The Journal of Emergency Medicine*, 35(3), pp 329-335.

## Non-fatal strangulation or attempts to choke or suffocate through drowning or pillow over head

- Alternatively:
  - **Offences Against the Person Act 1861, s 21** – attempting to choke<sup>8</sup> in order to commit any indictable offence
  - physical assault – common assault (common law, **section 39 of the Criminal Justice Act 1988**)
- Women and girls might be viewed as vulnerable in particular circumstances. Where this is the case, the prosecution papers should make this clear to enable enhanced sentencing, under Sentencing Council rules.

### Preventative strategies

- **Sentencing Council guidelines: Aggravating and mitigating factors**
- **Pre-charge bail**
- **Domestic violence protection notices and orders**
- **Restraining orders**
- **Non-molestation orders**
- **Civil injunctions**

## Revenge porn

### Relevant offences that may cover the behaviour (dependent on the circumstances of the case)

- Revenge pornography is a colloquial term used to describe behaviour captured under the **Criminal Justice and Courts Act 2015, s 33**, recently amended by the **Domestic Abuse Act 2021, s 69**.
- Under the **Criminal Justice and Courts Act 2015, s 33**, it is an offence to disclose or threaten to disclose a private sexual photograph or film. A person commits an offence if:

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8 **New offence coming, section 70 of the Domestic Abuse Act 2021.**

## Revenge porn

- the person discloses, or threatens to disclose, a private sexual photograph or film in which another individual ('the relevant individual') appears
  - by so doing, the person intends to cause distress to that individual
  - the disclosure is, or would be, made without the consent of that individual
- Where these behaviours are part of a course of conduct (ie, occurred on at least two occasions), this may constitute an offence of harassment. **[Charging under the Protection from Harassment Act 1997, s 2/4 and s 2A/4A](#)** may be more appropriate, as opposed to a single-incident Public Order Act 1986 offence.
  - See the **[College of Policing advice note on revenge pornography](#)** for further support.

## Preventative strategies

- **[Stalking protection orders](#)**
- **[Restraining orders](#)**
- **[Non-molestation orders](#)**
- **[Sexual risk orders](#)**

## Romance fraud

### Relevant offences that may cover the behaviour (dependent on the circumstances of the case)

- Romance scams involve people being duped into sending money to criminals, who go to great lengths to gain their trust and convince them that they are in a genuine relationship. They use language to manipulate, persuade and exploit so that requests for money do not raise alarm bells. These requests might be highly emotive, such as criminals claiming they need money for emergency medical care, or to pay for transport costs to visit the victim if they are overseas.

## Romance fraud

- Offences under the **Fraud Act 2006** are applicable to a wide range of cyber-frauds by focusing on the underlying dishonesty and deception. The acts of setting up false social networking accounts or aliases could also amount to criminal offences under the Fraud Act 2006 if there was a financial gain. Under section 8 of the Fraud Act 2006, possession or making or supplying articles for use in frauds includes any program or data held in electronic form.

### Preventative strategies

- **Staying safe from romance fraud: A practical guide**

## Stalking and harassment

### Relevant offences that may cover the behaviour (dependent on the circumstances of the case)

- Stalking and harassment are offences under the **Protection from Harassment Act 1997**.
- In cases of stalking there is a pattern of unwanted, fixated and obsessive behaviour that is intrusive. It can include harassment that amounts to stalking, or stalking that causes fear of violence or serious alarm or distress.
- Harassment is described as unreasonable and oppressive behaviour that is repeated and may cause alarm, distress or fear of violence in the victim. The legal descriptions for these offences in law are similar. However, stalking behaviours suggest greater risk of harm and require greater consideration of risk management.
- See **Stalking and harassment APP** for further details.

### Preventative strategies

- **Pre-charge bail**
- **Stalking protection orders**

## Honour-based abuse

### Female genital mutilation

#### Relevant offences that may cover the behaviour (dependent on the circumstances of the case)

- Offences under the **Female Genital Mutilation Act 2003**.
- Under this Act, it is an offence for any person to perform female genital mutilation (FGM) or to assist a girl to carry out FGM on herself. It is also an offence to assist a non-UK national or resident to carry out FGM outside the UK on a UK national or permanent UK resident.
- It is also an offence to fail to protect a girl from FGM. If an offence of FGM is committed against a girl under the age of 16, each person who is responsible for the girl at the time FGM occurred will be liable. The maximum penalty is seven years' imprisonment or a fine or both.

#### Preventative strategies

- **Pre-charge bail**
- **Female genital mutilation protection order**
- **College Learn: MOSOVO civil orders briefing sheet**

### Forced marriage

#### Relevant offences that may cover the behaviour (dependent on the circumstances of the case)

- A person commits an offence if they use violence, threats or any other form of coercion for the purpose of causing another person to enter into a marriage, and believes, or ought reasonably to believe, that the conduct may cause the other person to enter into the marriage without free and full consent.
- This might also constitute coercive and controlling behaviour depending on relationships and ages of those involved.

#### Preventative strategies

- **Pre-charge bail**
- **Forced marriage protection order**

## Sexual exploitation or abuse

### Human trafficking, forced prostitution, modern slavery

#### Relevant offences that may cover the behaviour (dependent on the circumstances of the case)

- It is an offence under the **Modern Slavery Act 2015** to hold another in slavery or servitude or to require another to perform forced or compulsory labour.

#### Preventative strategies

- **Pre-charge bail**
- **Slavery and trafficking prevention and risk orders (STPOs and STROs)**

### Sex for rent

#### (where rooms for rent are provided in return for sex)

#### Relevant offences that may cover the behaviour (dependent on the circumstances of the case)

- Sex for rent, where landlords offer accommodation in exchange for sex, can lead to the exploitation of highly vulnerable people who are struggling to obtain accommodation. There are existing criminal offences in the **Sexual Offences Act 2003** that address these behaviours – for example, controlling prostitution for gain.
- The Crown Prosecution Service (CPS) has published **guidance about the issue of sex for rent**.
- The **Housing and Planning Act 2016** introduced banning orders to prevent those convicted of serious offences from letting or managing property.

#### Preventative strategies

- **Pre-charge bail**
- **Banning orders under the Housing and Planning Act 2016**
- **Sexual harm prevention orders**
- **Sexual risk orders**

## Sexual exploitation and grooming

### Relevant offences that may cover the behaviour (dependent on the circumstances of the case)

- For offences of child sexual exploitation:
  - **Sexual Offences Act 2003, s 48** – causing or inciting sexual exploitation of a child
  - **Sexual Offences Act 2003, s 49** – controlling a child in relation to sexual exploitation
  - **Sexual Offences Act 2003, s 50** – arranging or facilitating the sexual exploitation of a child

### Preventative strategies

- **Pre-charge bail**
- **Sexual harm prevention orders**
- **Sexual risk orders**

## Spiking drinks (administering a substance with intent), injection spiking

### Relevant offences that may cover the behaviour (dependent on the circumstances of the case)

- Under **Sexual Offences Act 2003, s 61**, a person ('A') commits an offence if he intentionally administers a substance to, or causes a substance to be taken by, another person ('B'):
  - knowing that B does not consent
  - with the intention of stupefying or overpowering B, so as to enable any person to engage in a sexual activity that involves B
- Injection spiking will also be an assault. Appropriate charges should be considered where the motivation is unclear or cannot be proved. Consider also whether the victim could be considered particularly vulnerable for the purposes of additional sentencing, under the Sentencing Council rules (see **Physical assaults**)

### Preventative strategies

- **Pre-charge bail**
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## Domestic violence protection notice or order

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- Under the **Crime and Security Act 2010, s 24**, a superintendent or above may issue a domestic violence protection notice (DVPN) to a person ('P') aged 18 or over if:
  - there are reasonable grounds to believe that P has been violent or has threatened violence towards an associated person
  - the issue of the DVPN is necessary to protect that associated person from violence or a threat of violence from P
- An associated person is defined under **section 62 of the Family Law Act 1996** and includes where they are or were married, civil partners or cohabitants.
- Where a DVPN has been issued, a constable must apply to the magistrates' court for a domestic violence protection order (DVPO) within 48 hours, in accordance with **section 27 of the Crime and Security Act 2010**. A court may make a DVPO if the following conditions are met:
  - the court is satisfied on the balance of probabilities that P has been violent towards, or threatened violence towards, an associated person
  - the court thinks that making the DVPO is necessary to protect the associated person from violence or a threat of violence from P
- **Note** - DVPOs were introduced by the **Domestic Abuse Act 2021**. They are currently being piloted and are not available in non-pilot police force areas.

### Other useful resources

- **APP: Domestic violence protection notices and domestic violence protection orders**
- See also: **College Learn: Domestic violence protection orders**
- Further information: **Home Office guidance: Domestic violence protection notices (DVPNs) and domestic violence protection orders (DVPOs) guidance**
- **Home Office guidance: Stalking protection orders**

- [College Learn: Public Protection Tactical Menu of Options](#)
- [College Learn: MOSOVO civil orders briefing sheet](#)

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## FGM protection order

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- FGM protection orders are granted by a court and are unique to each case. They contain conditions to protect a victim or potential victim from FGM. This could include, for example, surrendering a passport to prevent the person at risk from being taken abroad for FGM, or requirements that no one arranges for FGM to be performed on the person being protected.

### Other useful resources

- [Government guidance: Female genital mutilation \(FGM\) protection orders](#)

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## Forced marriage protection order

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- A forced marriage protection order can be applied for if the applicant, or someone else, is:
  - in a forced marriage
  - being threatened with a forced marriage
- The order will be designed to protect the individual according to their circumstances, for example, to stop someone taking an individual out of the UK.
- A breach of a forced marriage protection order can be dealt with in the family court or a criminal court. Under the [Family Law Act 1996](#), section 63CA, the breach of an order is a criminal offence with a maximum penalty of five years' imprisonment.

### Other useful resources

- [APP: Forced marriage and honour-based abuse](#)
- [Government guidance: Apply for a forced marriage protection order](#)

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## Non-molestation orders – civil court order

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- Under **section 42 of the Family Law Act 1996**, a non-molestation order protects a named person from specific behaviour by an abuser, which can include prohibiting the abuser from:
  - using or threatening physical violence
  - intimidating, harassing or pestering
  - communicating with the named person
  - instructing or encouraging others to do the above on their behalf
- A non-molestation order can be applied for by a victim of domestic abuse when the person to be protected from is:
  - someone the victim is having, or has had, a relationship with
  - a family member
  - someone the victim is living, or has lived, with
- The order is usually granted for between 6 and 12 months.
- Although it is a civil order, usually issued by a family court, a breach of the order is a criminal offence under section 42A of the Family Law Act 1996 and is therefore arrestable.

### Other useful resources

- **[APP: Civil orders](#)**
- **[Government guidance: Non-molestation orders](#)**
- **[College Learn: MOSOVO civil orders briefing sheet](#)**

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## Pre-charge bail

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- The police can grant pre-charge bail, also known as police bail, to individuals arrested on suspicion of a criminal offence but where there are no grounds to keep them in detention while the

investigation continues. Officers should review risk when making bail decisions (see: [APP: Understanding risk and vulnerability in the context of domestic abuse](#)). The primary consideration of an officer determining bail conditions should be the safety and protection of the victim, children, the suspect and the wider public.

### Other useful resources

- [APP: Detention and custody](#)
- College learn: [Pre-charge bail and risk](#)

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## Restraining orders

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- Under the [Protection from Harassment Act 1997](#), a court can impose a restraining order where the defendant is acquitted for an offence, if it considers it necessary to do so to protect a person from harassment from the defendant.
- These orders are intended to be preventative and protective. The guiding principle is that there must be a need for the order to protect a person or people.
- Restraining orders can only be made in respect of the defendant (not the victim or any witness), even if evidence in the course of a trial indicates that the behaviour of both the defendant and the victim requires addressing.
- The types of cases in which a restraining order may be appropriate include, but are not limited to:
  - cases where the defendant and witness know each other or have been in a previous intimate relationship (such as domestic violence cases)
  - cases where the parties have ongoing contact (for example, where the victim runs a local business)
  - cases where there is evidence that the victim has been targeted by the defendant in some way (for example, continued minor public order offences or criminal damage)

### Other useful resources

- [\*\*CPS guidance: Restraining Orders – Section 5, Protection from Harassment Act 1997\*\*](#)
- [\*\*College Learn: MOSOVO civil orders briefing sheet\*\*](#)

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### Sexual harm prevention order

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- The court may make a sexual harm prevention order (SHPO):
  - where it finds a person not guilty of a specified sexual or violent offence by reason of insanity
  - where it finds that the defendant is under a disability and has done the act charged against the defendant in respect of such an offence
  - on the application of the police, in respect of a qualifying offender who poses a risk to the public
- An SHPO may impose any restriction that the court deems necessary for the purpose of protecting the public from sexual harm.

### Other useful resources

- [\*\*College Learn: MOSOVO civil orders briefing sheet\*\*](#)
- [\*\*APP: Court orders and notices\*\*](#)
- [\*\*CPS guidance: Sexual harm prevention orders\*\*](#)
- [\*\*Guidance on Part 2 of the Sexual Offences Act 2003\*\*](#)

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### Sexual risk order

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- Sexual risk orders (SROs) can be made by a court in respect of an individual who has done an act of a sexual nature and who, as a result, is reasonably believed to pose a risk of harm to the public in the UK or to children or vulnerable adults abroad. For an SRO

to be imposed, the individual does not need to have committed a relevant (or any) offence.

### Other useful resources

- [APP: Court orders and notices](#)
- [College Learn: MOSOVO civil orders briefing sheet](#)
- [Guidance on Part 2 of the Sexual Offences Act 2003](#)

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## Slavery and trafficking prevention and risk orders

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- There are two civil orders available under [Part 2 of the Modern Slavery Act 2015](#) that can be applied to those who pose a risk of harm from committing modern slavery offences in future.
- Slavery and trafficking prevention orders (STPOs) are aimed at those:
  - convicted
  - cautioned
  - who received a reprimand or final warning
  - found not guilty by reason of insanity
  - found to be under a disability and to have done the act charged in respect of a slavery or human trafficking offence, or an equivalent offence abroad
- Slavery and trafficking risk orders (STROs) are aimed at individuals who have not been convicted of a slavery or human trafficking offence. STROs can be used alongside bail conditions in ongoing investigations or when investigations do not result in a conviction.
- The STRO may be made if there is a risk that the defendant will commit a slavery or human trafficking offence, and that the order is necessary to protect against the risk of harm from the defendant committing the offence.
- STROs can be obtained by the following, by making an application to court:

- police
  - National Crime Agency (NCA)
  - Gangmasters and Labour Abuse Authority
  - immigration officers
- STROs can be made for a minimum of two years, with no maximum duration. Breach of an STPO, STRO and the interim orders is a criminal offence.

### Other useful resources

- **[Home Office guidance: Slavery and trafficking prevention and risk orders](#)**
- **[Modern slavery investigator: Slavery and trafficking prevention order \(STPO\) and slavery and trafficking risk order \(STRO\)](#)**

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## Stalking protection order

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- A stalking protection order is a civil order that can be sought by the police under the **[Stalking Protection Act 2019](#)**. The threshold to commence criminal proceedings for the commission of an offence does not need to be met for an order to be made. This enables early police intervention pre-conviction to address stalking behaviours before they become entrenched or escalate in severity and to protect victims from more serious harm. However, there is no restriction as to the stage of the criminal justice process at which an order may be made. Depending on the circumstances, an order could be made following conviction or acquittal. They could also be made if a criminal prosecution is not pursued, though they should not be seen as an alternative to prosecution.
- An application for an order must be authorised by an officer who is not below the rank of superintendent.
- An application for a stalking protection order is made by way of complaint by the police, including the British Transport Police or Ministry of Defence Police, to a magistrates' court.
- Within an application for a stalking protection order or an interim order, police can request both prohibitions from doing certain

things (eg, prohibition from certain areas) and/or requirements to do certain things (eg, attend therapy sessions) within an order to protect the victim from the risk of stalking.

- A person who, without reasonable excuse, breaches a stalking protection order or an interim order commits a criminal offence.
- An interim stalking protection order is a temporary order imposing prohibitions and/or positive requirements as the court considers appropriate. It is to protect the victim during any period between the application for a full order and its determination.

### Other useful resources

- [Home Office guidance: Stalking protection orders](#)
- [APP: Stalking or harassment](#)
- [CPS guidance: Stalking and harassment](#)

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## Violent offender order

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- A violent offender order (VOO) is a civil order may contain prohibitions, restrictions or conditions that prevent access to places, premises, events and people.
- A VOO can only be applied for by a chief officer of police by complaint to a magistrates' court under the [Criminal Justice and Immigration Act 2008, Part 7](#) where a person is believed to pose a risk of serious violent harm to the public or any particular member of the public. This is defined as a current risk of serious physical or psychological harm, caused by the offender committing any one or more of the offences specified in the [Criminal Justice and Immigration Act 2008, s 98\(3\)](#).
- The specified offences are:
  - manslaughter
  - an offence under section 4 of the Offences against the Person Act 1861 (soliciting murder)
  - an offence under section 18 of the Offences against the Person Act 1861 (wounding with intent to cause grievous bodily harm)

- an offence under section 20 of the Offences against the Person Act 1861 (malicious wounding)
  - attempting to commit murder or conspiracy to commit murder
  - a relevant service offence, as set out in the **Criminal Justice and Immigration Act 2008, s 98(4)**
- The offender must be over 18 and have a previous history of such offending, as listed in the **Criminal Justice and Immigration Act 2008, s 99**.
  - Breach of a VOO is a criminal offence.

#### Other useful resources

- **APP: Civil orders**
- See also: **College Learn: MOSOVO civil orders briefing sheet**

## Civil orders – Anti-social behaviour

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### Banning order under The Housing and Planning Act 2016

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- The **Housing and Planning Act 2016** introduced banning orders that can be made against a landlord or agent who has been convicted of a banning order offence. The offences are set out in regulations and include a number of offences not directly related to housing, such as fraud, sexual assault, misuse of drugs, theft and stalking. To result in a banning order, such an offence must be committed. These could be used in sex for rent cases.

#### Other useful resources

- **Government guidance: Banning orders**

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## Civil injunctions

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- Under the **Anti-social Behaviour, Crime and Policing Act 2014, s 1**, a court may grant an injunction against a **person aged 10 or over** if the court both:
  - is satisfied, on the balance of probabilities, that the respondent has engaged or threatens to engage in anti-social behaviour
  - considers it just and convenient to grant the injunction for the purpose of preventing the respondent from engaging in anti-social behaviour
- An injunction under this section must specify the period for which it has effect, or state that it has effect until further order. In the case of an injunction granted before the respondent has reached the age of 18, a period must be specified and it must be no more than 12 months.
- An application for an injunction under this section must be made to:
  - a youth court, in the case of a respondent aged under 18
  - the High Court or the county court, in any other case
- These orders could be used, for example, to:
  - prevent a person associating with any female under the age of 16
  - prevent someone using abusive, insulting, threatening or intimidating language or behaviour towards women
  - exclude someone from a particular location in the case of, for example, kerb crawling, indecent exposure or upskirting

### Other useful resources

- **[Home Office guidance: Punishments for antisocial behaviour](#)**
- **[College Learn: Anti-social behaviour: Your powers](#)**
- **[YOT practitioner's guide: Civil injunctions and the criminal behaviour order](#)**

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## Community protection notice

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- A community protection notice (CPN) is intended to prevent unreasonable behaviour that is having a negative impact on the local community's quality of life. They can be issued to individuals over the age of 16 and businesses or organisations.
- Under the **Anti-social behaviour, Crime and Policing Act 2014, s 43**, an authorised person (a constable or local authority or local authority designated person) may issue a CPN to an individual aged 16 or over, or a body, if satisfied on reasonable grounds that:
  - the conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality
  - the conduct is unreasonable
- A CPN is a notice that imposes any of the following requirements on the individual or body issued with it:
  - to stop doing specified things
  - to do specified things
  - to take reasonable steps to achieve specified results
- A person issued with a CPN who fails to comply with it commits an offence. In relation to misogyny, CPNs could be used against a business that is not dealing with misogynistic behaviours, such as catcalling.

### Other useful resources

- **[Home Office guidance: Punishments for antisocial behaviour](#)**
- **[College Learn: Anti-social behaviour: Your powers](#)**

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## Criminal behaviour order

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- The **criminal behaviour order (CBO)** is available on conviction for any criminal offence in any criminal court. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court.

- CBOs include prohibitions to stop the anti-social behaviour, and may also include requirements to address the underlying causes of the offender's behaviour.
- CBOs are available under the **Sentencing Act 2020, Part 11**. A CBO is available on conviction for any criminal offence, in any court, on the application of the prosecutor. The order is aimed at tackling the most serious and persistent offenders.
- A CBO prohibits the offender from doing anything described in the order and can also include positive requirements (mentoring, anger management, drug rehabilitation). A CBO, where the offender is aged 18 or over, must run for at least two years but can be for an indefinite period. Each prohibition listed can run for specific periods of time. Breach of this order is punishable by up to five years' imprisonment on indictment.
- These orders could be used, for example, to:
  - prevent a person associating with any female under the age of 16
  - prevent someone using abusive, insulting, threatening or intimidating language or behaviour towards women
  - exclude someone from a particular location in the case of, for example, kerb crawling, indecent exposure or upskirting

### Other useful resources

- **Home Office guidance: Punishments for antisocial behaviour**
- **College Learn: Anti-social behaviour - CBO guide for police**
- **College Learn: Anti-social behaviour - CBO process (police)**
- **College Learn: Anti-social behaviour: Your powers**
- See also: **CPS guidance: Criminal behaviour orders**
- **YOT practitioner's guide: Civil injunctions and the criminal behaviour order**

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## Public spaces protection order

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- A **public spaces protection order (PSPO)** is an order issued by a local authority that:
  - prohibits specified things being done in the restricted area
  - requires specified things to be done by people carrying on specified activities in that area
  - does both of those things
- A single PSPO can be used to target a range of different anti-social behaviour issues. Orders allow councils to introduce reasonable prohibitions and/or requirements regarding certain behaviours within the specified public area, and may also include prescribed exemptions.
- Under the **Anti-social behaviour, Crime and Policing Act 2014, s 59**, a local authority may make a PSPO if satisfied on the following reasonable grounds:
  - activities carried on, or likely to be carried on, in a public place within the authority's area have had, or will have, a detrimental effect on the quality of life of those in the locality
  - the effect, or likely effect, of the activities is of a persistent or continuing nature, or the activities are unreasonable
  - the restrictions are justified
- A PSPO may not have effect for a period of more than three years, unless extended.
- A person failing to comply with a public spaces protection notice is liable on summary conviction to a fine not exceeding level 3 on the standard scale. A constable or authorised person may issue a fixed penalty notice of not more than £100.
- In relation to misogyny, a PSPO could be used to prevent behaviour that is intimidating in public spaces.

### Other useful resources

- **LGA guidance for councils**

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## About the College

We're the professional body for the police service in England and Wales.

Working together with everyone in policing, we share the skills and knowledge officers and staff need to prevent crime and keep people safe.

We set the standards in policing to build and preserve public trust and we help those in policing develop the expertise needed to meet the demands of today and prepare for the challenges of the future.

[college.police.uk](https://college.police.uk)



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