

1 What is an SPO?

- The Stalking Protection Act 2019 introduces a new civil Stalking Protection Order (SPO) which can be sought by the police.
- These orders are an effective means of managing an alleged suspect through the use of prohibitions and/or positive requirements as well as imposing notification requirements on the suspect.
- The criminal threshold must be met for a full SPO to be made. However, the test to be applied for an interim SPO is lower and can be granted 'if the court considers it appropriate to do so'.
- A Stalking Protection Order is not an alternative to prosecution.

4 When should I consider an SPO?

You should consider an SPO:

- where a victim has reported stalking behaviour, or it has come to police attention during a separate investigation or by other means (such as a third party referral through the MARAC/MAPPA processes or from another member of public)
- at any point during the course of an investigation, up to the point of conviction, or where an investigation has not yet commenced
- where it is believed the victim is at risk of harm from the suspect and an order is necessary to protect them from such risk.

The investigating officer should consider whether to apply for an order at the start of every stalking investigation, whether in a domestic abuse context (such as from a former intimate partner) or a case of so-called 'stranger stalking'.

6 How do I know if an SPO exists?

- Check the PNC and local intel systems.
- Check the PND.
- The victim may be aware of an existing SPO and know of relevant conditions.

7 How long do they last?

- An SPO lasts for a fixed period specified in the order, or until a further order is made.
- Where a fixed period is specified, it will be for a period of at least two years starting from the day the order is made.
- Different time periods may be specified in relation to different prohibitions or requirements.

2 Who is protected by an SPO?

- An SPO is intended to protect any person of any age experiencing stalking.
- They allow 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.

3 Who should receive an SPO?

The police should consider applying for an order where it appears that:

- the suspect has carried out acts associated with stalking
- the suspect poses a risk of stalking someone
- there is reasonable cause to believe the proposed order is necessary to protect the other person from that risk.

It should also be noted that:

- the person to be protected does not have to have been the victim of the acts mentioned above
- no prior conviction for stalking offences is required to apply for an order
- it is for any suspect, including children and young people aged 10 and above.

5 How do I obtain an SPO?

- An SPO application can only be made by the police.
- An application for an order must be authorised by an officer not below the rank of superintendent.
- Acting or temporary superintendents can authorise an application.
- Guidance on completing an SPO application can be found in the SPO process map.

8 What do I do if an SPO is breached?

- A person who breaches an SPO or an interim SPO without reasonable excuse commits a criminal offence.
- You must be proactive when a breach has occurred – making an urgent arrest should be the standard response to breaches.
- You need to fully investigate the offence, as the victim may not be aware of the full extent of the breach and/or the stalking.
- You should also consider whether any further stalking offences have occurred.
- An application for an SPO may itself also be a trigger for escalation by the stalker. It is crucial that police understand these risks and take urgent action in cases where orders are breached.
- A breach of an order will be a criminal offence punishable either way on summary conviction with imprisonment for a term not exceeding 12 months or a fine or both, or on indictment, with imprisonment for a term not exceeding five years or a fine or both.