



House of Commons
Home Affairs Committee

Police Information Notices

Fifteenth Report of Session 2014–15

Report, together with formal minutes

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Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies.

Current membership

Rt Hon Keith Vaz MP (Labour, Leicester East) (Chair)
Ian Austin MP (Labour, Dudley North)
Nicola Blackwood MP (Conservative, Oxford West and Abingdon)
James Clappison MP (Conservative, Hertsmere)
Michael Ellis MP (Conservative, Northampton North)
Paul Flynn MP (Labour, Newport West)
Lorraine Fullbrook MP (Conservative, South Ribble)
Dr Julian Huppert MP (Liberal Democrat, Cambridge)
Tim Loughton MP (Conservative, East Worthing and Shoreham)
Yasmin Qureshi MP (Labour, Bolton South East)
Mr David Winnick MP (Labour, Walsall North)

The following were also members of the Committee during the Parliament.

Rt Hon Alun Michael (Labour & Co-operative, Cardiff South and Penarth)
Karl Turner MP (Labour, Kingston upon Hull East)
Steve McCabe MP (Labour, Birmingham Selly Oak)
Bridget Phillipson MP (Labour, Houghton and Sunderland South)
Chris Ruane MP (Labour, Vale of Clwyd)
Mark Reckless MP (UKIP, Rochester and Strood)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk

Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at www.parliament.uk/homeaffairscom

Committee staff

The current staff of the Committee are Tom Healey (Clerk), John-Paul Flaherty (Second Clerk), Dr Ruth Martin (Committee Specialist), Duma Langton (Committee Specialist), Andy Boyd (Senior Committee Assistant), Iwona Hankin (Committee Assistant) and Alex Paterson (Select Committee Media Officer).

Contacts

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Contents

Report	<i>Page</i>
Key facts	2
Summary	2
Police Information Notices	3
What are PINs?	3
Improving practice advice	3
Sharing information on PINs	3
Right to appeal a PIN	4
Improving training on PINs	4
Conclusions and recommendations	7
Formal Minutes	8
Witnesses	9
List of Reports from the Committee during the current Parliament	10

Key facts

- Police Information Notices (PINs) have no statutory basis and do not themselves constitute any kind of formal legal action. The Police may issue a PIN where there are allegations of harassment. There is no formal police procedure that must be followed, and no set time limit during which they have effect. They are not formal police cautions, and signing one does not imply that the alleged harassment has taken place. However, the police may use them in future legal proceedings.
- Data on PINs issued by police services in England and Wales are not collected centrally and are owned by the individual police force that issued the notice. In the past year, around 900 PINs were issued in Greater Manchester, 1,500 in Sussex, and 2,900 in Thames Valley.

Summary

- PINs are an operational matter left up to each force and this has resulted in examples of inconsistent use between forces, as well as within forces themselves. There is no sharing of information between police forces on PINs, which strongly undermines Chief Constables' ability to assess their force's usage. Each force should publish the number of PINs issued on their websites on a monthly basis. The Home Office should collate and publish annual data about the number of PINs issued by each force, including the number of cases in which repeat victimisation was reported following the issuing of a PIN, and the number of prosecutions that followed. This will enable Chief Constables to see how their force compares to other forces.
- The lack of any procedure for appealing against a PIN can feel very unfair to recipients. As already specified in the guidance, the intended recipient of a PIN should at least be given the opportunity to give their account of the situation before a police decision is made on the issuance of a PIN. This is not happening in many cases at the moment. Each police force should provide details of the complaints process to recipients alongside the original PIN. Each police force should provide a monthly list of the number of PINs issued, alongside details of the complaints process, on their website.
- PINs can be a useful tool for stopping harassment, meeting the needs of the victim and addressing problematic behaviour. However, there is a clear danger that they may be used inappropriately if they are not done in conjunction with good risk assessment and sufficient investigation. It is vital that police forces provide further training to officers on the appropriate use of PINs, highlighting in particular that the use of a PIN is generally not appropriate where an investigation has established evidence of a course of conduct. The ACPO and College of Policing review of practice advice should take these issues into account. We hope that our successor Committee will monitor the issue of PINs to assess whether these improvements take place.

Police Information Notices

1. A Police Information Notice (PIN), sometimes called a Harassment Warning Notice, is a notice which the police may issue in cases where there are allegations of harassment. Police Information Notices (PINs) have no statutory basis. They are not provided for in the Protection from Harassment Act 1997 and do not themselves constitute any kind of formal legal action. The decision about whether to issue a PIN is an operational matter for the police. There is no formal police procedure that must be followed, and no limit on the period for which they have effect. They are not formal police cautions, and signing one does not imply that the alleged harassment has taken place. However, the police may use them in future legal proceedings.¹

What are PINs?

2. Under the Protection from Harassment Act 1997, it is a criminal offence to pursue a course of conduct which amounts to harassment of another person, where the person pursuing the course of conduct knows (or ought to know) that their behaviour amounts to harassment (which can include alarming a person or causing them distress).² There need to be at least two separate occasions of conduct which, together, can be said to amount to harassment.³

3. During our 2008 inquiry into *Domestic Violence, Forced Marriage and "Honour"-Based Violence*, the Association of Chief Police Officers explained that loopholes were identified in the early operation of the 1997 Act, when those accused of stalking claimed that they did not know that their behaviour, such as sending flowers and cards, amounted to harassment, and that their intention was not to cause harassment, alarm or distress to the victim. Police forces began issuing suspects with a formal notice of warning that the victim alleged that their behaviour did indeed cause harassment, alarm and distress and that, should such activity continue, a prosecution could ensue.⁴

Improving practice advice

Sharing information on PINs

4. Data on PINs issued by police services in England and Wales are not collected centrally and are owned by the individual police force that issued the notice.⁵ In the past year, around 900 PINs were issued in Greater Manchester, 1,500 in Sussex, and 2,900 in Thames Valley.⁶ Chief Constable Sara Thornton of Thames Valley Police, Chair-designate of the Chief Constables' Council, argued that she did not think it "necessarily is a bad thing if you

1 [Practice Advice on Investigating Stalking and Harassment](#) (ACPO/NPIA, 2009)

2 [Protection from Harassment Act 1997](#), Section 1

3 [Protection from Harassment Act 1997](#), Section 7

4 House of Commons, [Harassment: 'Police Information Notices' - Commons Library Standard Note](#), 4 September 2012

5 Damian Green, Hansard, 12 May 2014, [col. 411W](#)

6 Q28, Chief Constable Thornton

have higher numbers, but we do need to start asking the questions.”⁷ Sussex Police and Crime Commissioner Katy Bourne argued that the outcome was the most important issue, namely that there was “no continuance of issues of harassment following them. That is important from the victim’s point of view.”⁸

5. The issuing of Police Information Notices is an operational matter left up to each force, which has resulted in examples of inconsistent use between forces, as well as within forces themselves. There is no sharing of information between police forces on PINs, which strongly undermines Chief Constables’ ability to assess their forces’ usage. Each force should publish the number of PINs issued on their websites on a monthly basis. The Home Office should collate and publish annual data about the number of PINs issued by each force, including the number of cases in which repeat victimisation was reported following the issuing of a PIN, and the number of prosecutions that followed. This will enable Chief Constables to see how their force compares to other forces.

Right to appeal a PIN

6. As the notice has no legal force, there is no formal right of appeal against it being issued. However a recipient who is aggrieved about receiving one can make a complaint through the issuing force’s complaints procedure. Human rights organisation Liberty argues that that individuals who feel aggrieved could complain to the force, and if necessary appeal to the Independent Police Complaints Commission.⁹

7. The lack of any procedure for appealing against a PIN can feel very unfair to recipients. As already specified in the guidance, the intended recipient of a PIN should at least be given the opportunity to give their account of the situation before a police decision is made on the issuance of a PIN. This is not happening in many cases at the moment. Each police force should provide details of the complaints process to recipients alongside the original PIN. Each police force should provide a monthly list of the number of PINs issued, alongside details of the complaints process, on their website.

Improving training on PINs

8. The Protection of Freedoms Act 2012 created two new offences which were inserted into the 1997 Act:

- a) Stalking, which is harassment where the acts or omissions involved in the course of conduct are ones associated with stalking, such as following somebody, contacting them or monitoring their electronic communications, and

7 Q30, Chief Constable Thornton

8 Q63, Katy Bourne

9 [“Does a harassment warning amount to a penalty without a fair hearing?”](#) *Guardian*, 9 September 2010

- b) Stalking involving fear of violence or serious alarm and distress, which is stalking which, on at least two occasions, causes the victim to fear that violence will be used against them, or causes them serious alarm or distress which has a substantial adverse effect on their usual day-to-day activities.

The Crown Prosecution Service states that the new stalking offences highlighted stalking as a specific behaviour as opposed to harassment more generally, and also closed the gap when a course of conduct fell short of causing a victim to feel fear of violence but nevertheless caused a victim serious alarm or distress.¹⁰

9. Assistant Chief Constable Garry Shewan, the ACPO Lead for Stalking and Harassment, believes that forces and individual officers are “still hesitant” about using the new legislation, and are instead using warnings such as PINs as a way forward. He is working on the issue with the Director of Public Prosecutions.¹¹ Assistant Chief Constable Shewan told us that some cases which had resulted in the victim being killed had followed the inappropriate use of PINs at an earlier stage of the process.¹²

10. In March 2014, the Committee of Privileges considered the actions of Sussex Police in relation to their issuing of a PIN to Tim Loughton, the Member for East Worthing and Shoreham (and who is now a member of this Committee), namely whether their actions and the issuing of that PIN to Mr Loughton was a breach of parliamentary privilege. The Committee concluded that Sussex Police “have clearly made a serious mistake” and that “it would be appropriate for the PIN issued to Mr Loughton to be withdrawn.” Sussex Police accepted the findings of the Committee’s Report and withdrew the PIN issued to Mr Loughton.¹³ Sussex Police completed a review of their policy relating to PINs in April 2014. The review concluded that there were “areas of non-compliance and concern surrounding the use and application of PINs in the force” and recommended steps “to increase the knowledge and understanding amongst officers/staff in relation to PINs and the Protection from Harassment Act 1997 as amended by The Protection of Freedoms Act 2012.”¹⁴ We welcome the apologies made by Acting Chief Constable Giles York to the Committee of Privileges, and by former Chief Constable Martin Richards to this Committee.¹⁵ We note that former Chief Constable Martin Richards did not take the opportunity to apologise to Mr Loughton, and recommend that he does so.

11. The last time that practice advice on PINs was reviewed was in 2009. ACC Shewan argues that that is a “growing gap between the intention of the practice advice in 2009 and the actual use of Police Information Notices in 2015.”¹⁶ ACPO and the College of Policing

10 Crown Prosecution Service, [Stalking and Harassment](#)

11 Co-ordinated Action Against Domestic Abuse, [Interview: Assistant Chief Constable Garry Shewan QPM](#), April 2014

12 Q16, Assistant Chief Constable Shewan

13 House of Commons Committee of Privileges, [Actions of Sussex Police: final report, HC 588](#)

14 [Stalking and Harassment; Review of Police Information Notices \(PIN\)](#)

15 [Letter from T/Chief Constable Giles York to Rt Hon Kevin Barron MP, Chair of the Committee of Privileges, dated 14 March 2014](#), and Q27

16 Q13, Chief Constable Shewan

are currently reviewing the practice advice and are assessing local reviews, including the Sussex review, to inform their discussions of PINs.¹⁷

12. PINs can be a useful tool for stopping harassment, meeting the needs of the victim and addressing problematic behaviour. However, there is a clear danger that they may be used inappropriately if they are not done in conjunction with good risk assessment and sufficient investigation. It is vital that police forces provide further guidance and training to officers on the appropriate use of PINs, highlighting in particular that the use of a PIN is generally not appropriate where an investigation has established evidence of a course of conduct. Remedial courses should also be given to police officers who have used PINs inappropriately. The ACPO and College of Policing review of practice advice should take these issues into account. We hope that our successor Committee will monitor the issue of PINs to assess whether these improvements take place.

Conclusions and recommendations

1. The issuing of Police Information Notices is an operational matter left up to each force, which has resulted in examples of inconsistent use between forces, as well as within forces themselves. There is no sharing of information between police forces on PINs, which strongly undermines Chief Constables' ability to assess their forces' usage. Each force should publish the number of PINs issued on their websites on a monthly basis. The Home Office should collate and publish annual data about the number of PINs issued by each force, including the number of cases in which repeat victimisation was reported following the issuing of a PIN, and the number of prosecutions that followed. This will enable Chief Constables to see how their force compares to other forces. (Paragraph 5)
2. The lack of any procedure for appealing against a PIN can feel very unfair to recipients. As already specified in the guidance, the intended recipient of a PIN should at least be given the opportunity to give their account of the situation before a police decision is made on the issuance of a PIN. This is not happening in many cases at the moment. Each police force should provide details of the complaints process to recipients alongside the original PIN. Each police force should provide a monthly list of the number of PINs issued, alongside details of the complaints process, on their website. (Paragraph 7)
3. PINs can be a useful tool for stopping harassment, meeting the needs of the victim and addressing problematic behaviour. However, there is a clear danger that they may be used inappropriately if they are not done in conjunction with good risk assessment and sufficient investigation. It is vital that police forces provide further guidance and training to officers on the appropriate use of PINs, highlighting in particular that the use of a PIN is generally not appropriate where an investigation has established evidence of a course of conduct. Remedial courses should also be given to police officers who have used PINs inappropriately. The ACPO and College of Policing review of practice advice should take these issues into account. We hope that our successor Committee will monitor the issue of PINs to assess whether these improvements take place. (Paragraph 12)

Formal Minutes

Tuesday 3 March 2015

Keith Vaz, in the Chair

Ian Austin
Michael Ellis

Tim Loughton
Mr David Winnick

Draft Report (*Police Information Notices*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 12 read and agreed to.

Resolved, That the Report be the Fifteenth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Tuesday 10 March at 2.30 pm]

Witnesses

Tuesday 13 January 2015

Chief Constable Sara Thornton CBE QPM, Thames Valley Police, Vice-President of ACPO, **Chief Constable Garry Shewan QPM**, Greater Manchester Police, ACPO Lead for Stalking and Harassment, and **Martin Richards QPM**, former Chief Constable of Sussex Police Q 1 - 61

Katy Bourne, Police and Crime Commissioner for Sussex, and **Kevin Hurley**, Police and Crime Commissioner for Surrey Q 62 - 86

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the Committee's website at <http://www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/publications/>

Session 2014–15

First Report	Tobacco smuggling	HC 200
Second Report	Female genital mutilation: the case for a national action plan	HC 201
Third Report	The work of the Immigration Directorates (Oct–Dec 2013)	HC 237
Fourth Report	Her Majesty's Passport Office: delays in processing applications	HC 238
Fifth Report	Police, the media, and high-profile criminal investigations	HC 629
Sixth Report	Child sexual exploitation and the response to localised grooming: follow-up	HC 203
Seventh Report	Effectiveness of the Committee in 2012-13	HC 825
Eighth Report	Regulation of Investigatory Powers Act 2000	HC 711
Ninth Report	The work of the Immigration Directorates (January-June 2014)	HC 712
Tenth Report	Evaluating the new architecture of policing: the College of Policing and the National Crime Agency	HC 800
Eleventh Report	Policing and mental health	HC 202
Twelfth Report	Appointment of the Chair of the Independent Inquiry into Child Sexual Abuse	HC 710
Thirteenth Report	Gangs and youth crime	HC 199
Fourteenth Report	Out-of-Court Disposals	HC 799

Session 2013–14

First Report	Police and Crime Commissioners: Register of Interests	HC 69
Second Report	Child sexual exploitation and the response to localised grooming	HC 68
Third Report	Leadership and standards in the police	HC 67
Fourth Report	The work of the UK Border Agency (Oct–Dec 2012)	HC 486
Fifth Report	E-crime	HC 70
Sixth Report	Police and Crime Commissioners: power to remove Chief Constables	HC 487
Seventh Report	Asylum	HC 71
Eighth Report	The work of the UK Border Agency (Jan–March 2013)	HC 616
Ninth Report	Pre-Lisbon Treaty EU police and criminal justice measures: the UK's opt-in decision	HC 615
Tenth Report	Leadership and Standards in the Police: follow-up	HC 756

Eleventh Report	Khat	HC 869
Twelfth Report	Drugs: new psychoactive substances and prescription drugs	HC 819
Thirteenth Report	The work of the Permanent Secretary	HC 233
Fourteenth Report	The Government's Response to the Committees' Reports on the 2014 block opt-out decision	HC 1177
Fifteenth Report	The work of the Immigration Directorates (April–Sep 2013)	HC 820
Sixteenth Report	Police and Crime Commissioners: Progress to date	HC 757
Seventeenth Report	Counter-terrorism	HC 231
Eighteenth Report	Reform of the Police Federation	HC 1163

Session 2012–13

First Report	Effectiveness of the Committee in 2010–12	HC 144
Second Report	Work of the Permanent Secretary (April–Dec 2011)	HC 145
Third Report	Pre-appointment Hearing for Her Majesty's Chief Inspector of Constabulary	HC 183
Fourth Report	Private Investigators	HC 100
Fifth Report	The work of the UK Border Agency (Dec 2011–Mar 2012)	HC 71
Sixth Report	The work of the Border Force	HC 523
Seventh Report	Olympics Security	HC 531
Eighth Report	The work of the UK Border Agency (April–June 2012)	HC 603
Ninth Report	Drugs: Breaking the Cycle	HC 184-I
Tenth Report	Powers to investigate the Hillsborough disaster: interim Report on the Independent Police Complaints Commission	HC 793
Eleventh Report	Independent Police Complaints Commission	HC 494
Twelfth Report	The draft Anti-social Behaviour Bill: pre-legislative scrutiny	HC 836
Thirteenth Report	Undercover Policing: Interim Report	HC 837
Fourteenth Report	The work of the UK Border Agency (July–Sept 2012)	HC 792

Session 2010–12

First Report	Immigration Cap	HC 361
Second Report	Policing: Police and Crime Commissioners	HC 511
Third Report	Firearms Control	HC 447
Fourth Report	The work of the UK Border Agency	HC 587
Fifth Report	Police use of Tasers	HC 646
Sixth Report	Police Finances	HC 695
Seventh Report	Student Visas	HC 773
Eighth Report	Forced marriage	HC 880
Ninth Report	The work of the UK Border Agency (Nov 2010–March 2011)	HC 929
Tenth Report	Implications for the Justice and Home Affairs area of the accession of Turkey to the European Union	HC 789
Eleventh Report	Student Visas–follow up	HC 1445
Twelfth Report	Home Office–Work of the Permanent Secretary	HC 928
Thirteenth Report	Unauthorised tapping into or hacking of mobile	HC 907

	communications	
Fourteenth Report	New Landscape of Policing	HC 939
Fifteenth Report	The work of the UK Border Agency (April-July 2011)	HC 1497
Sixteenth Report	Policing large scale disorder	HC 1456
Seventeenth Report	UK Border Controls	HC 1647
Eighteenth Report	Rules governing enforced removals from the UK	HC 563
Nineteenth Report	Roots of violent radicalisation	HC 1446
Twentieth Report	Extradition	HC 644
Twenty-first Report	Work of the UK Border Agency (August-Dec 2011)	HC 1722