

Domestic or relationship abuse

Offences that may cover different forms of domestic and relationship abuse and preventative strategies for each behaviour

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Cyberstalking

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

- [Malicious Communications Act 1988, s 1](#), as described above for cyberflashing.
- [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](#) (you will need to log in)

Disclosing or threatening to disclose a private sexual photograph or film

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:
 - 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 (that is, they 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 Disclosing or threatening to disclose a private sexual photograph or film](#) for further support.

Preventative strategies

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

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 follows.

- 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
- 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 (Stansfield and Williams, 2018) and is an important risk factor for homicide in women (Glass and others, 2008). Consequently, consideration should be given to controlling or coercive behaviour ([Serious Crime Act 2015, s 76](#)).
- Alternatively:
 - [Offences Against the Person Act 1861, s 21](#) – attempting to choke ([new offence coming, section 70 of the Domestic Abuse Act 2021](#)) 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](#)

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.

- 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](#)

Sharing images of genitals

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](#)

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 [APP: Stalking and harassment](#) for further details.

Preventative strategies

- [Pre-charge bail](#)
- [Stalking protection orders](#)

References

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

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.

Tags

Violence against women and girls Domestic violence