

# Street harassment

Offences that may cover different forms of street harassment and preventative strategies for each behaviour

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# 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
- 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.

## Preventative strategies

- Pre-charge bail
- Stalking protection orders

- [Restraining orders](#)
- [Non-molestation orders](#)

See also:

- [College Learn: Public Protection Tactical Menu of Options](#) (you will need to log in)

## 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](#) (you will need to log in)

## 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, s5 (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 (you will need to log in)

## 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.

## Preventative strategies

- Stalking protection orders
- Restraining orders
- Non-molestation orders

See also:

- [College Learn: Public Protection Tactical Menu of Options](#) (you will need to log in)

## 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

## Preventative strategies

- [Pre-charge bail](#)
- [Sexual risk orders](#)
- [Sexual harm prevention orders](#)

See also:

- [Court orders and notices](#) (Authorised professional practice on the management of sexual and violent offenders)

## 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\*\*](#)

## Information and advice

- [\*\*Upskirting\*\*](#)

## 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, s5\*\*](#) (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:

- [Court orders and notices](#) (Authorised professional practice on the management of sexual and violent offenders)

## Tags

Violence against women and girls