

# Domestic or relationship abuse

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

First published 15 December 2021 Updated 17 May 2024

Written by College of Policing

## 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 suffocation

- Non-fatal strangulation (NFS) is the application of force or pressure by the suspect to the victim's neck, whether using their hands or other means. Does not require intention to kill.
- Suffocation is to deprive a person of air, which affects their normal breathing.

## Further information

- The Serious Crime Act 2025, s 75A – strangulation or suffocation should be charged where there is sufficient evidence.
- NFS between intimate partners may represent an extreme form of violent behaviour and is an important risk factor for homicide in women. Consideration should be given to controlling or coercive behaviour under the Serious Crime Act 2015, s76 alongside any other charges.

Go to [Police Management of Strangulation Pocket Guide](#) for more information.

## Crown Prosecution Service (CPS) guidance

Updated CPS guidance states:

- If there is sufficient evidence to prove strangulation or suffocation this should be charged in preference to a common assault/battery even where there are no or minimal injuries. Common assault/battery should never be charged solely as a means of keeping an offence in the magistrates' court.

Go to [Strangulation and suffocation | The Crown Prosecution Service](#)

## Preventative strategies

- [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](#)

## 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](#)

## Virtual indecent exposure

- Online or virtual indecent exposure, the sending of unsolicited sexual images – known colloquially as cyberflashing – is now an offence under **Section 66A Sexual Offences Act 2003**.
- This states that someone commits an offence when they intentionally send or give someone else a photograph or film of anybody's genitals if they do so:
  - with the intention of that person seeing it and being caused alarm, distress or humiliation
  - for the purposes of their own sexual gratification and being reckless whether it will cause alarm, distress or humiliation
- The Online Safety Act (OSA) 2023 includes amendments to the Sexual Offences Act (SOA) 2003, creating offences to address an increase in the number of incidents of **sharing photographs or film of people in an intimate state** without their consent.

## Preventative strategies

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