

Stalking and Harassment

A guide to getting started



Victim Services of Leeds & Grenville
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www.vslg.ca



You are not alone.
Inside you will find information on those who
can help and support you.

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Department of Justice Canada (2003). *Stalking is a crime called criminal harassment*. ISBN 0-662-33420-5, Cat. No. J2-140/2003E.

British Columbia Ministry of Public Safety and Solicitor General. *Help Starts Here: Information on Stalking (Criminal Harassment)*.

How do I get started?

Please keep in mind that these are suggestions only. Use your best judgment in determining what applies to your situation.

STALKING/CRIMINAL HARASSMENT

Are you worried about your safety because someone is?

- following you everywhere...
- contacting you over and over...
- watching your home or office...
- making you or your family feel threatened?

You may be experiencing criminal harassment!

It's a crime! You can get help.

What You Should Know About Criminal Harassment

Criminal harassment is an offence in the *Criminal Code of Canada*. It is *harassing* behaviour that includes *stalking*. The behaviour must give you good reason to fear for your personal safety and it must have no legitimate purpose. Generally, the behaviour must happen not just once but repeatedly. However, where the behaviour is overtly threatening, a single incident may be considered criminal harassment. It is not an excuse for the person to claim that he or she did not intend to frighten you. Stalking (also called criminal harassment) occurs when one person is followed, watched, communicated with, or subjected to any form of behaviour from another person such that they begin to fear for their safety or for the safety of those known to them. Stalking/criminal harassment often involves repeated conduct over a period of time between the perpetrator and the victim. Although stalking/criminal harassment may not result in injury, it can be a precursor to violent acts. Stalking/criminal harassment is not a sign of love. It is a form of abuse that is based on power and control. It can frighten you and take away your sense of security and personal safety. It can even lead to physical harm. If you are a victim of criminal harassment, help is available.

Here are some examples of criminal harassment:

- contacting you on the Internet or through constant e-mail or text messages
- following you, your family or friends
- leaving threatening voice messages
- sending you gifts or things you do not want

- watching you or tracking where you go
- threatening you, your children, family, pets or friends
- threatening or damaging your property or hurting your pets
- calling you over and over, hanging-up or not speaking when you answer
- calling your children, family, friends or co-workers and asking about you

Or if you feel that:

- your emotional or physical safety is being threatened
- you are afraid to say something about the person's conduct
- you can't do what you want or go where you want due to fear
- you need to change your lifestyle to avoid this person

You may be the subject of stalking/criminal harassment. Stalking/criminal harassment can be perpetrated by anyone. Examples include a spouse or partner, a person you lived with, someone you dated, a client, a former employee, a co-worker, a fellow student, a peer, or a total stranger. Although almost three out of four victims of criminal harassment in Canada are women, children, adolescents, and men can also be victims. If you are concerned that you are being harassed, don't hesitate to call the police. Your safety and peace of mind are important. Remember, do not agree to have contact with the stalker as confrontation may place you at risk of violence or can escalate the harassment further.

If the police are not able to press charges, your experiences may still constitute the situation of stalking, but haven't yet escalated to the point that they fall under the legal (criminal) definition. Many stalkers begin by gathering information about their victims. Former intimate partners certainly have a head start in this area, and often use very personal information to blackmail their victims. Most stalkers, including former intimates, need to gain information about the whereabouts, lifestyles, routines, investments (personal and financial), work environments, and families of their victims. Potential sources of information that stalkers may tap into and manipulate include:

- Co-workers
- Classmates
- Friends
- Relatives
- Department of motor vehicles (vehicle license and registration)
- City utilities (water, sewer, electricity)
- Professional licensing boards
- Voter registration
- Veterinarians
- The post office
- Phone companies
- Internet search engines
- Human resources departments at workplaces

- Banks
- Credit card companies

Unwanted contacts are the most common elements of stalking. Leaving or sending you unwanted items, phone calls, text messages, emails, hang-up calls, voice messages and persistent attempts to engage you in conversation are all too common. Another form of harassment is to “coincidentally” show up wherever the victim goes – parties, the fitness centre, the movies, the grocery store, school, work, and so on. Stalkers may simply stand within an observable distance of the victim, or may approach and attempt conversation. This type of tracking and following makes it extremely difficult for victims to elude stalkers. Some stalkers never escalate beyond unwanted contacts and information gathering. Others, however, continue to worsen over time through increased threats, vandalism and violence. The most reliable predictor of future violence is the stalker’s previous behaviour – if he or she has a history of violent behaviour (especially domestic violence), there is an increased likelihood that the stalker will become violent again. However, victims should always be cautious since some stalkers with no previous history of violent behaviour have been known to escalate to a more dangerous level.

Stalkers have learned how to take vandalism to a new level of terror. It is common for stalkers to break into vehicles (leaving no external traces) and either remove parts of the interior, re-arrange mirrors and seat positions, or damage the interior. Stalkers want their victims to know it was not some random act of vandalism, but intentional terrorism instead. As they escalate, similar traces are left in the victims’ homes, representing further intrusion into private spaces. Furniture may be rearranged, photographs stolen or relocated, or other clues left to demonstrate the stalker’s presence. These forms of vandalism are especially tricky as the victim may not be taken seriously.

Threats to the victims (as well as their loved ones) may be explicit and direct or indirectly implied. Explicit threats, such as letters describing potential death or injury, are the easiest to use when bringing legal action against stalkers. Many stalkers recognize this and are more likely to resort to implied or symbolic threats, or direct threats that cannot be traced back to the stalker. A common implied threat is a torn or altered photograph of the victim. Symbolic threats, such as the abduction of a family pet, can be extremely terrorizing for the victim and serve to demonstrate the stalker’s control over the victim’s life. Although most stalking cases do not escalate to the level of physical violence, it is important for victims and their loved ones to take all safety precautions and seek as much outside help as possible. No threat should be dismissed or underestimated.

Many stalkers are motivated by a perceived sense of rejection. Ironically, stalkers perceive themselves as the “true victims”. Many believe they have been teased, misled, trampled on, abandoned, abused, and simply wronged. No matter how illogical or untrue these perceptions, the stalkers cling tightly to them and cannot be reasoned with. In fact, many stalkers move from one “impossible” obsession to the next. As the stalking behaviours persist, the daily

life of the stalker becomes more and more revolved around that of the victim. It is not uncommon for stalkers to be obsessive about many aspects of their life, such as work and home habits. The level of danger increases for the victim when the stalker's obsession grows to the point where he or she ceases to be functional, i.e. eating, sleeping, and work becomes less important than thoughts and actions relating to the victim.

For many stalkers, the line between fantasy and reality is either blurry or non-existent. The fantasy themes often revolve around entitlement ("you're mine"), anger ("you'll pay for this") and/or destiny ("we were meant to be together"). Stalkers often lack an ability to recognize or respect the needs and feelings of others. They believe their own thoughts and actions take priority over all others. Stalkers will justify their behaviour by minimizing, denying, and blaming others. Stalkers are very good at manipulating others using some of the following techniques:

- Using guilt
- Promising "one last time"
- Using blackmail
- Unfounded accusations
- Twisting words
- Giving presents

Not only do stalkers often succeed in manipulating their victims, anyone associated with the victim can be manipulated as well. Stalkers learn to become masters of deception.

Intervention

Early intervention is by far the most potent tool a victim can use to address the festering obsession of the stalker. It is recommended that at the first sign of discomfort, the victim clearly communicate an unwillingness to engage in further contact with the stalker. It is important to acknowledge your gut reaction without worrying about hurting the person's feelings. Consider that, in the long run, it might be better to risk hurting someone's feelings now than to be terrorized by that person in the future. You are not obligated to continue or establish a relationship with anyone, be it friendly or romantic. Setting firm personal boundaries based on another's erratic or obsessive behaviour is not rude. After communicating an unwillingness to engage in further contact, it is best not to communicate at all with the stalker. It is often hard to cease communication with a stalker with whom you have had a previous relationship. These stalkers may know intimate secrets and will find the most sensitive "buttons" to push. They may make threats, blackmail you, use guilt, or manipulate your family and/or children. It is important, even in these situations, to maintain a consistent "no communication" stance. Even after you have declined further contact, the stalking may continue through no fault of your own.

Who stalks and why?

Stalkers have a variety of personalities and characteristics. Some may have a mental disorder. Experts have described many types of stalkers, but they mostly fit into two basic categories:

- Stalkers obsessed with a stranger; some stalkers fixate on a stranger, sometimes a celebrity. They may believe their conduct will eventually win the love of their victim. Or they may have delusions that the victim already loves them but cannot return their affection because of some external influence. In Canada, about 12% of victims of criminal harassment are harassed by a stranger.
- Stalkers obsessed with someone they know; many stalkers know their victims and are trying to control them, whether they are ex-partners, spouses, acquaintances, co-workers or close friends. About 88% of criminal harassment victims fall into this category. In many cases, the stalking is an extension of family violence.

Will the stalker become violent?

It is hard to know if the person harassing you will become violent. You should ask the police to help you assess the risk. Less than 1% of criminal harassment cases involve injury to the victim, however, when criminal harassment is a continuation of a family violence situation, the risk of violence is greater. It is always a good idea to find ways to increase your safety.

Why me?

Being harassed or stalked is not your fault. The person may claim to love you, but he or she really wants to control you. You have the right to reject a friendship, separate from a spouse, or break up with a partner. Just because you know the person does not mean that you must put up with the harassing behaviour. You are not to blame if someone repeatedly bothers you or follows you around. Remember, what they are doing is NOT love. It is against the law and you can take action.

Taking Action

If You Believe You're Being Stalked Contact the Police

- Think about your safety and get help. The first thing to do is *call the police*.
- Dial 911 if you are in immediate danger.
- If you are not in immediate danger, call the non-emergency number for the police in your area.
- Tell the police what is happening.
- **Let the police know that you fear for your safety or for the safety of someone you know.**

- You may find it helpful to bring a friend or support person with you to the police station.
- Bring a written statement with you and include a detailed description or a photograph of the stalker.
- Tell the officer if you have kept any notes about past incidents, if you have received any threatening letters, e-mails, or voicemails, or if there is anyone who saw the perpetrator being violent or threatening you. It is important to maintain detailed notes about the stalking and to keep any recorded telephone messages, emails, text messages, gifts, letters or notes that have been sent by the perpetrator.
- Make sure you write down the police case or file number and the officer's name. Use the file number every time you call the police to report anything that could be part of the harassment. If you have any questions or concerns, it is easiest if you talk to the same officer who will be familiar with you and the case.
- Ask for support and information to help you cope.
- Keep emergency numbers and your police file number with you at all times.
- You may find it helpful to speak to a Victim Service worker/volunteer about your situation. You can ask the police for a referral or call on your own.
- Depending on your situation, personal safety alarms may be available. Ask police, a Victim Service worker/volunteer or a transition house worker if this type of alarm is available for you.
- If you move to another area and you have an active police file, inform the police in your new community about the harassment. Tell them from where you moved, your file number, and the name of the officer who was helping you.
- If the stalker has been charged and convicted on this or any other crime, you can get information about the stalker's whereabouts, any upcoming day passes, or the release date. The Victim Support Line (1-888-579-2888) provides access to information about provincially sentenced offenders and you can register for automated notifications when an offender's status changes. For information on federally incarcerated offenders (those whose sentence is more than two years), please call the Correctional Service of Canada at 1-866-875-2225, or the Parole Board of Canada at 1-800-518-8817.
- If you know that the stalker has violated a court order, tell the authorities.

How can the police help me?

- Your safety is important to the police. The police can suggest ways to stop unwanted contact and improve your safety. They can put you in touch with others who can help. This might include victim service workers, transition houses, or crisis and counselling services. They may also suggest safety measures such as getting an unlisted phone number.
- The police will investigate the complaint. They will ask about the harassment and collect as much evidence as possible. They may take photographs of damaged property and ask for any written records. The officer will write a report about the incident and ask you to prepare a written statement of your complaint.

What kind of information do the police need?

The police need as much evidence as possible, so try to keep the following:

- Any relevant details that you know about the person. For example, does he or she have a gun, a criminal record, or an existing court order not to contact you?
- Written records with details about every contact. These records will help if you go to court. (Try to include dates, times, places and what the person said or did.) Ask your friends to keep records too if the person is contacting them.
- Things the person sent you, such as notes, gifts, or phone messages.
- A list of witnesses, including names and telephone numbers.

Will the police charge the person who is harassing me?

If there is enough evidence of an offence, the police will charge the person. In some provinces, the police must consult with the Crown prosecutor before they lay charges. However, if the police do not charge the person, it does not mean that they do not believe you. There may not be enough evidence to support a charge and the police may suggest other legal options such as a *peace bond* or a *restraining order*.

Will the person harassing me be arrested and sent to jail?

The answer is not simple. It depends on the facts and the seriousness of the behaviour. The police will assess each situation and take the appropriate action under the circumstances. For example, if the police do not arrest the person, they may require him or her to sign a "promise to appear" in court to answer the charge. Tell the police and victim services if you still fear for your safety. If the police do make an arrest, ask them to let you know if they release the person

from custody. If the person goes before a judge or a Justice of the Peace, which usually happens within hours, he or she might be:

- released on an “undertaking” (a promise that usually has conditions to stay away from the victim and other related persons);
- released on bail after signing a “recognizance” (a promise to appear in court which includes a financial penalty for not showing up and perhaps restrictions like promising not to contact you); or
- be kept in jail until the trial. This might happen if the crime was serious and the court believes the person may not show up, or will commit another offence before the trial.

Will I have to go to court?

If charges are laid, the police will turn the file over to the Crown prosecutor's office. The Crown prosecutor is responsible for taking the case to court. If the accused person pleads guilty, you may not have to go to court. If he or she pleads not guilty, the Crown prosecutor would summon you as a witness at the trial to prove that the person committed the crime. Ask for help from the Victim Witness Assistance Program. A worker may be able to answer questions about what will happen in court, and keep you updated on the status of your case. They can also make sure you have an interpreter in court if you need one. You can contact the Crown prosecutor in your case if you have questions about the evidence you will present in court.

What happens if the person is found guilty?

If the accused person pleads guilty or is found guilty, the judge will decide the sentence. Before sentencing, you can give the court a written victim impact statement describing how the crime affected you. If you wish, you may be able to read the statement at the sentencing hearing. The sentence for a criminal harassment conviction may range from jail in the most serious cases (up to 10 years) to probation in less serious cases. Probation orders can include conditions such as no contact. The court can also impose a fine. The exact sentence depends on many factors – whether violence was used, whether the person already has a criminal record, whether drugs and alcohol were involved, and so on.

Legal Options to Help Increase Your Safety

Peace Bonds

- A Peace Bond is an order made by a Judge or Justice of the Peace under the Criminal Code to help protect one person from another. If you are the subject of stalking/criminal harassment, you can try to get a Peace Bond if you fear for your own safety or for the safety of your family or property.
- A Peace Bond lists certain conditions that the perpetrator must follow. It can direct the person to have no contact with you or your family and to keep a certain distance from you, your workplace, or your home. It gives the police the right to arrest the stalker if the Order is broken.
- A Peace Bond lasts for up to one year, but can be renewed under certain circumstances.
- You can go to the police station and ask the police officer who is working on your file to start the process for a Peace Bond. If you have children, ask if they should be mentioned, and tell the officer what you want included in the order.
- If the police are not able to assist, you can go to the court and speak to a Justice of the Peace. There may be a written guide available at the court house outlining the necessary steps you must take.
- You may use a lawyer but this is not necessary.
- A Peace Bond may take several weeks to get.

Restraining Orders

- A Restraining Order is similar to a Peace Bond in that it helps to protect one person from another. In order to get a Restraining Order, however, you must have a family connection to the perpetrator. If you are afraid for your safety or if you are concerned about other matters (such as to get your partner or ex-partner to stop calling you every day, or to stop him from showing up uninvited at your home or your child's school), you can apply for a Restraining Order.
- A restraining order is not a criminal order. It is a family court order made under provincial civil law. If you are (or were) married, living together, or if you have children together, you can apply for a Restraining Order.
- You may apply for a Restraining Order with or without a lawyer, but a lawyer is recommended.

- A Restraining Order has no time limit, unless the judge in your case includes a specific expiry date.
- A Restraining Order issued in one province will most likely not be considered valid in another province. If you move out of province, you may have to apply for another Restraining Order in your new location.

What You Should Know About Court Orders

Court orders do not guarantee your safety. Some people ignore court orders!

- Ask the court for a copy of any order it makes. You should receive two copies.
- Make copies of the Order and keep one with you at all times.
- If the Order includes your children, give a copy of the order to the principal, teacher and administration at your child's school or daycare, sports coaches, recreation instructors, and so on as appropriate.
- If the Order includes your workplace and/or school, give a copy to your employer, security personnel, receptionist, and/or other key people.
- Give a copy to the police.
- If the person breaks any conditions, call the police immediately. This person may be charged for breaking conditions, and if convicted, he or she could be sent to jail or fined, or both, and would also get a criminal record.
- Never contact the person or break the conditions yourself.
- Continue to take care.

Ways to Increase Your Personal Safety

A stalker may try to track you down at home, work, or other places. Here are some steps you can take to enhance your personal safety. Please keep in mind that these steps are not intended to replace you contacting the police. Above all, never agree to meet the person who is harassing you.

Keep Written Records

- If you haven't kept notes, start now. Write down what you remember and ask others you trust to do the same.
- Write down the time, date and place of every contact or event with the stalker. Note what happened and how it made you feel, beginning with the first incident. Even if an event seems trivial, or unrelated, write it down as it may help to show a pattern of criminal harassment.
- Copy and save any messages left on your answering machine or voicemail and make notes of times when you answered the phone and the other person either hung-up or didn't speak.
- Keep your record book handy, make a copy of it, and keep the copy in a safe place outside of your home.
- Take pictures of any visual evidence.
- Keep any notes, letters or parcels sent by the stalker. Good records are very important for investigation.
- Communicate regularly with the police as you update your records.

Tell Others

- Tell friends, family, trusted co-workers, employers, neighbours and service providers about what is happening to you. Ask them to write down any contact they may have with the stalker and to note the time, date, place and what happened. It may help to direct them to read this publication. Ask them to let you know if the person contacts them.
- If you're getting child support through the Family Responsibility Office, tell your worker about your situation.
- Tell your children's caregivers, school principal and teachers about your situation. If you have a photograph of the stalker, show it to them. Be clear and direct and ask them to help you stay safe. Ask them to keep all information about you private and to let you know if the stalker contacts them. Add their reports to your record book.
- Talk to your supervisor and co-workers. Your workplace may have programs to help deal with harassment. They may be able to screen calls or prevent delivery of unwanted parcels or mail. Ask them *never* to give out your personal information.

- Provide all relevant parties with a description of the person, the car, the licence plates and so on.
- Let all of these people know if you have a court order or peace bond and what conditions apply.

Protect Your Personal Information

- Take your name off your mailbox.
- Remove personal details from things you throw out or recycle.
- At work, remove your nameplate and other personal information, if possible.
- Be aware of where you are and who is close by when talking about family, social and travel plans. Someone could be listening.
- Avoid giving out your social insurance number in most circumstances. It is legally required only by banks and on employer tax forms.
- If you live in an apartment building, remove your name from the door-buzzer, or use an alias if a name other than 'occupant' is required.
- Get a post office box. Put in a change of address card at the post-office and notify all personal and professional contacts of your new postal box address. If you have a mail-slot in your door, seal it closed. Make sure your name is not on anything that is delivered to your home.
- Remove your home address and telephone number from anywhere there's a record, including:
 - auto mechanic records
 - business cards
 - car registration
 - cheques
 - children's sports
 - church/club records
 - couriers
 - credit bureau
 - credit card records
 - dentist's office
 - doctor's office
 - driver's licence
 - dry cleaners
 - florists

- Internet and social networking (e.g., Facebook, MySpace)
- land registry files
- libraries
- luggage
- medical records
- medical services plan
- personnel file at work
- pharmacies
- photo-developers
- recreation centre files
- schools
- subscriptions
- universities
- utility bills
- veterinarians
- voter records

You may be able to get your address removed from public records.

Getting Information, Help and Support

Information about your case

- Check the status of your case by contacting the police.
- Be sure to use the police file number assigned to your case.
- Stay in touch with the police and the Crown prosecutor and let them know of any changes to your address or telephone number.

Community Resource List

Create your personal community resource list. In addition to the police, there are a variety of organizations that can offer support or helpful information.

Take Care of Yourself

Being the victim of stalking and harassment can leave a person feeling very vulnerable and experiencing a range of thoughts and emotions that can be difficult to know how to deal with. That is all normal for the circumstances.

The stalking behavior does not need to include physical assault to cause harm. The constant wondering if this person is going to hurt you (or your family) someday can take its toll. Being scared to open your blinds or scared to go to the store can lead some victims to start to fear going out. In fact, many victims start to limit their social outings and lose touch with friends and family as a result.

Some possible symptoms a victim of stalking and harassment might feel include:

- Denial, confusion and self-doubt due to wondering if you are over-reacting or if this is really happening
- Frustration, anger
- Guilt, embarrassment, self-blame, wondering what you've done to deserve this or to cause this
- Constant fear and a desire to not want to be alone
- Helplessness
- Heightened degree of stress, anxiety, panic attacks
- School or work performance can deteriorate due to difficulty paying attention or concentrating
- Hypervigilance (always on the lookout), easily startled
- Lowered self-concept
- Distrust towards others
- Sleeplessness, nightmares
- Loss of appetite
- Paranoia
- Feeling violated
- Becoming emotionally numb
- Headaches, hypertension, fatigue
- Gastrointestinal problems
- Problems with physical and / or emotional intimacy
- Increased sick leave, unable to work
- Flashbacks, post traumatic stress symptoms
- Self-medication through drugs, alcohol or prescription drugs

Your emotional health and sense of self-worth are important. Talk to your friends and get support from someone you trust such as a doctor, religious leader, or counselor. It is important that you get help for yourself and for others close to you when you're dealing with the trauma caused by criminal harassment. If you have children or grandchildren they may need help too.

**You are not alone.
These are the people who will listen.
Call them, they can help.**

Emergency

911

Mental Health Crisis Line of Lanark, Leeds & Grenville can be contacted by email at mhcrisis@rohcg.on.ca, or by phone at 613-345-4600 or 1-866-281-2911.

Assault Response & Care Centre 1-800-567-7415 or go to the emergency room at the Brockville General Hospital and ask to speak with an Assault Response & Care Centre nurse.

Distress Line (5pm-midnight)

1-800-465-4442

Interval House

1-800-267-4409 – 24/7

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In partnership with police, fire and EMS services, Victim Services is a community response program that provides immediate, short-term crisis intervention services to persons affected by crime, tragedy and disaster.

