

WHAT HAPPENS IN COURT?

A lawyer with the Crown Prosecutor's Office will prosecute the person charged with criminal harassment. The prosecuting lawyer may interview you or you might meet with the police officer or a Victim Services worker who will prepare you for court. You should expect to go to court to tell a judge about the harassment.

If the harasser is found guilty, there is a range of punishments and restrictions that the court can apply.

These include:

- i) probation with restrictive conditions
- ii) fines
- iii) jail for up to five years

Other criminal code offences that might apply:

- trespassing at night
- making threats to cause death or bodily harm to a person, or to damage property or belongings, or to harm a person's animal or bird
- making indecent or repeated telephone calls intended to annoy or harass
- intimidating another person by watching their home or workplace or persistently following them
- committing mischief that interferes with a person's use of their property, or causes damage to property

There are legal remedies that the court may order to help keep the victim safe from threat of harm. They include entering into a recognizance, peace bonds, release conditions, and restraining orders.

REMEMBER

- The law seeks to protect your personal safety and freedom
- Criminal harassment is conduct that causes you to have reason to fear for your safety or for the safety of anyone you know
- Keep a record of every incident of harassment
- You can get more information and help to deal with harassment
- Call the police, talk to your lawyer or contact a victim services office
- If you have a restraining order, peace bond or other court order to keep the harasser away, carry it with you at all times



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HARASSMENT IS A CRIME



WHAT IS CRIMINAL HARASSMENT?

The following are examples of conduct that could be criminal harassment if they cause you to have a 'reasonable fear' for your safety or the safety of someone you know:

- someone repeatedly following you
- someone repeatedly visiting, calling or writing you, either directly or through someone else
- someone watching you, your home or work-place
- someone doing something that threatens you or your family

Following you or communicating with you has to be repeated. It must be too persistent or too frequent. There is no rule about this; it depends on the circumstances.

When the harassment involves watching you or acting in a threatening way, it need happen only once for the law to apply, but the harassment must be sufficient to give rise to a reasonable fear and the harasser must intend to cause fear. The law allows for legitimate reasons for doing any of these things.



SOME DEFINITIONS

Stalking: following or keeping watch over a person or a place that they go to regularly.

Harass: to trouble or annoy a person continually. It can mean pestering, becoming a nuisance, or causing a person to worry over a situation created by the harasser.

Reasonable Fear: the fear a reasonable person would have for their safety, which can cause anxiety or distress over the actions of the harasser.

WHAT IF THE HARASSER IS SOMEONE CLOSE TO YOU?

Actions that are normal and acceptable in a relationship between two consenting people can become criminal harassment when one person wants the relationship to end and the other person doesn't. A spouse or companion should stop when you tell them to. The law against criminal harassment protects you if they won't stop.

WHAT HELP IS AVAILABLE?

The law in Canada provides several remedies. What can be done depends on the situation.

Police: You can file a criminal harassment complaint. The police can ask the court for a peace bond against another person. A peace bond is free and it can remain in force up to 12 months. The harassing person does not get a criminal record unless they break their promise and are then charged with breaching the peace bond.

WHAT SHOULD YOU DO?

You should rely on your own instincts about how much danger you are in. You might decide to alert your employer and co-workers about the problem. You can talk to Victim Services about a safety plan.

It is a good idea to keep a diary of the harassment. Make notes about what happened, including the date and time of calls or visits, what was said and done. Get the names of those who saw something happen and could be witnesses for you later.

HARASSING PHONE CALLS

The Criminal Code provides for prison sentences or fines for making obscene or harassing calls and for prison sentences of up to five years for making threatening calls.

Call Trace is a service supplied by your phone company that lets you and the police work together to trace unlawful or unwanted calls. Directions on how to use Call Trace are in the front of your phone book. There is a nominal charge for each trace.

Save harassment messages left on your answering machine as evidence for court. If harassing messages are left on your answering machine, save the tape and give it to the police so it can be used in court.

