

## **STALKING AND HARASSMENT**

### **Criminal Harassment**

Criminal Harassment is intentional, malicious and repeated following and harassing of another person such that this person is in fear for his/her life.

### **Forms of harassment include:**

- Frequent and unwanted telephone calls
- Unwanted internet contact
- Unwanted letters, gifts or other objects
- Following; being a visible presence in places frequented by the victim

### **Impact of stalking and harassment on the victim**

- Fear for personal safety
- Fear of injury or death
- Feeling of powerlessness
- Frustration and anger
- Symptoms of general stress and anxiety
- Constant wariness of others
- Loss of appetite and sleeping disorders
- Disruption of daily life

### **Actions a victim can take to protect him/herself**

- Change his/her phone number to a silent/unlisted number
- Use an answering machine to screen calls
- Ask a friend to collect mail and screen it, giving any suspicious letters or packages to the police
- Get new locks for all doors and make sure windows have coverings
- Ask a friend or family member to accompany them when they go shopping or to appointments.
- Ask a co-worker to share a ride to work.
- Keep a journal of any contact with the offender.
- Report all contact to the police
- Develop a safety plan with the help of a Victim Advocate

### **Call Trace**

Another way that victims can protect themselves is to learn about and use "Call Trace".

- The "call trace" feature will trace the last incoming call, whether it was blocked or not. When activated, the call trace feature will produce a permanent record available at Telus Corporate Security.
- Only Law Enforcement Agencies are able to get access to the permanent record at Telus. If a threat has been directly made, the police can get the information immediately. If the calls are of a harassing nature, a pattern of repeated calls over a short period of time must be established.
- Use only if going to take legal action. People should consider using the Call Trace feature only if they are going to take legal action and call the police. If no police report is filed, Telus will not retain the permanent record.

(over)

## Peace Bonds and Restraining Orders

<b>PEACE BOND</b>	<b>RESTRAINING ORDER</b>
<p><b>What a Peace Bond does:</b></p> <ul style="list-style-type: none"> <li>➤ Compels the person against whom the Peace Bond has been obtained to refrain from certain behaviour.</li> </ul> <p><b>Who can apply for a Peace Bond:</b></p> <ul style="list-style-type: none"> <li>➤ May be obtained by anyone who fears, on reasonable grounds, that another person will cause injury to him or her, the spouse or children or that property will be damaged.</li> </ul> <p><b>How to apply for a Peace Bond:</b></p> <ul style="list-style-type: none"> <li>➤ There is no need for a lawyer.</li> <li>➤ There is no cost to obtain a Peace Bond.</li> <li>➤ In truly emergent circumstances, it is possible to obtain a Peace Bond in about a week to two weeks; otherwise it may take several weeks.</li> <li>➤ The police need not be involved in an application for a Peace Bond and there is no need for a police file.</li> <li>➤ To start the application process, an appointment with a Justice of the Peace must be made by phoning the Provincial Court.</li> <li>➤ The person applying for a Peace Bond must set out his/her reasonable fears on paper and present them to the Justice of the Peace at the appointed time.</li> <li>➤ Justice of the Peace will set down a court date for the hearing (attended by the person applying for a Peace Bond and the person who will be named in it.)</li> </ul> <p><b>How long a Peace Bond is in effect:</b></p> <ul style="list-style-type: none"> <li>➤ A Peace Bond is in effect for one year.</li> </ul> <p><b>Keep a Copy:</b></p> <ul style="list-style-type: none"> <li>➤ If a Peace Bond is issued, the person applying should keep a copy to show to the police, if necessary.</li> </ul> <p><b>Breach of a Peace Bond:</b></p> <ul style="list-style-type: none"> <li>➤ Breaching the provisions of a Peace Bond amounts to a criminal offence.</li> </ul>	<p><b>What a Restraining Order does:</b></p> <ul style="list-style-type: none"> <li>➤ Prohibits certain actions or conduct by a person against whom the Restraining Order is issued.</li> </ul> <p><b>Who can apply for a Restraining Order:</b></p> <ul style="list-style-type: none"> <li>➤ May be obtained only if a main action is underway (e.g., divorce).</li> </ul> <p><b>How to apply for a Restraining Order:</b></p> <ul style="list-style-type: none"> <li>➤ Applying for an Order does not involve the police – there is no need for an investigation or police file.</li> <li>➤ Application is made in the Court of Queen’s Bench.</li> <li>➤ A lawyer is required because the process is quite technical.</li> <li>➤ Depending on the circumstances, the cost may be more than \$1,000.00.</li> <li>➤ In truly emergent circumstances, the Order may be obtained in several days (depending on the lawyer’s and court schedule) otherwise, it takes longer.</li> <li>➤ To be effective, the Restraining Order must be served on the Respondent (the person who must comply with the terms of the Restraining Order).</li> </ul> <p><b>How long a Restraining Order is in effect:</b></p> <ul style="list-style-type: none"> <li>➤ The Order is good for about three months or until the main action has been concluded; upon application to the Court of Queen’s Bench, it may be extended.</li> </ul> <p><b>Keep a copy:</b></p> <ul style="list-style-type: none"> <li>➤ Persons applying for the Order should keep a copy to show to the police.</li> <li>➤ The Order should contain an enforcement paragraph, which gives the police a power of arrest.</li> </ul> <p><b>Breach of a Restraining Order:</b></p> <ul style="list-style-type: none"> <li>➤ Breaching the Restraining Order does not amount to a criminal offence but it may be a civil contempt of Court.</li> </ul>

