

Stalking and the Crime of Criminal Harassment

Your stalking log:

Some stalking behaviour is against the law and is known as “criminal harassment” in the *Criminal Code of Canada*.

Criminal harassment has been called a “building block crime” because it is made up of several activities. Some are criminal on their own (e.g. slashing tires) while others seem innocent when looked at in isolation (e.g. sending gifts). All the activities must be viewed together to show a pattern and to “build” a case for criminal harassment.

In order to show a pattern of harassing behaviour and build the case for criminal harassment, you must keep a record of all the stalker’s activities. This record is called a stalking log.

A stalking log is a list of all the stalking activities in order of the date that each happened. It starts with the first known incident and includes every incident after that.

Because the stalking likely started before you realized what it was, you may have to work backwards to begin your stalking log. Include when and how you told the stalker to stop contacting you and how the stalker responded. If you cannot remember exact dates or times, estimate and note that it is an estimate. Then document each incident as soon as possible after it happens so you are able to easily recall the details.

Your stalking log should include every incident where the stalker made, or tried to make, direct or indirect contact with you (indirect contact is when the stalker gets someone else to forward any communication to you). Record the date, time, place and a description of each incident. Describe the exact words and gestures used by the stalker. Include all electronic contacts and phone calls, whether flagged by *57 or not and including hang-up calls .

Record all sightings of the stalker—even those that may be a coincidence. Record who the stalker is with and what the stalker is wearing, driving and/or doing.

Log every attempt the stalker makes to harass you through making false reports or spreading damaging information or lies about you. Also include incidents where those known to you are targeted by the stalker.

Keep all physical evidence of the stalking. This includes items sent or dropped off, all messages, and damaged property or photos of damaged property. If it is safe to do so, make video or audio recordings of sightings and contacts. Get photos and medical documentation of injuries caused by the stalker’s actions. Make a note of all evidence in your stalking log.

Get the names and contact information of witnesses to the stalking. Where someone driving by may be a witness, make a note of her/his license plate number.

Incidents that are criminal on their own should be reported to the police separately (e.g. protection order violations, uttering threats, mischief). Log every incident, including those reported separately, whether charges are laid or not. Each time you make a report to the police, note the police file number and the officer’s name and/or badge number.

If the stalker is charged, your stalking log may become evidence and a copy may be given to the stalker or the stalker’s lawyer as part of the disclosure process. Consider writing about your feelings in a separate personal journal.

To access the stalking log and/or for a list of victim services programs in Saskatchewan go to www.saskatchewan.ca/victimsservices or contact:

Toll free: 1-888-286-6664

In Regina: 306-787-3500

Email: victimsservices@gov.sk.ca

If the police determine that there is not enough evidence to charge the stalker with criminal harassment, consider requesting a Peace Bond. A Peace Bond is a protection order that has a lower “burden of proof” than a criminal charge. Another option is to ask the police to give the stalker a warning. A warning from the police is successful in stopping the stalker in some cases.

A Peace Bond may also be an option in situations where the Crown Prosecutor has decided against proceeding with the charge(s) laid by the police. Before the court process is done, speak with the Crown Prosecutor about your situation and about the possibility of getting a Peace Bond.

Reduce your risk:

Tell the stalker that you do not want contact, then do not communicate with the stalker or respond to the stalker's attempts to communicate with you.

Inform those close to you about the stalking so they can watch out for your safety. Tell each of them, as well as the businesses and community agencies you deal with, not to share, post or blog information about you and your children. Set up regular check-ins with a code for when you need help. Ask your neighbours, landlord and postal worker to call the police when they see the stalker around your home. Give the people watching out for you and your home a photo of the stalker and a description of the stalker's vehicle.

If you and the stalker have a child or children in common, exchanges should happen through a third party, in a supervised setting or in a public place.

If you receive annoying phone calls, use call display and do not answer those meant to harass you. Trace unwanted calls by using *57. If you receive an unexpected call from someone wanting information (e.g. utility company, police, child's school), get a number and call back after confirming their identity. Do not use cordless phones for confidential calls. When using TTY and relay services, have a code to confirm the caller's identity. Use a pay-as-you-go phone if you are worried about your number or your location being revealed.

Spyware allows monitoring of computer activity and can be installed remotely by sending emails, photos or instant messages. Do not open electronic correspondence from unknown senders and delete all attachments.

When one method of contact is cut off, stalkers often find other ways to harass their targets. While keeping your original phone numbers, email addresses, social networking sites, etc., for the stalker to access, obtain new ones on safe devices for your use. Provide the new information only to those you trust and ask them not to pass it on. Never access new accounts, or use new passwords, on a device that may be monitored. For your emotional well-being, have someone else check for contact from the stalker. Ask them to save those needed as proof of harassment and to delete the rest.

If the stalker seems to know where you go, have your vehicle and items you travel with checked for a GPS device. Change your phone's location setting to "911 only" so the GPS is accessed only when you dial 911. If the stalker knows something that can only be seen, check for hidden cameras.

Ensure your home is secure. Get an alarm or place noisy items in front of doors and windows. Keep doors and windows locked and put bars in their sliding tracks. Close curtains at night. Use outside lighting to enhance your safety. Know who your visitors are, and ask workers for identification, before letting them in. Identify the routes that offer the quickest and safest escape from your home. Have a rope ladder for exiting from second-storey windows. If the stalker gets in, GET OUT.

The stalker may go through your garbage. Destroy discarded items that may disclose personal information.

At home and at work, do not accept deliveries you did not order and/or are not expecting.

Get an anti-theft device for your vehicle. Park in open well-lit areas close to your destination. Keep the doors locked and check before getting in. Avoid isolated stops when using public transportation. If you use specialized transportation, work with the driver or a supervisor to plan for your safety.

Consider changing your routines, such as when and/or where you shop, bank, socialize, worship, etc. Vary your routes to and from places you frequent.

Ask your employer about changing your work location or hours of work. Avoid working alone and shifts that have you coming in or leaving at night. Park close to your workplace entrance or arrange to be walked from and to your vehicle or bus stop. Have someone screen your visitors and calls.

Always have a cell phone with you and immediately call the police when in danger. Check often to ensure you are not being followed. If you are being followed, whether in your vehicle or on foot, stay in busy areas and phone, yell and/or ask for help as you make your way to a safe place.

Not all professionals are trained to deal with stalking. Some will have difficulty understanding what you are going through. As a result, when you first seek assistance you may end up feeling that you are not believed, or that what is happening to you is your fault. It is important that you do not give up on getting the help you need to be safe and to regain control of your life.

Your statement to police:

Notify the police as soon as you feel threatened or are fearful for your physical and/or emotional safety. Then report each new stalking incident as soon as possible after it happens.

When reporting to the police, it is very important to provide a context for your fear. For example, if you are a domestic violence survivor, your fear may be greater due to the physical and/or sexual violence and abuse you experienced when in the relationship. As a result, any contact, whether pleasant or threatening, could cause a strong reaction that may seem excessive to an uninformed outsider.

In your initial statement to the police include as much of the stalker's identifying information as possible. Also detail what you know about the stalker's history of violence, use of weapons, attempts or threats of suicide, mental health, etc.

Describe your past and current relationship with the stalker. If you have children together, indicate who has custody and how transfers of the children always, or usually, take place.

Explain what you have done to reduce your risk and/or deal with your fear (e.g. moved, changed your locks, installed an alarm system, commenced therapy, got a dog, etc.).

Those who have witnessed the stalking should also provide a statement for the police.