



Victim Services of Waterloo Region

Fact Sheet 2/2 on Criminal Harassment

Will they go to Jail?

The answer is not simple. It depends on the facts and the accused's behaviour. Police assess each situation and take 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 has conditions to stay away from the victim and other related persons).
- ❑ Released on bail after signing a "recognizance" (promise to appear in court, includes a financial penalty for not showing up and restrictions like promising not to contact the victim).
- ❑ Kept in jail until 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 you have to go to Court?

If charges are laid, the police turn the file over to the Crown attorney's office, which is responsible for taking the case to court. If the accused pleads

guilty, you may not have to go to court. If they plead not guilty, the Crown would summon you as a witness to prove that the person committed the crime. Ask for help from victim services. A victim service worker can 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 in your case if you have questions about the evidence you will present in court.

What if they're found Guilty?

If the accused pleads 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. You may read the statement at the sentencing hearing.

The sentence for a criminal harassment conviction may range from a lengthy jail term (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.

continued on reverse...



Victim Services of Waterloo Region

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Central: 134 Frederick St. Kitchener, ON
South: 176 Hespeler Rd. Cambridge, ON
Email: victimservices@wrps.on.ca

Phone: 519-585-2363
Phone: 519-650-8500 ext. 4464

Ways to be more Safe

Informing Others

- Tell your supervisor and co-workers. Your workplace may have programs to help deal with harassment, be able to screen calls or prevent delivery of unwanted parcels or mail. Ask them *never* to give out your personal information.
- Tell your child's school or day care. Give them copies of any orders that prohibit the non-custodial parent from contacting the child. If a stranger is stalking you, provide a description of the person, the car, the license plates and so on.
- Let people know if you have a court order or peace bond and what conditions apply.

Be sure **family** and **friends** know what is happening. Ask them to keep written records and to let you know if the person contacts them.

Personal Information

- Do not use your social insurance number except for banking and income tax forms. It could help someone track you down.
- Shred or burn information that gives your personal details.
- Remove your nameplate and other personal information from your work station, if possible.

Take your name off your mailbox or consider getting a post office box.

Telephone Safety

- Get an unlisted phone number.
- Carry a cell phone for emergencies.
- Tell your telephone company about your situation.
- Ask about tracing calls and security and privacy features like blocking personal information from call displays.

Never agree to meet the person who is harassing you.

Internet Safety

- Don't post personal or private information.
- Check your Internet Service Provider (ISP)'s harassment policies.
- Don't use your full name for your user ID, and change your password often.
- Report harassing e-mail or chat room abuse to your ISP. If you know the ISP of the person, tell them too. They can cut off the person's account if it is being used to harass others. Ask about tools to block unwanted communication.
- Do a Web search on cyberstalking. You will find many sites with tips and information. Some can help track down harassers, document their origin and send reports to you or the police.

Do a home security check

- Ask the police to help you do a home security check.
- Be sure your windows and doors are always locked and use deadbolts.
- Change your locks if the person is an ex-partner.
- Consider security features like motion detectors and an alarm system.

Other Tips

- Make an Escape Plan (see fact sheet on topic).
- 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, victim services and the Crown prosecutor and let them know of any changes to your address or telephone number.
- Create a list of helpful community agencies, and use them!



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