

METRAC

What you need to know about

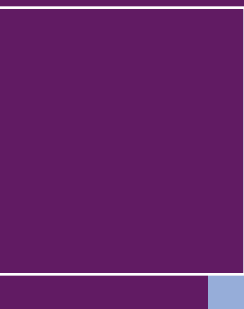
Stalking:

A Guide for
Service Providers

METRAC has produced this booklet to assist those providing services to women who are experiencing or who have experienced violence and abuse, in particular, stalking by men with whom they have had an intimate relationship.

Information is current to the date of publication. We strive to reflect experiences of diverse women, including women of many ethno-racial backgrounds, income levels, ages, sexual orientations, geographic locations, and abilities.

Please note that this booklet does not replace the need for individual counselling, therapy, or legal advice. Page 20 lists places that women can go to get support and help.



What is stalking?

Stalking is a set of behaviours that can include:

- annoying or threatening repeated phone calls or messages (e.g. voice mails, texts, letters, emails, notes on Facebook)
- sending someone things they don't want (even nice gifts)
- following someone or their children, friends, or other people they're close to
- stealing someone's mail
- trying to get private information about someone from other people
- entering someone's home when they're not there
- vandalizing someone's property or car
- threatening or assaulting someone
- threatening or harming someone's pets, farm animals, or service animal (e.g. seeing-eye dog)

It can involve a variety of behaviours and actions and is usually a pattern of behaviour, rather than one single incident. Some stalking behaviours are against the law and are known as "criminal harassment" in section 264 of the *Criminal Code of Canada* (more details on page 9).

Stalking is a form of abuse because it's used to scare, threaten, and control the victim.

Stalking is a common form of violence against women. Men stalk most often, and they tend to stalk women with whom they have been in an intimate relationship. Stalking can also occur in other kinds of situations (e.g. between friends, co-workers, family members, and strangers), and it can happen in same-sex relationships.

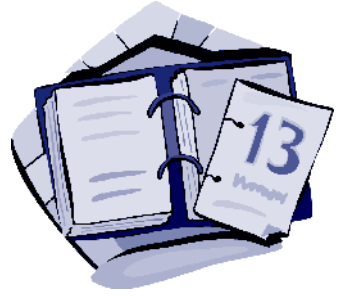
Stalking is intended to frighten the victim – behaviour that is simply annoying would not be considered criminal harassment, and there would be little the police could do about it. Stalking is used to scare, threaten, and control the victim. It's rooted in our society's sexist values that make it seem okay for a man not to take "no" for an answer and keep harassing a woman until she says yes to whatever he wants.

Stalking often escalates. It may be harassing and annoying at first, but it can develop into frightening and dangerous behaviour.

DANGER TIMES

What times are especially dangerous, particularly for men who stalk women they have been in relationships with?

- The first three months after a woman leaves a relationship
- Dates or anniversaries related to the relationship, the victim, or the stalker
- When the stalker thinks the woman he is stalking is seeing someone new
- When the stalker receives court orders related to separation or his own stalking behaviour

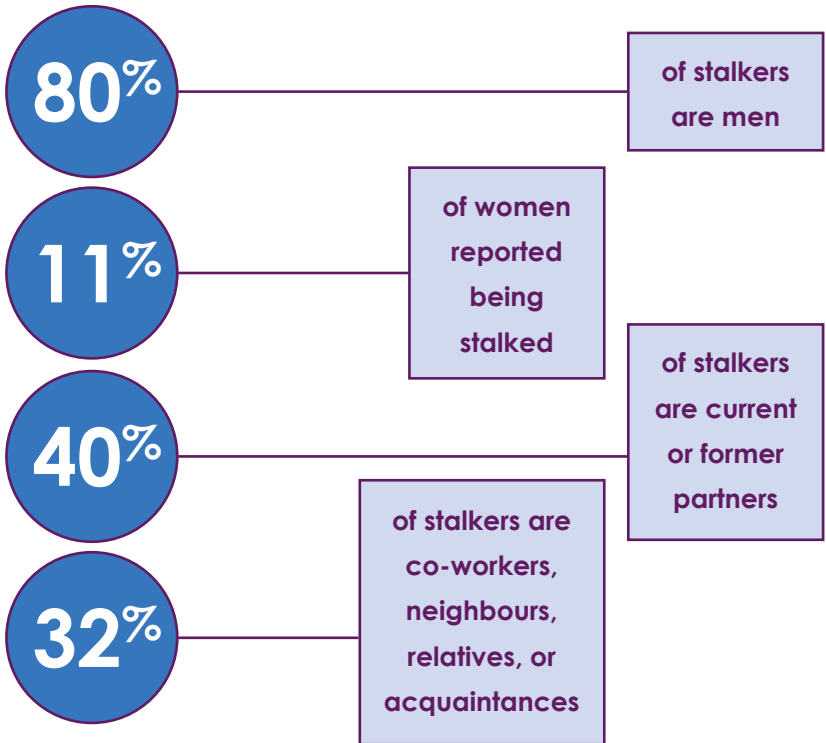


Stalking can happen at any time. These are just a few examples of times that may be particularly dangerous for women being stalked.

Stalking is a form of violence against women or “gender-based violence”.

Many women are stalked by their former partners, who may have been abusive during the relationship. This abuse often turns into stalking after the relationship has ended.

While any woman can experience gender-based violence, some women are more vulnerable based on their experiences of discrimination such as racism, classism, ableism, ageism, and heterosexism. As such, solutions and services to address violence against women must take these realities into consideration in order to be as effective as possible.



- Young women aged 15-24 reported the highest rates of being stalked
- Aboriginal people are twice as likely to experience stalking

(Statistics from Statistics Canada, 2005, Family Violence in Canada: A Statistical Profile)

TYPES OF STALKERS

Three main categories of stalkers have been identified by many police departments in North America.

1

Simple Obsessional:

This is the most common type of stalker.

- He has usually been in an intimate relationship with the woman he is stalking.
- His stalking is a continuation of the abuse and violence he used to perpetuate in the relationship. This kind of stalker is explosive. His behaviour is difficult to predict, often violent, and can escalate due to other stresses in his life (e.g. losing his job) or can be triggered by alcohol and/or drug use.
- He uses stalking to attempt to regain the power and control that he had during the relationship, and he likely sees himself as a “victim of the circumstance”.

2

Love Obsessional:

There is no past relationship between the stalker and his victim in this situation, although she’s probably known to him in some way. For instance, she may be a clerk at a store he shops at regularly or another employee in the same workplace.

- He develops an obsession about his victim, believing that she is meant to be with him.
- He is persistent and may continue to stalk the victim for years, sometimes with long gaps between stalking incidents.
- He is less likely to use violence than the simple obsessional stalker, but threats of harm should be taken seriously.

3

Erotomaniac:

This is sometimes called “celebrity stalking.” They are the least common type of stalkers, and they are often women.

- The stalker becomes focused on a rich or famous person, believing that person loves her/him.
- Men erotomaniac stalkers are far more likely to use violence against their victims than women erotomaniac stalkers.
- This obsession can last for a very long time, even if the stalker and/or the victim get involved romantically with other people.

Not all stalkers follow this pattern, but it is common for stalking behaviour to follow these steps as it escalates, especially in the case of men stalking their former partners.

1

Courtship: The stalker sends flowers, love letters and signs of affection in an attempt to “win back” the affections of the victim. At this point, the victim herself may not realize where the stalker’s behaviour is headed, and other people may see his actions as “romantic” and “loving”.

2

Surveillance: The stalker begins to watch and follow the victim. He may sit outside of her home or workplace, drive around behind her, and show up when she is out with her friends or doing errands.

3

Communication: He phones, writes, texts, and/or emails repeatedly without the affection previously shown in his past communications. He may leave dozens of messages a day at the victim’s home or work or call her over and over again.

4

Symbolic Violence: The stalker’s tone changes – he sends the victim things such as dead flowers and scary gifts. He may scratch her car; damage property she values; steal, hurt, or kill her pets or animals; and/or start to threaten her.

5

Physical Violence: The stalker may assault the victim, physically or sexually. He may kidnap her and hold her hostage and may take or hurt her children at this stage.

When a stalker cannot reach the person he’s stalking, he may transfer his need for control and his violence to people who matter to the victim or to anyone he thinks is keeping him from her (e.g. family members, close friends, or a romantic interest).

MYTHS AND FACTS

MYTH

Stalking is a part of courtship and it's romantic. If he really likes her, he shouldn't take no for an answer!

FACT

There is nothing romantic about stalking. It's frightening and the stalker is trying to intimidate and control the person he's stalking. It's not love.

MYTH

When someone stalks their ex-partner, it's because they can't let go. They probably just want to get back together.

FACT

Usually a stalker wants to get back together because he wants to continue to control his ex-partner. There are respectful, non-harassing, non-frightening ways for someone to talk to their ex-partner about getting back together, and stalking should not be a part of it.

MYTH

Women who are stalked are at least partly responsible for it. Some may even find it flattering.

FACT

No one likes being stalked. It's very scary, and the fear women feel in this situation is real. Victims are never responsible for the stalking. Only the stalker is responsible for his behaviour.

MYTH

Stalkers are just crazy strangers.

FACT

Research shows that few stalkers are considered mentally ill and few are total strangers.

MYTH

Stalking only happens to movie stars and other public figures.

FACT

Most stalking cases involve ordinary people, and it can happen to anyone.

MYTH

Stalking doesn't happen in same-sex relationships.

FACT

Violence can happen in all relationships, including same-sex relationships, and it's devastating to anyone. The reason most people don't know about it is that we don't discuss these issues very much in our society.

MYTH

Stalking isn't a big deal. It's normal for you to have a 'stalker' at some point.

FACT

Stalking is a very big deal to people being stalked and their family and friends as well. It's a form of abuse in and of itself, and can turn into physical attacks or even murder.

MYTH

You should just reason with your stalker and they'll stop what they're doing.

FACT

The person being stalked should not feel responsible for making the stalker stop what they're doing. Talking to a stalker may encourage him to think that the person he's stalking wants a relationship or that their behaviour is producing the results they want. It can be very dangerous for women in particular to communicate with their stalkers in any way.

A woman is not responsible for her stalker's behaviour, and she should not feel responsible for making him stop.

Section 264 of the *Criminal Code of Canada* addresses some stalking behaviours or “criminal harassment”. It says:

(1) No person shall, without lawful authority and knowing that another person is harassed or recklessly as to whether the other person is harassed, engage in conduct referred to in subsection (2) that causes the other person reasonably, in all the circumstances, to fear for their safety or the safety of anyone known to them.

(2) The conduct mentioned in subsection (1) consists of

- (a) repeatedly following from place to place the other person or anyone known to them;
- (b) repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;
- (c) besetting or watching the dwelling-house, or place where the other person, or anyone known to them, resides, works, carries on business or happens to be; or
- (d) engaging in threatening conduct directed at the other person or any member of their family.



(3) Every person who contravenes this section is guilty of

- (a) an indictable offense and is liable to imprisonment for a term not exceeding ten years; or
- (b) an offense punishable on summary conviction

- (4) Where a person is convicted of an offense under this section, the court imposing the sentence on the person shall consider as an aggravating factor that, at the time the offense was committed, the person contravened
- (a) the terms of an order made pursuant to section 161 or a recognizance entered into pursuant to section 810 or 810.1; or
 - (b) the terms or conditions of any other order or recognizance made or entered into under the common law or a provision of this or any other Act of Parliament or of a province that is similar in effect to an order or recognizance referred to in paragraph (a).

Note: Some stalking behaviours or behaviours that happen before or after stalking may be covered by other laws and charges.

What other protection is there?

Women being stalked by their former partners may not want to involve the police and have a criminal charge laid, or there may not be enough legal evidence to lay a charge (read page 12). There are other legal options that women can consider (explained in more detail on pages 13 to 15):

- In family court, she can apply for a restraining order that can keep the stalker away from her, as well as other family members who are concerned for their safety.
- She can apply for a peace bond through a Justice of the Peace in criminal court. This order can keep a stalker away for up to 12 months.
- In very extreme cases, she can consider changing her identity in order to flee an abusive man. Women can learn more about this by calling their local shelter or police department.

Barriers for Women in Rural, Remote, or Small Communities

Some of the legal options may be difficult for women living in rural, small, or remote communities. A restraining order or peace bond may be of little practical use if the nearest police detachment is far away from the woman's home or if her home is so isolated that there would be no witnesses to the presence of a stalker.

Many rural families are farming families or are involved in some other type of family business. In this case, it can be difficult for a woman being stalked by her former partner or members of his family to obtain a "no contact" order, as this could interfere with the family business. The stalker may also threaten to kill livestock, which could financially ruin the woman and her family.

In some parts of the province, access to phone lines is limited. Women may have no phone line or may be on a "party line", which means that calls can be overheard by anyone sharing the same line. This can make it difficult for her to call for help. As well, 911 service is not available everywhere in Ontario.

In some communities without this service, the local police detachment is only open certain hours a week, and emergency calls outside those hours may be routed to somewhere far away. The person responding to the call may not be able to provide police response for several hours.

Police, court officials, and lawyers may be related to or be friends with a woman's stalker, particularly in rural, remote, and small communities. This can make it more difficult for women to get appropriate legal help.

A restraining order or peace bond may be of little practical use if the nearest police detachment is far away.

The decision about whether or not to involve the police is difficult. They have resources to help assess the level of potential danger posed by the stalker. They also have the ability to arrest and charge the stalker. Once he is charged, his bail conditions may keep him away from the person he is stalking, at least for the short term.

But once the police are involved, they will take over most of the decision-making, and the woman may feel that she no longer has control over what is happening. Police will not necessarily keep the woman informed about what is happening, and not all police are trained to handle stalking cases appropriately. Women may end up feeling unbelievably or may be made to feel responsible for what is happening to them.

Women in remote, rural, or small communities may not feel comfortable talking to the police because the officer is related to or friends with the abuser or because she is concerned others in the community will learn about what's happening to her without her permission. Women from marginalized communities, including women of colour, immigrant and refugee women, Aboriginal women, women with disabilities, and women from LGBTTIQQ2S communities may not want to involve the police due to concerns about systemic biases and prejudices. For instance, the police may not speak the language that a woman is most confident communicating in, or they may not understand or respect the needs of a transgendered person who is being stalked. Women from marginalized communities are often not believed because of common stereotypes about who they are. Marginalized women may also have concerns about how their stalker will be treated by the police, if the

stalker himself is from a marginalized community. They may want the stalking to stop, but they may worry about the perpetuation of prejudice and discrimination in the legal system.

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Criminal Court

Once the police have laid a charge related to stalking behaviour, the file will be turned over to the Crown Attorney's office (the state lawyer, usually called "the Crown") for prosecution.

There may be more than one charge. Depending on what has happened, the stalker could be charged with criminal harassment, uttering threats, forcible confinement, trespassing or other property crimes, animal cruelty, and/or assault.

Some communities have a Victim Witness Assistance Program (VWAP) as part of the Crown Attorney's office. It exists to assist victims of crime with the court process by facilitating communication with the Crown, explaining the legal process, and preparing the victim to testify at trial. A woman should always remember that anything she says to VWAP workers will be passed on to the Crown, and disclosure rules may require the Crown to pass this information on to the defence lawyer representing the person charged with stalking behaviours. This is important for women to know, because it's easy to misinterpret the role of VWAP workers.

Women can call their local VWAP office to check on the progress of the case, find out about court dates and bail conditions, and arrange meetings with the Crown. Where a VWAP program isn't available, the woman will have to deal directly with either the Crown or the police to get this information. In that case, women can ask the police and Crown early in the case who their contact person will be. Service providers can also help by advocating for women, supporting them, and helping them navigate the legal system.

Women may find the criminal law system disappointing and disempowering, as it tends to focus on the accused person and the victim has very little control over what happens. The Crown may decide to drop charges, agree to a plea bargain, and discuss sentencing with the defence lawyer with with no apparent consideration for the wishes of the victim. Women must know that the Crown is not considered their lawyer but represents the interests of the state and of the community, even if those interests are different than the victim's interests.

Outcomes in stalking cases can vary widely. Charges are often reduced or dropped entirely. Where the accused is found guilty, sentences are often light. This can discourage women from considering pressing charges against the people stalking them.

Family Court

While criminal law deals with charges of criminal harassment and other crimes covered in the *Criminal Code of Canada*, women who are stalked by their former partners may turn to family courts for assistance.

Family courts can issue restraining orders to keep a harassing or dangerous former partner away from his victim and other family members. A woman can apply for a restraining order at the same time that she applies for custody and child support, or she can apply for a restraining order by itself. To be successful, the application must explain why the woman is fearful of the stalker and should provide as much evidence of his past behaviour as possible.



While both criminal and family courts may help to support and protect women being stalked, the attitudes and biases of people within the legal system may make it difficult for women to get appropriate protection and help. Sometimes, women may be made to feel that the stalking is not being taken seriously or that is their fault. This is especially the case for women who are stalked by former partners. Even when a court order is made to keep the stalker away, he often breaches the order and the police may not always respond appropriately. Bail may be easily obtained, even by men who have been charged more than once with stalking-related offences.

DOES THE LAW WORK?

Criminal or family court is an important for women to consider, but the legal system cannot guarantee their safety.

There is much debate about whether or not the law addressing criminal harassment truly works to help women. Some women may not want to go through the legal system for many reasons. For instance, they may worry that they won't be believed, that they or the person stalking them will be treated badly because of who they are, or that the police in their area are related to or are friends with the stalker.

Even when women call the police, they may have difficulty providing the type of legally-accepted evidence to show they have been stalked, so a charge may not be laid. Laying a charge may also escalate the risk of violence, especially since the stalker will likely be released on bail after being charged, as long as he agrees to stay away from the victim. The stalker may make this promise and then ignore it, continuing to harass the victim and feeling angrier than they were before.

Criminal harassment charges are often plea bargained to less serious offences or are dropped altogether if the man says he will stay away from the victim and signs a peace bond. Even when there is a guilty verdict, sentences are usually extremely light.

Only the woman being stalked can decide whether or not she wants to involve the police and courts. Service providers can assist best by being well-informed about what might happen if she does involve the police, what might happen in the court process, what the attitudes of local police and courts might be, and what might happen if she doesn't go through the legal process. Service providers can show their support in whatever decision a woman makes.

Only the woman being stalked can decide whether or not she wants to involve the police and the courts.

Support people and service providers can help a woman design a safety plan for herself. Every safety plan will look different, but there are common issues that you can help women you work with consider:

1

A place she can get to quickly if her stalker appears and she needs to get away. Where this will be will depend on her circumstances and resources. Does she have access to a vehicle? Does she have children to take with her? If she does not have a vehicle, is there public transportation or someone she trusts with a vehicle that she can get to quickly? Is there a local shelter she's comfortable going to? If not, where else could she go (e.g. police station, a public place like a mall or store, a friend's or family member's home, a safer place within her workplace)?

This is an especially important and difficult consideration for women who live or work in isolated places or are isolated because of who they are (e.g. newcomer women, women who do not speak English as a first language, women living with disabilities, Deaf women, younger and older women).

2

Things she needs to take with her, and ways to have those items ready to go. "This might include keys to the car; identification for herself and any children (e.g. birth certificates, passports, immigration papers, health cards); clothing (at least enough for a few days); cash, bank cards, and credit cards; court documents such as restraining orders, custody orders, and bail conditions; medicine, prescriptions, vitamins, and glasses; and some items to make the children feel secure.



3

Things she can do in her daily life to minimize contact with the stalker. For instance, can she change her telephone number to an unlisted one? Can she change her email address and the terms of her online presence (e.g. add security restrictions on Facebook, change her profile on any other social networking sites)? Can she vary her daily routine to make it more difficult for the stalker to know where she is? If the stalker has court ordered access to her children, can exchanges of the children be done by a third party or in a supervised setting?

4

Use of a security system. Installing security systems can be expensive and may not an option that all women can afford. However, she may be able to afford modest security upgrades, such as installation of deadbolt locks or magnetic door/window alarms.

MAKING A SAFETY PLAN

5

Telling trusted neighbours and friends what is happening. If these people are not friends with or family members of the stalker, they can help by looking out for the stalker. They can also help if a woman has to flee her home quickly. This may not be an easy option for women who live in rural or remote areas, where houses may be isolated from each other. This will also be difficult for women who may not know people living close by, such as newcomer women.

6

Self defence courses. These courses can help women feel more confident about carrying on with their lives and getting away if they need to. Consider bringing someone in to offer a practical self-defence course at your location. Ensure they can address the unique needs and identities of all the women in your area, including women living with disabilities, younger women, and older women.

7

Recording what's happening. Even if the police are not involved, keeping track of what the stalker is doing can be helpful to the woman. It can help her better identify the pattern of his behaviour and can be of assistance if police are brought into the situation later on.

Making a record

A woman can use a small calendar that shows weeks or months at a time to record what she's experiencing. In it, she should record everything the stalker does, no matter how small or insignificant it may seem. She should keep track of dates and times incidents occur.

If there are witnesses, she should also make note of that, and she should note whether or not she called police, recording the name of the officer she spoke with, the report number, and any actions taken by the police.

Physical evidence, such as notes, emails, telephone messages, and gifts, should be kept. If she feels uncomfortable keeping those things, she can store it off-site in a safe place or with a trusted friend or family member.

If women want to record their feelings and fears about what is happening, they should do this in a separate journal.

The calendar could become evidence if charges are laid against the stalker. In this case, it will be turned over to the defence lawyer as part of the disclosure process. The woman may not want her stalker to be able to read about her feelings and fears, and may not want to be questioned about this by the defence lawyer in a trial. A separate, personal journal is less likely to become evidence in a criminal trial, but can still provide a woman with the opportunity to record how she is feeling as a result of the stalking.



Women's health, both physical and emotional, is often significantly affected in the long and short term by being stalked.

They may develop physical symptoms, such as eating disorders or migraine headaches. Pre-existing health conditions such as asthma or allergies may worsen. Emotional health can be strained if a woman loses her sense of self-esteem and dignity in the situation. Some women may suffer from post-traumatic stress disorders as a result of being stalked. Health problems can cause a woman to lose or leave her job, which will have further negative impacts on her health and well-being.

Where stalking escalates to physical violence, both the physical and emotional health effects can become worse. The victim may sustain injuries and, in extreme cases, can even be murdered.

Stalking affects different women differently. Just because a woman does not experience visible health issues doesn't mean that she's not suffering. Some women may not identify or choose to disclose the effects on their health.

Some common impacts of being stalked include:

- sense of loss of control over your life
- feelings of shame
- depression
- guilt or humiliation
- poor concentration
- anxiety or panic attacks
- feeling responsible
- feeling vulnerable
- feeling cut off from family and friends
- pessimism
- flashbacks
- constant fear
- difficulty sleeping

WHERE CAN A WOMAN GO FOR HELP?

■ 24-Hour Emergency Numbers

- **Emergency (police, ambulance, fire):**
911 or your local police
- **Community Connection:** 211
- **Assaulted Women's Helpline:**
1-866-863-0511 | 1-866-863-7868 (TTY)
- **Distress Centres of Toronto:**
416-408-4357 | 416-408-0007 (TTY)
- **Femaide (French Crisis Line):**
1-877-336-2433 | 1-866-860-7082
- **Kids Help Phone:** 1-800-668-6868



■ Legal Contacts

- **Community Legal Education Ontario:** www.cleonet.ca
- **Family Law Education for Women (FLEW):** www.onefamilylaw.ca
- **Law Help Ontario:** www.lawhelpontario.org
- **Law Society of Upper Canada, Lawyer Referral Service:**
1-800-668-7380 x5000 | www.lsuc.on.ca
- **Legal Aid Ontario (for lawyer referrals, a list of community legal clinics, and more):** 1-800-668-8258 | 1-866-641-8867 (TTY) | www.legalaid.on.ca
- **Legal Line:** 416-929-8400 | www.legalline.ca
- **Ontario Women's Justice Network:** www.owjn.org
- **Victim Support Line (for assistance and local VWAP information):**
1-888-579-2888

■ Other Contacts

- **Sexual Assault Centres:** www.ocrcc.ca
(for local centres, look in your local telephone book)
- **Sexual Assault/Domestic Violence Treatment Centres:**
www.satcontario.com
- **Shelters for Women and Children:** www.shelternet.ca
(for local shelters, look in your local telephone book)
- **Ontario Association of Children's Aid Societies (information on child abuse and local child services):**
www.oacas.org
- **Family Service Canada (lists local family service associations):**
www.familyservicecanada.org

Ontario Women's Justice Network (OWJN)

In addition to a wealth of other legal information, this site provides information on stalking, criminal harassment legislation, the legal system, case law, and diverse women's experiences with respect to stalking. OWJN provides information for women and their service providers. Visit www.owjn.org.

OWJN is a project of the Metropolitan Action Committee on Violence Against Women and Children (METRAC).

Acknowledgements

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LOCAL RESOURCES

Shelter/Crisis Centres:

Counsellor: _____

Lawyer: _____

Crown Attorney's Office: _____

VWAP Office: _____

Police: _____

Other: _____



**Metropolitan Action Committee on
Violence Against Women and Children**

158 Spadina Road, Toronto, ON, M5R 2T8
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METRAC is a community-based, not-for-profit organization that works to prevent violence against women, youth, and children.

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The views expressed herein are those of METRAC and do not necessarily reflect those of the Government of Ontario.

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