



# Juristat

Canadian Centre for Justice Statistics



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## CRIMINAL HARASSMENT

by *Karen Hackett*

### HIGHLIGHTS

- Following a slight decrease from 1995 to 1996, the number of criminal harassment incidents reported to police has increased by 32% from 1996 to 1999. The number of cases processed in adult provincial courts also increased by 32% since 1994/95.
- In 1999, 5,382 incidents of criminal harassment were reported by a sample of 106 police forces. These forces represented 41% of the annual volume of reported crime in Canada.
- While victims are predominantly female (77% in 1999), there has been a slight increase (from 19 to 23%) in the proportion of male victims from 1995 to 1999. Most women were stalked by men with whom they had been in previous intimate relationships, while men were most frequently stalked by casual acquaintances.
- Offences commonly associated with criminal harassment incidents include uttering threats, threatening or harassing phone calls, common assault and mischief.
- While most incidents of criminal harassment do not result in physical injury, stalking has the potential of progressing to more serious crimes. There were nine homicides from 1997 to 1999 that involved criminal harassment as the precipitating crime. In each of these homicides, the victim was a female who was being stalked (and subsequently killed) by a recently separated spouse, ex-husband or ex-lover.
- In 1999, 42% of incidents resulted in a charge being laid, compared to 51% in 1995. The most common reason for not laying charges was because the victim did not want to proceed with charges.
- The conviction rate for criminal harassment (53%) is consistent with the rates for common assault (54%), and all crimes against the person (53%). In 1998/99, criminal harassment cases with at least one other charge had a much higher conviction rate (60%) than cases where criminal harassment was a stand-alone charge (36%). More than half (51%) of cases where criminal harassment was the only charge were stayed or withdrawn.
- Imprisonment was imposed in 35% of convicted criminal harassment cases. This is a higher percentage than for common assault cases (28%), but lower than for all other violent offences (55%).
- Prison sentences in criminal harassment cases have been increasing in length in recent years. The median prison sentence length for criminal harassment cases in 1998/99 was 90 days as compared to 30 days in 1994/95.



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## Introduction

Stalking is a form of obsessive behaviour directed, most often, toward another person.<sup>1</sup> For years, the most widely publicized cases of stalking involved public figures such as celebrities and politicians. However, over the past decade, media reports have highlighted cases in which women and men were killed or seriously injured after they had been stalked by their estranged spouses or lovers.

The very first anti-stalking legislation was passed in California in 1990. With the passing of Bill C-126 in Canada in 1993, stalking became a criminal offence called criminal harassment. Section 264 of the *Criminal Code* defines criminal harassment<sup>2</sup> as repeatedly following another person from place to place or repeatedly attempting to contact the person. The legislation also encompasses such behaviours as watching or keeping watch over someone’s home or place of business and making threats toward another person. For a person to be charged with criminal harassment, the victim must have reasonable cause to fear for his or her safety or the safety of someone close to them.

### Criminal Harassment

#### Criminal Code of Canada, s. 264

- (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 that 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 offence and is liable to imprisonment for a term not exceeding five years; or
  - (b) an offence punishable on summary conviction.

Before the legislation was enacted, stalkers could be charged under an umbrella of related crimes, including: threatening an assault; threatening to cause death or serious bodily harm; making harassing phone calls; intimidation through violence or threats of violence; persistently following a person from place to place; or besetting or watching a person’s house or place of work.

The anti-stalking provision that came into force in 1993 was intended to protect victims of stalking and deter stalkers from engaging in threatening behaviour. Under this legislation, criminal harassment was a hybrid offence<sup>3</sup> with a maximum penalty of 5 years imprisonment.

<sup>1</sup> There have been incidents of stalking involving a company, group or organization (such as an abortion clinic) as the target.

<sup>2</sup> Throughout this paper, the terms “stalking” and “criminal harassment” will be used interchangeably, “stalking” will refer to the act while “criminal harassment” will refer to the criminal offence.

<sup>3</sup> A hybrid offence may be processed as a summary or indictable offence. Indictable offences involve more formal procedures and require that a set of procedural rules and established proceedings be followed (such as providing the accused the option of trial by judge or jury). A summary procedure follows simpler more expeditious procedures set out in the Criminal Code, disregarding more procedural rules. Criminal harassment cases that are prosecuted on indictment carry a maximum five-year term of imprisonment.

Since the introduction of the legislation, changes have been made to existing Criminal Code provisions. A 1996 amendment (included in Bill C-68) prohibits a person accused of criminal harassment from possessing firearms, ammunition or explosive substances if the accused is considered, at a bail hearing, to be a potential danger to himself/herself or another person. According to a 1997 amendment (included in Bill C-27), when a person is convicted of stalking while under a restraining order, the presence of this restraining order shall be considered as an aggravating factor in sentencing.<sup>4</sup> Under another amendment included in the same Bill<sup>5</sup>, murder committed during the commission of a stalking act could result in a first-degree murder conviction even if it could not be proved that the murder was planned. The most recent Bill (C-36), introduced in June 2000, is proposing that the maximum penalty under Section 264 be doubled from five to ten years.

It has now been seven years since the initial legislation was enacted in Canada. This Juristat outlines the characteristics of criminal harassment incidents as well as the characteristics of the accused and victim for 1999, and identifies trends over the past five years. (Trend data are only available for the five-year period from 1995 to 1999.) This Juristat updates a similar Juristat written in 1996<sup>6</sup> using information collected from police forces and adult criminal courts to review the charges laid and sentences imposed for cases involving criminal harassment.

### Reported incidents of stalking have increased

A total of 106 police forces reported to the UCR2 survey consistently from 1995 to 1999, accounting for 41% of the national volume of reported crime in Canada. Data from these 106 forces indicate that a total of 5,382 incidents of stalking involving 5,910 victims and 3,842 accused were reported in 1999 (Table 1).<sup>7</sup> However, because not all police forces in Canada report to the UCR2 survey, the number does not represent the actual number of incidents of stalking in all of Canada in 1999.

## Police-reported data

### UCR2 Survey

The Uniform Crime Reporting Incident-Based (UCR2) Survey collects information on police-reported crimes from a sample of police forces in Canada. The number of police forces reporting to the UCR2 survey has been increasing from year to year. For the purposes of this report, a subset of 106 police forces who have been consistently reporting to the UCR2 from 1995 to 1999 (UCR2 Trend database) will be examined. These 106 police forces include Toronto, Montreal, Calgary, Edmonton, Vancouver, and Regina and represent 41% of the national volume of crime. The data are primarily from urban police forces and, as a result, the data are not geographically representative at the national level. Please refer to the methodology section of this report and to Statistics Canada Publication 85-205-XPE for more information on the UCR2 survey and the trend database.

Based on the data for the subset of police services who have reported consistently from 1995 to 1999, it appears the number of reported criminal harassment incidents has increased over this period (Figure 1). Following a slight decrease (4%) from 1995 to 1996, the number of criminal harassment incidents reported to police has increased by 32% over the past four years (1996 to 1999) (Table 1). This does not necessarily indicate an increase in stalking incidents as the reporting practices of victims and police may influence the number of reported crimes. It may, however, indicate a greater awareness of criminal harassment and the potential seriousness of the crime.

<sup>4</sup> Department of Justice. "Amendments Tabled on Child Prostitution, Child Sex Tourism, Criminal Harassment and Female Genital Mutilation", April 1996.  
<sup>5</sup> Department of Justice. "Measures to Protect Women and Children Come Into Force", 1997.  
<sup>6</sup> Rebecca Kong, "Criminal Harassment". Juristat, Catalogue no. 85-002-XPE, Vol. 16, no. 12. Statistics Canada: Canadian Centre for Justice Statistics.  
<sup>7</sup> Counts for incidents, accused and victims are based on all violations of criminal harassment, regardless of whether it was the most serious violation in the incident or not.

Table 1

	Criminal harassment incidents reported to police, 1995-1999					
	Incidents <sup>1</sup>		Victims		Accused <sup>2</sup>	
	Number	Percent change	Number	Percent change	Number	Percent change
		%		%		%
1995	4,250	...	4,462	...	3,116	...
1996	4,071	-4	4,304	-4	2,915	-6
1997	4,262	5	4,549	6	2,925	0
1998	5,076	19	5,435	19	3,593	23
1999	5,382	6	5,910	9	3,842	7

... Not applicable

<sup>1</sup> Counts of incidents, victims and accused are based on all criminal harassment incidents.

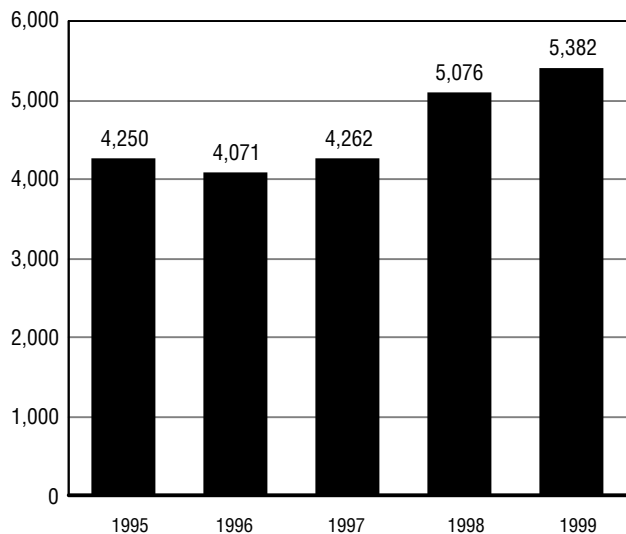
<sup>2</sup> Accused count is lower because not all cases are solved or have an identified accused.

Source: Incident-based Uniform Crime Reporting (UCR2) Survey, Trend database, CCJS, Statistics Canada, 1995-1999. Non-representative sample of 106 police forces representing 41% of the national volume of reported crime.

Figure 1

 **Criminal harassment incidents increasing since 1996**

Number of Reported Incidents



**Source:** UCR2 survey, Trend database, CCJS, Statistics Canada, 1995-1999. Based on a non-representative sample of 106 police forces, representing 41% of the national volume of reported crime.

**Criminal harassment rates vary by region**

There is considerable variability in the rates of criminal harassment incidents reported by major police forces across the country. Table 2 shows criminal harassment data for 10 selected cities. It should be noted that these data correspond to the police force boundaries of the city, and do not represent

census metropolitan areas. Among the 10, the lowest rates reported in 1999 were for Edmonton (11 incidents per 100,000 population), Calgary and London (both 12) while criminal harassment rates were higher in Saskatoon (75), Montreal (73) and Vancouver (68).

Over the five year period, the rate of criminal harassment more than doubled in Vancouver (from 25 in 1995 to 68 in 1999) and Edmonton (from 5 in 1995 to 11 in 1999). Montreal and Niagara Region also saw substantial increases over this time period. While criminal harassment rates remained relatively stable or increased slightly since 1995 for other major cities, the rate of criminal harassment actually declined in Toronto from 51 in 1995 to 40 in 1999.

**Related offences**

Of the 5,382 incidents of criminal harassment reported to the 106 police forces in 1999, 20% involved other violations. Other offences commonly committed with criminal harassment include uttering threats, threatening or harassing phone calls, mischief and other *Criminal Code* offences (Table 3 and Figure 2).

When criminal harassment was accompanied by other offences, it was the most serious offence in 86% of the incidents. Among the incidents where stalking was not the most serious violation, over half involved common assault as the most serious violation, followed by assault with a weapon or causing bodily harm, and sexual assault. This pattern was consistent over the five-year period.

According to the Homicide Survey<sup>8</sup> conducted by Statistics Canada, there were nine homicides from 1997 to 1999 that cited criminal harassment as the precipitating crime.

<sup>8</sup> Statistics Canada collects detailed information from each police force in Canada on homicides in their jurisdictions. Data on criminal harassment as a precipitating crime were only available beginning in 1997.

Table 2

 **Rate of criminal harassment incidents for 10 selected police services<sup>1</sup>, 1995-1999**

	1995		1996		1997		1998		1999	
	Number of reported incidents	Rate per 100,000 population	Number of reported incidents	Rate per 100,000 population	Number of reported incidents	Rate per 100,000 population	Number of reported incidents	Rate per 100,000 population	Number of reported incidents	Rate per 100,000 population
Saskatoon	136	69	178	89	161	80	163	80	154	75
Montreal	852	47	893	49	891	49	1,209	67	1,310	73
Vancouver	132	25	198	37	278	51	318	57	379	68
Toronto	1,229	51	992	40	826	33	1,088	43	1,002	40
Niagara Region	72	18	59	14	87	21	106	25	109	26
Regina	33	18	18	10	44	24	44	24	44	24
Waterloo Region	34	8	49	12	69	16	118	27	77	18
London	63	19	44	13	40	12	61	18	42	12
Calgary	74	10	73	9	100	12	119	14	105	12
Edmonton	33	5	27	4	42	7	61	9	69	11

<sup>1</sup> These cities correspond to police service boundaries and do not represent census metropolitan areas.

**Source:** Incident-based Uniform Crime Reporting (UCR2) Survey, Trend database, CCJS, Statistics Canada, 1995-1999. Non-representative sample of 106 police forces representing 41% of the national volume of reported crime.

Table 3

	Percent (%) of related offences				
	1995	1996	1997	1998	1999
Uttering Threats	...	...	...	10	20
Administration of Justice	16	15	14	15	14
Threatening/Harassing Phone Calls	11	12	13	13	12
Common Assault	14	11	12	12	11
Mischief	9	10	12	10	10
Other Criminal Code Offences	8	8	8	8	8
Break and Enter	5	6	7	8	6
Offences against Person and Reputation	24	22	19	13	5
Assault with a Weapon or Causing Bodily Harm	2	4	3	2	2
Offensive Weapons	1	2	2	1	2
Sexual Assault	3	3	3	2	2
Other Property Offences	3	3	3	3	4
Other Violations against the Person	3	3	3	3	3
Other Federal Statute Violations	1	1	1	1	2
<b>Grand Total<sup>2</sup></b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Number of related offences<sup>3</sup></b>	<b>980</b>	<b>957</b>	<b>896</b>	<b>1,111</b>	<b>1,189</b>
<b>Number of criminal harassment incidents</b>	<b>4,250</b>	<b>4,071</b>	<b>4,262</b>	<b>5,076</b>	<b>5,382</b>

... Not applicable

<sup>1</sup> Represents approximately 20% of criminal harassment incidents reported to the subset of police services each year.

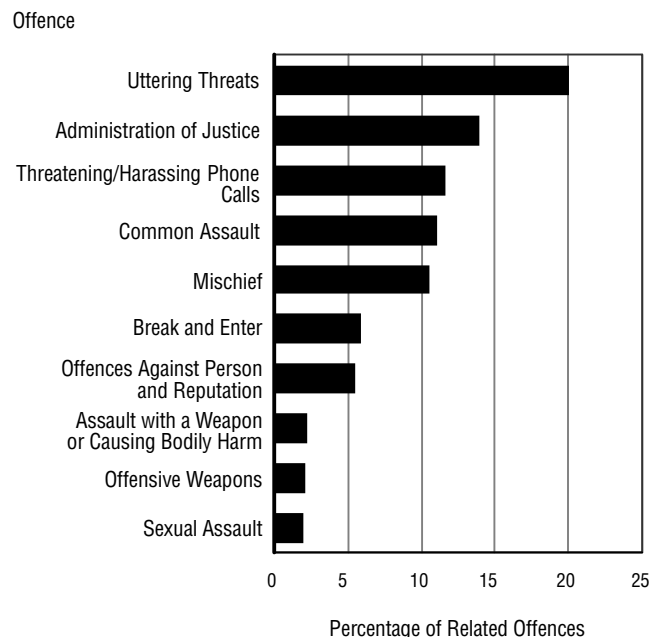
<sup>2</sup> Percentages may not add up to 100% due to number rounding.

<sup>3</sup> Refers to the total number of related offences associated with criminal harassment, one incident may have multiple related offences.

**Source:** Incident-based Uniform Crime Reporting (UCR2) Survey, Trend database, CCJS, Statistics Canada, 1995-1999. Non-representative sample of 106 police forces representing 41% of the national volume of reported crime.

Figure 2

 **Uttering threats is most common offence related to criminal harassment, 1999**



**Source:** UCR2 survey, Trend database, CCJS, Statistics Canada, 1999. Based on a non-representative sample of 106 police forces, representing 41% of the national volume of reported crime.

**Predominantly a crime against women**

The victim of stalking is usually a woman and her stalker is most often a man. According to the sample of 106 police services in Canada, just over three-quarters (77%) of reported victims of criminal harassment in 1999 were women. The rate of stalking in 1999 (based on the population for the areas covered by the 106 police forces) was 69 per 100,000 for women as compared to 20 per 100,000 for men (*Figure 3*). While victims are predominantly female, there has been a slight increase in the proportion of male victims (from 19% to 23%) over the past five years.

Consistent with the risk patterns for sexual assault and common assault identified in the Victimization Survey, part of the General Social Survey conducted by Statistics Canada in 1999, the rates of criminal harassment are highest for young women.<sup>9</sup>

In a 1996 Violence Against Women Survey conducted in the United States<sup>10</sup>, 78 percent of those who reported being stalked in the previous year were women while 87 percent of the reported stalkers were men. The telephone study estimated that about 1,000,000 women and 370,000 men were stalked in the previous year in the United States while 8,000,000 women and 2,000,000 men had been stalked in their lifetime.

<sup>9</sup> "Family Violence in Canada: A Statistical Profile, 2000". Catalogue no. 85-224-XIE. Statistics Canada, Canadian Centre for Justice Statistics.

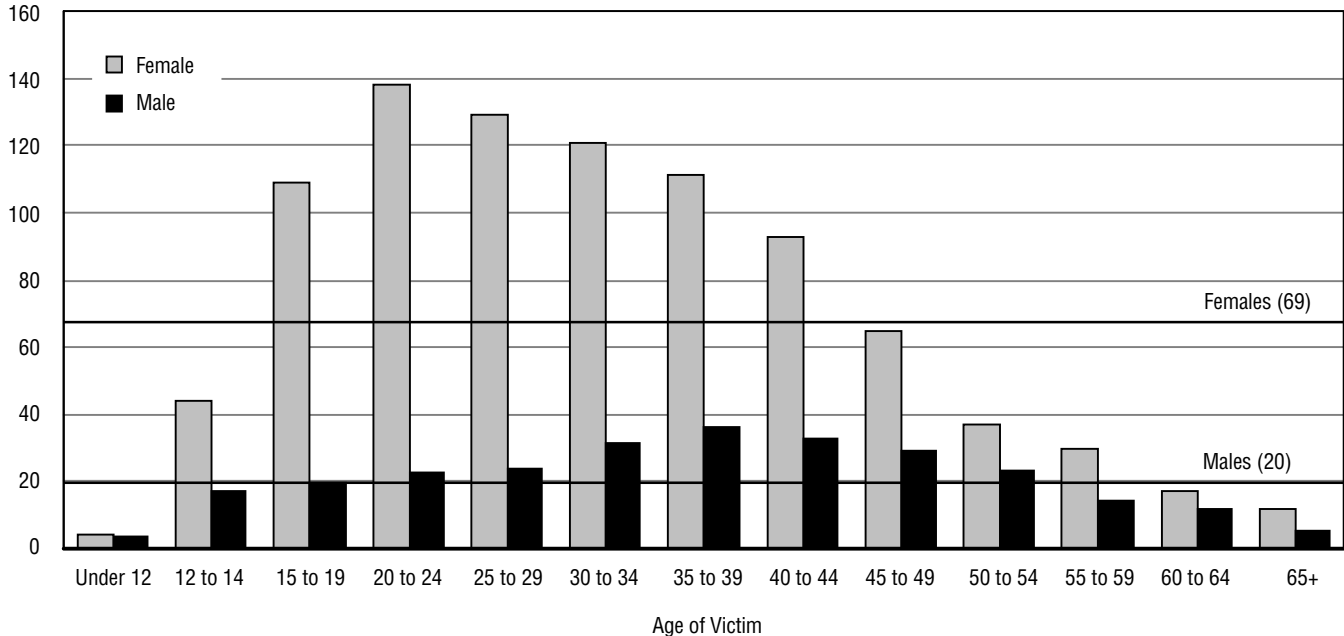
<sup>10</sup> Stalking in America: Findings from the National Violence against Women Survey. US Department of Justice, 1998.

Figure 3



**Females<sup>1</sup> aged 20-24 at greatest risk of being stalked, 1999**

Rate Per 100,000 Population



<sup>1</sup> Excludes victims where age or sex is unknown.

Source: UCR2 survey, Trend database, CCJS, Statistics Canada, 1999.

Based on a non-representative sample of 106 police forces, representing 41% of the national volume of reported crime.

**Most accused are male**

Males accounted for 84% of accused in 1999. According to 1999 data (based on the population for the areas covered by the 106 police forces), 48 in every 100,000 men and 10 in every 100,000 women were accused of stalking (Figure 4). While males are predominantly more likely to be accused of stalking, the proportion of females accused of stalking has increased slightly, from 13% to 16%, in recent years.

Compared to other persons committing crimes against the person, stalkers tend to be older. The median<sup>11</sup> age for men and women accused of stalking was 35 and 36, respectively, compared to 29 years for all other crimes against the person.

According to data from the 106 police forces the median age of stalking victims in 1999 was 33 years (Table 4). Female victims were generally younger than male victims with a median age of 32 as compared to a median age of 37 for males. The age patterns for male and female victims have been consistent from 1995 to 1999.

**Relationship between victims and stalkers**

There are many different types of stalkers. One typology proposes seven categories of stalkers: the random target stalker; the celebrity stalker; the single-issue stalker; the casual acquaintance stalker; the co-worker stalker; the intimate partner stalker; and the domestic violence stalker.<sup>12</sup>

However, most victims of criminal harassment know their accused quite well and, in many instances, the stalker and victim were involved in a previous relationship.

**Stalking may start while the victim and accused are living together**

According to police-reported data, stalking may begin while the victim is living with the accused. In one-third<sup>13</sup> of the incidents in 1999 in which women reported being stalked by their husbands, the couple was living together at the time of the stalking. This pattern was consistent over five years: between 25% and 33% of women were still living with their husbands at the time the stalking occurred.

Stalking involves a behaviour that may continue for a long period of time before it is actually reported to police. For individuals who no longer live together when the incident is reported, it may be possible that they were living together

<sup>11</sup> Median refers to the middle value in a set of values ordered from lowest to highest.

<sup>12</sup> Mahaffey-Sapp, C. & Sapp. "An Analysis and Preliminary Typology of Stalkers" unpublished, pp. 1-34. Personal communication with Dr. Alan Sapp at FBI Academy, Quantico, Virginia, March 1998 and at Ontario Provincial Police General Headquarters, Orillia, Ontario, September 1998. As cited in "A Handbook for Police and Crown Prosecutors on Criminal Harassment", Department of Justice, Canada, September 1999.

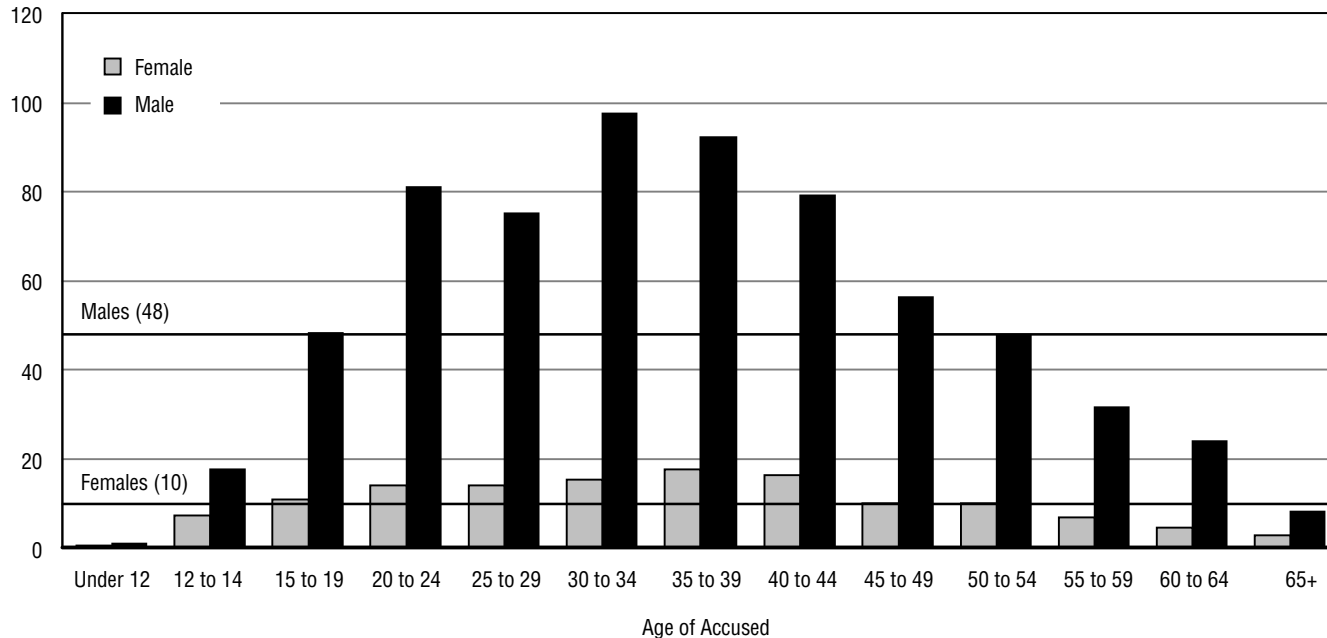
<sup>13</sup> This figure does not include incidents where it could not be determined whether the victim and accused were living together at the time the stalking occurred.

Figure 4



**Males<sup>1</sup> aged 30 to 39 more likely to be stalkers, 1999**

Rate Per 100,000 Population



<sup>1</sup> Excludes accused where age or sex is unknown.

Source: UCR2 survey, Trend database, CCJS, Statistics Canada, 1999.

Based on a non-representative sample of 106 police forces, representing 41% of the national volume of reported crime.

Table 4



**Victims<sup>1</sup> of criminal harassment by age and sex, 1999**

	Female		Male		Total	
	Number	%	Number	%	Number	%
Under 12	43	1	34	3	77	1
12-14	107	2	40	3	147	3
15-19	460	10	79	6	539	9
20-24	633	14	102	8	735	13
25-29	658	15	120	9	778	14
30-34	670	15	168	13	838	15
35-39	668	15	215	16	883	15
40-44	509	12	184	14	693	12
45-49	306	7	143	11	449	8
50-54	151	3	100	8	251	4
55-59	92	2	46	3	138	2
60-64	43	1	33	3	76	1
65+	77	2	53	4	130	2
<b>Total<sup>2</sup></b>	<b>4,417</b>	<b>100</b>	<b>1,317</b>	<b>100</b>	<b>5,734</b>	<b>100</b>

<sup>1</sup> Does not include victims where age or sex of victim is unknown.

<sup>2</sup> Percentages may not add up to 100% due to number rounding.

Source: Incident-based Uniform Crime Reporting (UCR2) Survey, Trend database, CCJS, Statistics Canada, 1999. Non-representative sample of 106 police forces representing 41% of the national volume of reported crime.



when the incidents began and they subsequently moved apart. In the Violence Against Women Survey conducted in the United States, 21% of the women who had been stalked by former husbands or partners said that stalking occurred before the relationship ended, and 36% said it occurred both before and after.<sup>14</sup>

**Women tend to be stalked by ex-partners, men by casual acquaintances**

To determine the relationship between the stalker and the victim within the sample of police-reported data, incidents in which a victim was stalked by more than one accused or in which no accused was identified were excluded from the analysis. (Refer to the methodology section of this report for more information on this method.) When incidents involving multiple accused were removed, a total of 3,635 incidents involving 4,021 victims and 3,635 accused remained in the 1999 sample.

The relationship of the stalker to the victim is largely determined by the sex of the victim (Table 5). Of the stalking cases reported by the 106 police forces in 1999, over one-half (56%) of female victims were stalked by a person with whom they currently or previously had an intimate relationship (Figure 5). The stalkers of men were, most frequently, casual acquaintances (44%), strangers (12%), and business relations (12%). This pattern was relatively consistent over the five-year period (Table 6).

**Female victims**

Nine in ten female stalking victims in 1999 were stalked by men. While one in five women were stalked by men who

were casual acquaintances, most women were stalked by men with whom they had been in previous intimate relationships, usually an ex-husband or ex-boyfriend (58%).<sup>15</sup> Four percent of women were stalked by current husbands. This pattern was consistent over the five-year period.

In 1999, one in ten female victims were stalked by other females. The proportion of females being stalked by other females has increased over the past five years from 7% in 1995 and 1996 to 10% in 1998 and 1999 (Table 5). When women stalked other women, they were most often casual acquaintances (60%) and, in one in ten cases, they were strangers.

**Male victims**

Two-thirds of men were stalked by other men in 1999. Half of the males stalked by another male were stalked by a casual acquaintance, and a further 31% were stalked by men who were strangers or business acquaintances. This trend was relatively stable over the five-year period.

One-third of the male victims in 1999 were stalked by a female. Generally, the female stalker was the same age or slightly younger than the male victim. Over half (51%) of the men stalked by women in 1999 were stalked by a female with whom they had previously been intimate (usually an ex-wife or ex-girlfriend). From 1995 to 1999, between 27% and 35% of men victimized by women were stalked by a casual acquaintance.

<sup>14</sup> *Stalking in America: Findings from the National Violence against Women Survey.* US Department of Justice, 1998.

<sup>15</sup> These numbers include only females stalked by men as opposed to the 56% previously mentioned which refers to all accused (males and females).

Relationship of accused to victim	
<p><b>Husband:</b> The accused is male and the victim is female. At the time of the incident, the victim and accused were spouses through marriage or common-law.</p> <p><b>Ex-husband:</b> A male accused and female victim who had been previously married or common law and were legally separated or divorced at the time of the incident.</p> <p><b>Wife:</b> A female accused and male victim who, at the time of the incident, were spouses through marriage or common-law.</p> <p><b>Ex-wife:</b> A female accused and male victim who had previously been married or common-law and were legally separated or divorced at the time of the incident.</p> <p><b>Current or ex-boyfriend:</b> A male accused and female victim who, at the time of the incident, were involved in a long-term or close (intimate) relationship. Ex-friends of the opposite sex are also included in this category.</p> <p><b>Current or ex-girlfriend:</b> A female accused and male victim who, at the time of the incident, were involved in a long-term or close (intimate) relationship. Ex-friends of the opposite sex are also included in this category.</p>	<p><b>Casual acquaintance:</b> The victim and accused knew one another socially but were neither long-term nor close friends at the time of the incident. Also included in this category are people who were neighbours and people who knew one another by sight.</p> <p><b>Business relation:</b> The workplace involved is the primary source of contact between the victim and the accused. Co-workers, business partners, employees-employers and non-commercial relationships (e.g., teacher-student, physician-patient) are also included in this category.</p> <p><b>Other family:</b> The victim and accused are related but not through marriage or common-law. Other family members include, parents, children, other immediate family members (e.g., siblings) or extended family members (e.g., grandparents, uncles, aunts, cousins, and in-laws).</p> <p><b>Stranger:</b> The accused is not known to the victim in any way.</p> <p><b>Other:</b> Any relationships not covered in the above categories are included in this category, such as same-sex partners (current or previous) and long-term or close friends of the same sex (current or previous).</p>



Table 5

**Victims and persons accused of criminal harassment by sex, 1995-1999**

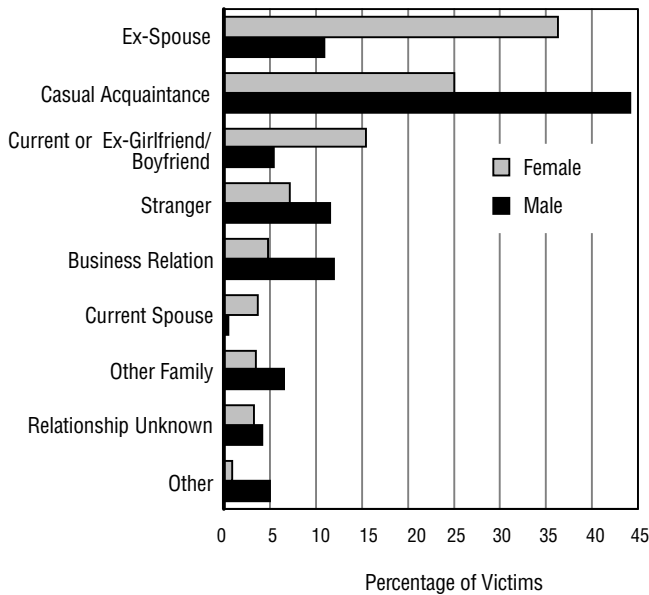
		Female Accused		Male Accused		Total Accused <sup>1</sup>	
		Number	%	Number	%	Number	%
1995	Female victim	176	7	2,309	93	2,485	100
	Male victim	173	30	407	70	580	100
	<b>Total victims</b>	<b>349</b>	<b>11</b>	<b>2,716</b>	<b>89</b>	<b>3,065</b>	<b>100</b>
1996	Female victim	167	7	2,198	93	2,365	100
	Male victim	181	32	381	68	562	100
	<b>Total victims</b>	<b>348</b>	<b>12</b>	<b>2,579</b>	<b>88</b>	<b>2,927</b>	<b>100</b>
1997	Female victim	175	8	2,136	92	2,311	100
	Male victim	208	33	414	67	622	100
	<b>Total victims</b>	<b>383</b>	<b>13</b>	<b>2,550</b>	<b>87</b>	<b>2,933</b>	<b>100</b>
1998	Female victim	285	10	2,504	90	2,789	100
	Male victim	255	33	519	67	774	100
	<b>Total victims</b>	<b>540</b>	<b>15</b>	<b>3,023</b>	<b>85</b>	<b>3,563</b>	<b>100</b>
1999	Female victim	324	10	2,796	90	3,120	100
	Male victim	295	33	602	67	897	100
	<b>Total victims</b>	<b>619</b>	<b>15</b>	<b>3,398</b>	<b>85</b>	<b>4,017</b>	<b>100</b>

<sup>1</sup> Excludes incidents involving more than one accused or where sex of accused or victim are unknown. An accused may be counted more than once in cases involving multiple victims.  
**Source:** Incident-based Uniform Crime Reporting (UCR2) Survey, Trend database, CCJS, Statistics Canada, 1995-1999. Non-representative sample of 106 police forces representing 41% of the national volume of reported crime.

Figure 5

**Females<sup>1</sup> commonly stalked by current or ex-husbands, males by casual acquaintances, 1999**

Victim-Accused Relationship



<sup>1</sup> Excludes victims where sex (of victim or accused) is unknown.  
**Source:** UCR2 survey, Trend database, CCJS, Statistics Canada, 1999. Based on a non-representative sample of 106 police forces, representing 41% of the national volume of reported crime.

**Stalking usually takes place at the victim's home**

Most stalking takes place at or near the victim's home. According to data from the 106 police services for 1999, three in every four stalking incidents occurred at a private residence. Of these, nine in ten incidents occurred at the home of the victim. Stalking was likely to occur in the home regardless of the relationship between the accused and victim. However, the closer the relationship between the accused and victim, the more likely the stalking was to occur in the home (Table 7). Stalking incidents involving business relations (37%) and strangers (44%) were least likely to occur in the home.

The prevalence of stalking in the workplace is unknown. Available data suggest that one in ten stalking incidents in 1999 took place in commercial or corporate locations (because of data limitations, it can not be determined if the location is the victim's place of work). However, of all stalking incidents, 2% occurred at a commercial location and involved a business acquaintance, which suggests that these may be work-related incidents. In 1999, men were slightly more likely than women to be stalked in commercial or corporate places (13% vs. 10%).

**Few incidents involve physical injury**

Very few criminal harassment incidents resulted in physical injuries to the victim. Less than two percent of the stalking victims reported any type of physical injury to police in 1999, consistent with previous years. However, in 1999, a weapon was present in 20% of the incidents and physical force in 14%. Threats of possible harm were quite common (in 52% of the incidents), thus increasing the fear of physical harm.

Table 6

	1995		1996		1997		1998		1999	
	Number	%	Number	%	Number	%	Number	%	Number	%
<b>Female Victims</b>										
Ex-husband	879	35	897	38	916	40	1,081	39	1,134	36
Husband	140	6	101	4	101	4	134	5	115	4
Current or ex-boyfriend	415	17	415	18	352	15	418	15	482	15
Other family	82	3	90	4	88	4	116	4	111	4
Casual acquaintance	559	22	548	23	523	23	664	24	782	25
Business relation	79	3	79	3	93	4	99	4	146	5
Stranger	201	8	164	7	170	7	199	7	225	7
Other	13	1	14	1	16	1	22	1	24	1
Relationship unknown	117	5	57	2	52	2	56	2	101	3
<b>Grand Total<sup>2</sup></b>	<b>2,485</b>	<b>100</b>	<b>2,365</b>	<b>100</b>	<b>2,311</b>	<b>100</b>	<b>2,789</b>	<b>100</b>	<b>3,120</b>	<b>100</b>
<b>Male Victims</b>										
Ex-wife	59	10	59	10	76	12	100	13	98	11
Wife	2	0	3	1	4	1	5	1	3	0
Current or ex-girlfriend	18	3	28	5	26	4	44	6	49	5
Other family	44	8	39	7	44	7	64	8	59	7
Casual acquaintance	276	48	236	42	279	45	384	50	396	44
Business relation	49	8	49	9	58	9	62	8	107	12
Stranger	67	12	77	14	72	12	48	6	104	12
Other	40	7	40	7	38	6	39	5	44	5
Relationship unknown	25	4	31	6	25	4	28	4	37	4
<b>Grand Total<sup>2</sup></b>	<b>580</b>	<b>100</b>	<b>562</b>	<b>100</b>	<b>622</b>	<b>100</b>	<b>774</b>	<b>100</b>	<b>897</b>	<b>100</b>

<sup>1</sup> Cases in which the sex of the accused and/or the victim is unknown are excluded.

<sup>2</sup> Percentages may not add to 100% due to number rounding.

**Source:** Incident-based Uniform Crime Reporting (UCR2) Survey, Trend database, CCJS, Statistics Canada, 1995-1999. Non-representative sample of 106 police forces representing 41% of the national volume of reported crime.

Table 7

	<b>Persons accused of criminal harassment by victim-accused relationship and location of the incident<sup>1</sup>, 1999</b>															
	Residence		Commercial/ Corporate places		Roads and Public Transportation		Public Institutions		Schools		Parking Lots		Open Areas		Total <sup>2</sup> Number	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
<b>Relation of Accused to Victim</b>																
Ex-husband	921	85	63	6	55	5	18	2	9	1	15	1	2	0	1,083	100
Husband	94	82	8	7	9	8	1	1	--	--	2	2	1	1	115	100
Current or ex-wife	81	84	9	9	2	2	5	5	--	--	--	--	--	--	97	100
Current or ex-boyfriend	378	81	41	9	26	6	4	1	5	1	10	2	1	0	465	100
Current or ex-girlfriend	34	77	6	14	1	2	2	5	--	--	1	2	--	--	44	100
Other family	142	86	13	8	2	1	3	2	2	1	3	2	1	1	166	100
Business relation	94	41	71	31	16	7	28	12	8	4	9	4	1	0	227	100
Casual acquaintance	821	73	103	9	95	8	32	3	39	3	20	2	10	1	1,120	100
Stranger	146	50	55	19	51	17	20	7	7	2	6	2	8	3	293	100
Other	53	84	6	10	3	5	1	2	--	--	--	--	--	--	63	100
Relationship unknown	87	66	23	17	13	10	8	6	--	--	1	1	--	--	132	100

-- nil or zero

<sup>1</sup> Excludes incidents involving more than one accused, where sex of accused or victim are unknown or where location is unknown.

<sup>2</sup> Percentages may not add to 100% due to number rounding.

**Source:** Incident-based Uniform Crime Reporting (UCR2) Survey, Trend database, CCJS, Statistics Canada, 1999. Non-representative sample of 106 police forces representing 41% of the national volume of reported crime.

## Cyberstalking

In 1999, 42% of Canadian households had at least one regular user of the Internet.<sup>16</sup> As more and more people are using the Internet, they are becoming vulnerable to a new and increasing crime — cyber crime.

Cyberstalking, also known as on-line harassment, is closely related to real-life stalking. Chat rooms, message boards and e-mail are places in which a victim may be particularly vulnerable to cyberstalking. An individual may use a chat room to meet other people and subsequently harass them. A cyberstalker may also use e-mail to send threatening or obscene messages to their victim. In some cases, the stalker and victim might know one another. Other incidents have involved the cyberstalker campaigning against the victim by posting information about the intended target on discussion groups or poster boards (possibly by pretending to be the victim). In these incidents, the cyber-stalker may elicit a third party to harass and threaten the victim.

In some incidences, stalking that takes place on-line remains on-line. It is also possible for cyberstalking to extend to real-life. The stalker may use a chat room discussion to obtain sufficient information about the target and/or gather information from other Internet sites. The stalker can then use the information to locate the victim and engage in 'real-life' stalking behaviours.

Like real-life stalking, cyberstalking can cause extreme fear in the victim. The threats made on-line have the potential to carry over into real life. The stalker's threats over the Internet may become more severe because barriers may be lowered as a result of the lack of contact and the anonymity provided by the Internet.

On-line stalkers can be charged under the criminal harassment provision of the *Criminal Code of Canada*. (While some American states have adopted cyberstalking laws, other states have revised their anti-stalking laws to include cyberstalking.) However, the nature of the cyberstalking often makes it difficult to identify and subsequently charge the stalkers. Anonymity makes it difficult to identify the stalker as they may assume other identities or go to great lengths to cover their tracks. Often, cyberstalking does not involve witnesses. An added difficulty with charging a cyberstalker is that the crime may take place in different cities or even countries causing a jurisdictional problem.<sup>17</sup>

Little information exists on the extent and nature of cyberstalking. Some evidence suggests that cyberstalking, like criminal harassment, is a crime where the majority of victims are women.<sup>18</sup>

Stalking has the potential of becoming a more serious crime. Over time, the behaviour may increase in severity and, eventually, lead to serious physical injury or death. There were nine stalking-related homicides reported to Statistics Canada's Homicide<sup>19</sup> survey in the past three years. In each of these cases, the victim was a female who was being stalked (and subsequently killed) by a recently separated spouse, ex-husband or ex-lover.

Although physical injury resulting from stalking is rare, the emotional impact may be substantial. By nature, the crime of stalking involves multiple violations against the victim, including threats of potential violence. The repeated occurrence of such behaviours may have a cumulative negative impact on the emotional well-being of the victim. Studies conducted with victims of stalking have found that depression, anxiety, guilt, shame, and humiliation are not uncommon in victims following the stalking incidents.<sup>20</sup>

### Men more likely to be charged than women

According to the sample of 106 police forces, 73% of stalking incidents reported to police in 1999 were solved (*Table 8*). In 61% of the cases in which an accused was identified, charges were laid. Men were more likely to be charged than women. While 64% of accused men were charged, only 46% of accused women were charged. Incidents involving close family members, including women being stalked by their spouse, were more likely to result in charges being laid than those involving acquaintances or strangers. The proportion of accused persons being cleared by charge has generally decreased over the past five years (from 71% to 61%).

In 27% of the incidents in which an accused was identified in 1999, the complainant did not want to proceed with charges. This proportion has been steadily increasing since 1995, when only 17% of victims did not want to proceed with charges.

In the review of the criminal harassment legislation conducted by the Department of Justice<sup>21</sup>, victims were asked why they did not want to proceed with laying a charge. For some victims, the stalking had ended once the incident was reported and that was sufficient reason to not continue with charges. In other instances, the stalker and victim were no longer living in the same area and, as a result, the stalking behaviour had ended and charges were dropped. A study of criminal harassment charges processed by the British Columbia Criminal Harassment unit found that charges were also dropped because victims felt that the threat of being charged would be an effective deterrent for the stalker. In other cases, the victims did not want charges to proceed because they feared the incidents would escalate in seriousness with police involvement.<sup>22</sup>

<sup>16</sup> Household Internet Use. *The Daily*, Statistics Canada. May 19, 2000.

<sup>17</sup> Kerry Ramsay. "Electronic stalkers at large: Tracking down harassment in cyberspace". *Technological Crime Bulletin*, Communications Unit, RCMP Public Affairs and Information Directorate, 1998.

<sup>18</sup> As reported in "Cyberstalking: A real life problem". *GrafX-Specs Design & Hosting* ([www.grafx-specs.com/News/](http://www.grafx-specs.com/News/)), 1997.

<sup>19</sup> Fedorowycz, Orest. "Homicide in Canada — 1999". *Juristat*, Catalogue no. 85-002-XPE Vol. 20, no. 9. Statistics Canada: Canadian Centre for Justice Statistics.

<sup>20</sup> Abrams, K. M., & Robinson, G. E. (1998). "Stalking Part I: An overview of the problem: Review paper". *Canadian Journal of Psychiatry*, Vol. 43, June 1998, 473-476.

<sup>21</sup> Gill & Brockman. *A Review of Section 264 of the Criminal Code*. Department of Justice, 1996.

<sup>22</sup> Report of the Criminal Harassment Unit Part II: *The Nature and Extent of Criminal Harassment in BC* (April 1995)

Table 8

	Incidents <sup>1</sup> of criminal harassment by clearance status, 1995-1999													
	Cleared (solved)										Total Cleared		Total Not Cleared	
	Cleared by charge		Cleared otherwise											
	Number	% of cleared	Complainant does not want to proceed with charges		Departmental discretion <sup>2</sup>		Beyond control of department <sup>3</sup>		Other <sup>4</sup>		Number	% of incidents	Number	% of incidents
1995	2,154	68	608	19	257	8	131	4	29	1	3,179	75	1,071	25
1996	1,937	66	643	22	207	7	138	5	26	1	2,951	72	1,120	28
1997	1,775	60	707	24	223	8	176	6	53	2	2,934	69	1,328	31
1998	2,092	59	905	25	288	8	223	6	59	2	3,567	70	1,508	30
1999	2,282	58	1,108	28	274	7	197	5	55	1	3,916	73	1,466	27

<sup>1</sup> Only founded incidents are included in the count.

<sup>2</sup> For a specific reason, the department decides not to lay a charge against the accused.

<sup>3</sup> Instructions (e.g., policy) from outside of department (e.g., Attorney General) instructing not to prosecute in specific circumstances.

<sup>4</sup> Includes case being cleared by alternative measures, suicide/death of accused or complainant or because accused is outside the country, less than 12, already sentenced or involved in other incidents.

**Source:** Incident-based Uniform Crime Reporting (UCR2) Survey, Trend database, CCJS, Statistics Canada, 1995-1999. Non-representative sample of 106 police forces representing 41% of the national volume of reported crime.

## Court data

The Adult Criminal Courts Survey (ACCS) provides information on charges and cases processed in adult criminal courts. Seven provinces and two territories currently report to the ACCS. These jurisdictions represent 80% of the adult provincial and territorial courts. Data from adult provincial and territorial courts are not comparable to police-reported data because of reporting/scoring differences and a variation from the time

in which an accused is charged by police until his/her case is heard in court. For more information on the Adult Criminal Courts Survey, please refer to the methodology section of this report or to Statistics Canada publication 85-002-XIE, volume 20, number 1 ("Adult Criminal Court Statistics, 1998/99").

According to the ACCS, in the fiscal year 1998/99, there were 4,039 cases involving 4,753 criminal harassment charges (Table 9) and 8,111 related charges processed in adult

Table 9

Case type	Total Cases	Convictions <sup>2</sup>		Prison		
		Number	%	Number	%	Median (days)
		<b>Criminal Harassment Cases (total)</b>	<b>4,039</b>	<b>2,129</b>	<b>53</b>	<b>748</b>
as a stand alone offence	1,087	389	36	84	22	60
with related charges	2,952	1,740	60	664	38	90
Criminal harassment cases with: <sup>3</sup>						
a violent offence	1,026	654	64	276	42	90
a common assault	793	511	64	202	40	90
an uttering threats charge	1,271	758	60	282	37	90
a threatening/harassing phone calls charge	180	113	63	37	33	90
a probation violation	351	265	75	166	63	60
failure to comply with a court order (communicating)	555	402	72	207	51	60

<sup>1</sup> Coverage currently excludes New Brunswick, Manitoba and British Columbia.

<sup>2</sup> Excludes cases where the last available disposition is a change in the court level.

<sup>3</sup> Categories are not mutually exclusive.

**Source:** Adult Criminal Court Survey, CCJS, Statistics Canada, 1998-99.

provincial/territorial court.<sup>23</sup> The number of cases involving criminal harassment has increased 32% between 1994/95 and 1998/99. This increase comes at a time when overall case volumes are declining (11% since 1994/95), and the number of cases involving a violent offence, or common assault, specifically, have declined (6% and 14% respectively).

### Half of criminal harassment cases lead to conviction

In 1998/99, over half (53%) of the cases involving criminal harassment resulted in conviction.<sup>24</sup> The conviction rate for criminal harassment is consistent with the rates for common assault (54%), and all violent cases (53%). In slightly less than one-third of criminal harassment cases, the charges were stayed or withdrawn, compared to 38% of all violent cases.<sup>25</sup>

Serious criminal incidents, and incidents related to a pattern of criminal behaviours, such as criminal harassment, have a greater likelihood of having multiple charges laid by the police, and therefore a multiple-charge case in court. When the Crown is presented with multiple charges, it may choose to proceed with all the charges, or with the charge(s) with the strongest evidence. Almost three-quarters (73%) of criminal harassment cases had other related charges in 1998/99<sup>26</sup>, much higher than for all violent offences (49%) and for common assault (40%), and second only to impaired driving cases (75%).

Multiple-charge cases are predominantly more likely to result in a guilty disposition, while single charge cases are more likely to result in a stay or withdrawn decision. In 1998/99, criminal harassment cases with more than one charge had a much higher conviction rate (60%) than cases where criminal harassment was a stand-alone charge (36%). More than half (51%) of cases where criminal harassment was the only charge were stayed or withdrawn, compared to one-quarter of cases where criminal harassment was one of a number of charges in the case.

In cases where criminal harassment was the most serious charge, the proportion of convictions has increased over the five-year period (from 40% in 1994/95 to 46% in 1998/99), with a corresponding decrease in the proportion of cases stayed or withdrawn (from 46% to 41%).

### Majority of criminal harassment cases receive probation as the most serious sentence

Criminal harassment incidents include offences, such as uttering threats, that are serious in nature, but not necessarily violent. The courts, however, are imposing sentences consistent with those imposed in cases involving violence. Imprisonment was the most serious sentence in 35% of convicted criminal harassment cases. This is greater than the use of incarceration in common assault cases, where 29% percent of convicted cases were sentenced to prison, but less than the use of incarceration in all other violent offences (55% for violent offences excluding common assault) (Table 10).

In 1998/99, a term of probation was the most serious sentence in the majority of criminal harassment cases (56%), virtually the same as common assault (57%). Probation was the most serious sentence in almost half (47%) of all violent cases in

1998/99. No other offence had more than 50% of convicted cases sentenced to probation as the most serious sentence. The proportion of cases receiving probation as the most serious sentence has increased since 1994/95, while proportionately fewer prison sentences have been imposed.

### Prison sentences getting longer

The length of prison sentences in criminal harassment cases has been increasing in recent years. The median prison sentence length for criminal harassment cases in 1998/99 was 90 days, which is the same for convicted violent cases, and twice the median length of the sentence for cases involving common assault. The median length of prison in criminal harassment cases has increased since 1994/95, when it was 30 days.

In 1998/99, 81% of persons receiving a prison sentence in criminal harassment cases were sentenced to 6 months or less while 86% received that sentence in 1994/95. The change in the distribution of prison sentence lengths is also having an impact on the proportion of cases receiving the longest prison sentences. The proportion of offenders sentenced to a length of custody of 2 years or more has increased from 1% in 1994/95 to 3% in 1998/99.<sup>27</sup> In comparison, 3% of offenders convicted in violent cases received prison sentences of 2 years or more in 1998/99.

### Factors influencing prison sentence length

By nature, the crime of criminal harassment usually involves a number of related charges. According to police data, common assault, uttering threats and threatening/harassing telephone calls are common related crimes. The presence of related charges appears to be influencing the type and severity of sentences imposed in cases involving criminal harassment.

In 1998/99, more than one third of convicted criminal harassment cases with at least one of the common related offences were sentenced to prison. Convicted criminal harassment cases that were combined with common assault were sentenced to prison in 40% of the cases, uttering threats 37%, threatening phone calls 33%. The median length of prison for the most serious charge in these cases was 90 days, as compared to 60 days when criminal harassment was the only charge in the case (Table 9).

<sup>23</sup> A **Case** is one or more charges against an accused person or corporation, where the charges are disposed of in the same court on the same date. For this Juristat, a criminal harassment case is any case with at least one charge of criminal harassment.

<sup>24</sup> The calculation of conviction rates excludes cases where the last available disposition is a change in court level (i.e., Committed for Trial in Superior Court, and Re-election to Provincial Court). Dispositions of this type indicate an incomplete criminal trial process, where the guilt or innocence of the accused has not been determined.

<sup>25</sup> The disposition type 'Stay and Withdrawn' includes cases stayed, withdrawn, dismissed, and discharged at preliminary inquiry, and the number of cases in this category is a reflection of the charges being dropped by the Crown or thrown out by the court.

<sup>26</sup> The number of incidents related to charges is unknown but it is possible to have multiple incidents aggregated in one case. All incidents involving charges against a single accused have the possibility of belonging to the same case if the charges are disposed of in court on the same day.

<sup>27</sup> Only 1 case in 98/99, 2 cases in 97/98, 3 cases in 96/97, 5 cases in 95/96 and one case in 94/95 received the maximum penalty of 5 years.

Table 10

	Convicted Cases		Prison	
	Number	Number	%	Median (days)
<b>TOTAL OFFENCES</b>	<b>240,653</b>	<b>84,011</b>	<b>35</b>	<b>45</b>
<b>CRIMINAL CODE TOTAL</b>	<b>209,923</b>	<b>77,918</b>	<b>37</b>	<b>31</b>
<b>Crimes Against The Person</b>	<b>42,654</b>	<b>16,787</b>	<b>39</b>	<b>90</b>
Homicide and Related	148	122	82	2,190
Attempted Murder	75	55	73	1,080
Robbery	2,634	2,042	78	540
Sexual Assault	2,128	1,223	57	360
Kidnapping	99	66	67	270
Sexual Abuse	760	454	60	210
Major Assault	11,641	5,628	48	90
Abduction	43	16	37	30
Common Assault	25,126	7,181	29	45
<b>CRIMINAL HARASSMENT (Total cases)</b>	<b>2,129</b>	<b>748</b>	<b>35</b>	<b>90</b>
Criminal harassment as most serious offence	780	180	23	60
Cases where criminal harassment is a related offence <sup>2</sup>	1,349	568	42	90
<b>Crimes Against Property</b>	<b>63,580</b>	<b>26,098</b>	<b>41</b>	<b>60</b>
Arson	356	187	53	285
Break and Enter	9,880	6,175	63	180
Fraud	12,704	4,468	35	70
Possess Stolen Property	8,266	3,918	47	60
Theft	24,957	9,508	38	30
Property Damage/Mischief	7,417	1,842	25	30

<sup>1</sup> Coverage currently excludes New Brunswick, Manitoba and British Columbia.

<sup>2</sup> Cases where criminal harassment was not the most serious offence includes some cases with a violent offence as the most serious offence, and as such this portion of criminal harassment cases is not additive with other categories on this table.

Source: Adult Criminal Court Survey, CCJS, Statistics Canada, 1998-99.

The growing proportion of criminal harassment cases that include a crime of violence is also influencing sentencing. Cases that combined criminal harassment charges with violent offences had a conviction rate (64%) that was higher than most violent offences, and a higher proportion of persons sentenced to incarceration than common assault (i.e., 44% compared to 29%).

### Probation sentences relatively long

Probation sentences for persons convicted of criminal harassment are longer than the probation sentences given in both common assault and total violent cases. In 1998/99, almost 20% of probation sentences for criminal harassment were longer than 24 months. In comparison, only 5% of those receiving probation in common assault cases and 8% in cases of violence received more than 24 months probation. The

median length of probation was 730 days for criminal harassment cases in 1998/99 as compared to a median of 365 days for both violent offences and common assault. There has been little change in the distribution of probation sentences over the five-year period.

### Fines are rare

Fines are seldom issued in criminal harassment cases and are becoming less used in recent years. In 1994/95, fines were issued in 19% of convictions while only 11% of convictions led to a fine in 1998/99. Most fines issued over the five years (70 to 72%) were for \$300 or less.

### Restraining Orders


Restraining orders may be used by courts as preventive measures in incidents involving criminal harassment as an added protection for victims where there is not sufficient evidence to lay charges. In such cases, charges may be dropped in exchange for a peace bond or restraining order. The restraining order is meant to act as a deterrent to criminal harassment behaviours by reducing contact and communication between the accused and the victim. According to a 1997 amendment to the existing *Criminal Code*, a breach of a restraining order may be considered an aggravating factor in sentencing a person accused of criminal harassment.

For the purposes of this study, a breach of a restraining order has been grouped in one of two categories: breach of recognizance (Section 810/811) or failure to comply with a court order against communicating with another person (Section 145, subsection 3 or 5). While these data refer to cases with an associated restraining order or peace bond, there is no evidence to suggest that the restraining order was related to the actual criminal harassment incident. In addition, it is difficult to ascertain from the level of detail available whether the restraining orders were broken.

The proportion of criminal harassment cases with an associated restraining order or peace bond has increased from 14% in 1994/95 to 22% in 1998/99. The conviction rate in 1998/99 was slightly higher for those cases with a peace bond (55%) than for those without (52%). However, the incarceration rate was much higher (48%) for those cases with a peace bond than for those without (31%) (*Table 11*).

This information suggests that the criminal justice community is considering the restraining order an aggravating factor in sentencing in criminal harassment cases.

Table 11



**Criminal harassment cases with a related restraining order or peace bond, Canada<sup>1</sup>, 1994/95 and 1998/99**

	Criminal Harassment Cases	Cases with a Related Peace Bond <sup>2</sup>		Conviction Rate (%)		Incarceration Rate (%)		Median Prison Length (days)	
		Number	Percent	Peace Bond	No Peace Bond	Peace Bond	No Peace Bond	Peace Bond	No Peace Bond
1994/95	3,066	440	14	63	43	52	35	30	45
1998/99	4,039	906	22	55	52	48	31	60	90

<sup>1</sup> Coverage currently excludes New Brunswick, Manitoba and British Columbia.

<sup>2</sup> Includes Section 145, subsections 3 & 5 (failure to comply with a court order against communicating), and Section 810 and 811 (breach of recognizance).

Source: Adult Criminal Court Survey, CCJS, Statistics Canada, 1994-95 and 1998-99.

### Summary

Criminal harassment remains a crime that is directed mainly towards women. While most other crimes have been declining in recent years, reports of criminal harassment incidents have been increasing. Of those incidents where an accused has been identified, the proportion resulting in a charge being laid has been decreasing.

At the court level, although criminal harassment does not necessarily involve violence, it is treated as severely as other violent crimes. The conviction rate and median sentence length is consistent with other crimes against the person while the median length of prison sentence for cases involving criminal harassment has increased considerably over the past five years.

### Methodology

#### The Uniform Crime Reporting Survey (UCR)

The Uniform Crime Reporting (UCR) Survey is a survey that is completed by all police forces in Canada. Some forces are completing the original UCR Survey, which collects information about crime at an aggregate level. Other forces complete the more recent incident-based version of the survey (UCR2). The UCR2 survey is a micro-data survey that provides detailed information at the incident level including characteristics of the crime, the victim and the accused.

At the aggregate level, criminal harassment is grouped with other offences and cannot be isolated. Data on the offence of criminal harassment is only available from those police forces responding to the incident-based UCR2 survey. These police forces reporting to the UCR2 are mainly municipal forces, and as a result, the data are not nationally representative.



## Trend Database

The UCR2 trend database contains data from a subset of those police forces reporting to UCR2 and allows an analysis of trends in incidents. For inclusion in the trend database, the police force must have reported consistently to the UCR2 since 1995. Currently, five years of data exist in the trend database for 106 police forces, representing 41% of the national volume of reported crime.

The majority of incidents included in the trend database were reported to the UCR2 survey by Quebec (37%) and Ontario (34%). In addition, 13% were from Alberta, 8% from British Columbia, 6% from Saskatchewan and 1% from New Brunswick. Other than Quebec, the data are primarily from urban police departments. It should be noted that these data are not geographically representative at the national level.

## Analysis of the relationship variable

The UCR2 Survey collects information on the relationship of the accused to the victim. This information is collected on the victim record. In incidents involving multiple accused, police score the form based on the accused who perpetrated the most serious violation against the victim. When the most serious violation is perpetrated by more than one accused, the accused with the closest relationship to the victim is recorded. Therefore, it is difficult to determine which accused on the victim file has the closest relationship to the victim. As a result, incidents involving more than one accused or no accused were removed from the analysis. Incidents with one accused and one or more victims were included in the analysis of victim/accused relationship.

When incidents involving multiple accused were removed from 1999 data, 3,635 incidents remained, involving 4,021 victims. Incidents involving two or more victims would result in multiple counting in the analysis of the accused and incident variables. For instance, if a woman and her child were stalked by the woman's ex-husband, the analysis of the accused and incident variables would occur under the relationship categories "ex-husband" and "other family".

Previous research has shown that, in a high percentage of stalking incidents, the accused and victim are currently in, or have previously been in, an intimate relationship. While the relationship variable does identify spouse and ex-spouse

relationships, it does not provide information on other intimate relationships such as between current or ex-girlfriends and current or ex-boyfriends. These types of intimate relationships are classified as "close friends" in the database. For the purposes of this study, close friend relationships involving victims and accused of the opposite sex were reclassified as "current or ex-girlfriend" and "current or ex-boyfriend". "Close friends" of the same sex were categorized under "other".

## Adult Criminal Courts Survey (ACCS)

The Adult Criminal Courts Survey (ACCS) provides a national database of statistical information on the processing of cases through the adult criminal court system. The survey consists of a census of Criminal Code and other federal statute charges dealt with in provincial/territorial adult criminal courts.

### Coverage

The survey is not representative of the total court caseload. In 1999, adult criminal courts in seven provinces and two territories and the Superior Court in Alberta were reporting to the ACCS. The provinces of New Brunswick, British Columbia and Manitoba are currently not reporting to the ACCS. Information from Quebec's 140 municipal courts (which account for approximately 20% of federal statute charges in that province) are not yet collected. Finally, with the exception of Alberta, no data are provided from the superior courts.

### Most serious offence

When a case has more than one charge, it is necessary to decide which charge will be used to represent the case (since a case is identified by a single charge). In such multiple charge cases, the "most serious disposition" rule is applied. Dispositions are ranked from the most to the least serious as follows: 1) guilty, 2) guilty of a lesser offence, 3) committed for trial in a superior court, 4) other dispositions were imposed, 5) stay of proceeding, 6) acquitted, withdrawn, dismissed.

For the purposes of the Courts section of this report, criminal harassment cases are not limited only to those with criminal harassment as the most serious offence, but refer to all cases involving a charge of criminal harassment.

## Canadian Centre for Justice Statistics

For further information, please contact the Canadian Centre for Justice Statistics, 19th floor, R.H. Coats Building, Ottawa, Ontario K1A 0T6 at (613) 951-9023 or call toll-free 1 800 387-2231. To order a publication, you may telephone (613) 951-7277 or fax (613) 951-1584 or internet: [order@statcan.ca](mailto:order@statcan.ca). You may also call 1 800 267-6677 (Canada and United States) toll-free. If you order by telephone, written confirmation is not required.

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