



05-27 Criminal Harassment

Status: Amended

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Rationale

This Procedure was developed to provide a standardized approach to the investigation of criminal harassment cases. The investigative requirements of the offence, the needs of victims and the requirements of *Adequacy and Effectiveness of Police Services* (O.Reg. 3/99) made pursuant to the *Police Services Act* are all addressed.

Procedure

Section 264 of the *Criminal Code* (CC) provides police officers with a criminal charge option when responding to calls for service regarding stalking, threatening and harassing behaviour. No single factor is sufficient to make a determination of what constitutes criminal harassment. It is the result of cumulative information that supports such a finding. Section 264 of the CC sets out the offence of criminal harassment and deals with the specific rules of law that must be met in order to constitute an offence.

The uncertain intentions of offenders and their obsessive and sometimes unpredictable behaviour can cause severe psychological trauma to victims. In extreme cases, victims are at risk of injury or death. Police response to such calls for service may require action other than an arrest and the subsequent laying of criminal charges. Careful consideration must be given to any proposed intervention strategies as they could further endanger the victim.

While not every incident constitutes an offence of criminal harassment, the following are some important factors to be considered in determining the motivation of the crime

- the relationship between the victim and the harasser
- the level of fear experienced by the victim
- the date and time of the occurrence corresponding to a date of significance to the victim and/or suspect
- a review of the circumstances surrounding the incident, including statements, comments or gestures made by the suspect, the manner and means of the act, and similar incidents reported by the victim
- escalation in the severity or frequency of incidents.

Police Officer

1. When responding to a complaint of criminal harassment shall
 - attend promptly

- provide assistance to the victim, and offer the assistance of Victim Services Toronto in compliance with Procedure 04–31
- interview the victim and other witnesses to determine
 - the nature of the harassment
 - the reasons for the victim’s safety fears
 - as much detail as possible about the harasser
- address any immediate safety concerns including referral for assistance with an interim safety plan
- establish the relationship between the victim and the harasser, and if the harassment is intimate partner violence related, comply with Procedure 05–04

➔ *Criminal harassment is often the continuation of the intimate partner violence cycle. It most commonly occurs when an intimate relationship ends. The victims of this type of harassment are at a high risk for violence, particularly in the period immediately following the break-up.*

- conduct a Person Query, including a CPIC and Canadian Firearms Registry On-line (CFRO) check
- determine whether any involved individual owns, possesses or have access to weapons, firearms, ammunition, explosives and the related authorizations, licences, certificates or permits and comply with Procedure 05–21
- consider using the search and seizure provisions contained in s. 117 CC to minimize any subsequent risk to the victim
- obtain the information outlined in Chapter 5, Appendix A to help determine whether reasonable grounds exist to believe there is a threat to safety
- notify Organized Crime Enforcement – Integrated Gun & Gang Task Force when firearms are or may be a factor
- where reasonable grounds exist, arrest/lay charges in compliance with the applicable procedures in Chapter 1
- comply with Procedures 05–08 and 05–10 in cases involving letters, telephone calls and voice mail messages
- collect and preserve all evidence related to the harassing behaviour (including written notes, electronic mail, facsimile (FAX) messages, gifts, recordings, voice messages, etc.) in compliance with Procedures 04–21 and 09–01
- have the scene photographed where graffiti or other evidence cannot be readily removed or retrieved
- advise the victim to maintain a record or log of all contact with the harasser, including notation of dates, times, location and nature of the contact
- advise the victim not to initiate any contact with the harasser

2. Where an offence has been committed and no person has been arrested/charged shall

- complete the applicable eReport, and
 - indicate the connection between a particular offence and a pattern of harassment [e.g. ‘Mischief over \$5000.00’ (Criminal Harassment)]
 - include a chronological description of all relevant circumstances
 - include the information required by O.Reg. 3/99 contained in Appendix B and Chapter 5, Appendix A

➔ *A Firearms Interest Police (FIP) entry will be auto-generated from the eReport entry and uploaded to CPIC.*


- complete the applicable MO Detail page

- complete a DVRM/ODARA, if applicable
 - scan and attach all memorandum book notes to the original eReport
3. When a suspect is arrested for criminal harassment shall
- comply with the applicable procedures in Chapter 1
 - consider consulting with Detective Operations – Sex Crimes – Behavioural Assessment Section (BAS) regarding Show Cause preparation or recommending release conditions
 - clearly note all charges as related to the criminal harassment in the crown envelope

Supervisory Officer

4. Upon being notified of a criminal harassment incident shall
- attend at the scene when the suspect is a stranger to the victim
 - take charge of the scene
 - ensure a thorough investigation is conducted
 - notify the Officer in Charge

Case Manager

5. Upon receipt of an eReport concerning criminal harassment shall
- review the occurrence and all victim and witness statements
 - ensure compliance with item 1
 - lay charges where reasonable grounds exist
 - where applicable, consider and exercise, where applicable, all powers of search and seizure, with and without warrant, relating to weapons, firearms, ammunition, explosives and the related licences, certificates or permits
 - contact the victim and
 - determine if there have been additional incidents since the initial report
 - discuss the appropriateness of a personal safety plan in regard to both its effectiveness and implementation
 - gather further information regarding background and behaviour of the offender, if known
 - confer with the divisional detective sergeant concerning referral or an assessment of threat from the BAS in cases where there is a risk of violence toward the victim
- ➔ *BAS is available to assist with safety planning for victims believed to be at high risk of violence.*
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6. Where further investigation is not warranted or a charge is not supported shall
- add supplementary information to the original eReport, detailing the reasons for the decision
 - provide the eReport number to the detective sergeant
 - advise the victim of the decision and the supporting reasons
7. Where further investigation is warranted shall
- complete the investigation in compliance with applicable procedures
 - request the appropriate resources to assist in the investigation
 - comply with Procedure 05–21 where there are safety concerns related to firearms and other weapons
 - submit all evidence in compliance with Procedures 04–21 and 09–01

- keep the victim informed of developments in the investigation
8. In all cases where a charge is supported shall
- consider contacting all persons known to police who may provide the accused access to firearms or related licences, certificates or permits
 - consider applying for a prohibition order or seeking a revocation where reasonable grounds exist to believe it is not desirable in the interests of safety for the offender to possess weapons
 - ensure the victim is informed concerning court proceedings
 - determine if there has been additional incidents since the initial report
 - facilitate access to any appropriate court support programs

Major Case Manager

9. When assigned to investigate a criminal harassment incident where the suspect is a stranger to the victim shall
- conduct the investigation in compliance with the Ontario Major Case Management Manual (OMCMM)
 - ensure that the Serial Predator Crime Investigations Coordinator – Ontario Major Case Management Unit of the Ministry of Solicitor General [REDACTED] is notified if there is a reasonable likelihood that the same person(s) has committed the crime(s) within a single or multi-jurisdiction within 7 days as per the OMCMM (O. Reg. 354/04)

Officer in Charge

10. Upon receipt of an eReport regarding any criminal harassment incident shall ensure the eReport number and a copy of any relevant documents are forwarded to the divisional detective sergeant.
11. At the time of booking a prisoner, and before considering release, shall ensure
- all reasonable inquiries have been made into the possession by an accused of weapons, firearms, ammunition, explosives, authorizations, licences, permits, certificates, Firearms Acquisition Certificate, etc.
 - such items are surrendered before release to enhance the safety of the victim

Detective Sergeant

12. When informed of a case involving stalking, threatening or harassing behaviour and where there is a serious potential for violence, shall contact the BAS for advice, referral or an assessment of risk, as appropriate.
13. Upon receipt of an eReport concerning criminal harassment shall
- where no further action is to be taken, ensure supplementary information is added to the original eReport detailing the reasons
 - where further action is required, assign a case manager
 - ensure appropriate resources are made available
 - where the suspect is a stranger to the victim, ensure an accredited major case manager is assigned to the investigation
- ➔ *Where no accredited major case manager is available in a division, the detective sergeant should consult with the Unit Commander and have an accredited major case manager from the respective Field command assigned to the investigation.*

Where no accredited major case manager from the Field command is available, the detective sergeant should consult with the Unit Commander – Sex Crimes for assistance.

- ensure that the Serial Predator Crime Investigations Coordinator – Ontario Major Case Management Unit of Ministry of Solicitor General spcic@ontario.ca is notified if there is a reasonable likelihood that the same person(s) has committed the crime(s) within a single or multi-jurisdiction within 7 days as per the OMCMM (O. Reg. 354/04)
- ensure the victim is regularly informed of developments in the investigation
- ensure evidence is submitted for expert examination, as required
- ensure applicable eReport numbers relating to criminal harassment are provided to BAS
- ensure supplementary information is added to the original eReport indicating the disposition of the case is submitted to BAS at the conclusion of any court proceeding or investigation

Unit Commander

14. When considering the release of a community safety notification in a criminal harassment case shall comply with Procedure 17-04.

[REDACTED]

[REDACTED]

[REDACTED]

Appendices

Appendix A – Detective Operations – Sex Crimes – Behavioural Assessment Section
Appendix B – Excerpt from Guideline LE-028 – Criminal Harassment

Supplementary Information

Governing Authorities

Federal: Criminal Code.

Provincial: Police Services Act, O. Reg 3/99, Adequacy & Effectiveness of Police Services; Police Services Act, O. Reg. 354/04, Major Case Management.

Other: Ontario Major Case Management Manual; Policing Standards Manual.

Associated Governance

TPSB Policies: TPSB LE-006 Criminal Investigation Management; TPSB LE-028 Criminal Harassment; TPSB VA-001 Victim Assistance.

TPS Procedures:

- [Chapter 1](#) Arrest & Release;
- [04-21](#) Gathering/Preserving Evidence;
- [04-22](#) Polygraph Examinations;
- [04-31](#) Victim Services Toronto;
- [04-37](#) Witness Assistance & Relocation Program (WARP);
- [Chapter 5, Appendix A](#) Excerpt from Guideline LE-029 – Preventing or Responding to Occurrences Involving Firearms;
- [05-04](#) Intimate Partner Violence;
- [05-05](#) Sexual Assault;
- [05-08](#) Criminal Writings;
- [05-10](#) Threatening/Harassing Telephone Calls;
- [05-16](#) Hate/Bias Crime;
- [05-19](#) Violent Crime Linkage Analysis System;
- [05-21](#) Firearms;
- [05-29](#) Sex Offender Registries;
- [09-01](#) Property – General;
- [09-03](#) Property – Firearms;
- [17-04](#) Community Safety Notifications;
- [17-08](#) Use of Special Address System.

Other: [Toronto Police Service Criminal Investigation Management Plan](#).

Forms: eReports; Domestic Violence Risk Management/Ontario Domestic Assault Risk Assessment (DVRM/ODARA).

Definitions

For the purposes of this Procedure, the following definitions will apply:

Criminal Harassment means when a person, 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 ss. 264(2) of the *Criminal Code* that causes that other person reasonably, in all the circumstances, to fear for their safety or the safety of anyone known to them.

[Source: *Criminal Code*, ss. 264(1)]

Major Case Manager means the investigator responsible for the effective governance and management of every threshold major case investigation and possesses the knowledge, skills, and abilities to perform the functions of Major Case Management. The Major Case Manager shall have successfully completed the Ontario Major Case Management Course or equivalent as defined by the Ontario Police College, and; shall have the resources to manage investigations through the minister-approved software, currently known as PowerCase.

[Source: Ontario Major Case Management Manual]

For the purposes of a homicide investigation, the Major Case Manager shall be an investigator from Detective Operations – Homicide.

For the purposes of a sexual assault investigation, the Major Case Manager shall be an investigator from Detective Operations – Sex Crimes.

For the purposes of a Human Trafficking investigation, the Major Case Manager shall be an investigator from Detective Operations – Sex Crimes – Human Trafficking Enforcement Team.

For the purposes of a kidnapping investigation, the Major Case Manager shall be an investigator from Detective Operations – Organized Crime Enforcement.

Primary Investigator means the investigator assigned by the Major Case Manager in every threshold major case investigation to perform the functions and responsibilities of the primary investigation function. The Primary Investigator shall have the knowledge, skills, and abilities to perform the function; shall have successfully completed the Ontario Major Case Management Course or equivalent, as defined by the Ontario Police College.

[Source: Ontario Major Case Management Manual]

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