



What is the legal definition of criminal harassment?

Criminal harassment is when someone repeatedly follows, contacts, watches, or threatens another person, with the knowledge that they're harassing and scaring that person.

For an accused to be guilty of criminal harassment, the prosecutor must prove beyond reasonable doubt that they:

- (1) "**Repeatedly...** – For the purpose of criminal harassment, repeatedly just means "more than once";
- (2) "**...followed, contacted, watched, or threatened another person...** – The accused could have directed any of these actions at the complainant (i.e. alleged victim), or at someone known to them. It didn't have to be direct.

"Watching" includes watching the complainant's home, workplace, or basically anywhere the complainant spent time.

"Threatening" didn't have to be a threat that would warrant an [uttering threats](#) charge. Threatening conduct directed at the complainant, or at their family, is enough;

- (3) "**...with the knowledge that...** – The accused must have *known* that they were harassing the complainant. The law says a person "knows" they're harassing someone if they just know there's a *risk* that they're harassing them;
- (4) "**...they're harassing...** – "Harassing" means "tormenting, troubling, worrying, plaguing, bedeviling, or badgering." If the complainant was just annoyed, that's not enough;
- (5) "**...and scaring that person...**" – The complainant must have felt fear for their safety or the safety of someone they know. "Safety" includes both physical and psychological safety. Also, the complainant's fear must have been reasonable, which means any normal person in their circumstances would also have felt fear.

What are some situations where criminal harassment occurs?

In day-to-day language, people use the word "stalking" to describe what the law calls criminal harassment. The most common situation where someone alleges they're being harassed is after they break up with their ex, and their ex contacts them repeatedly.

The reason an ex might get accused of harassment is because they experience obsessive and intrusive thoughts from still being in love with their former partner. As a result, they might act on those thoughts despite their former partner not wanting to hear from them anymore.

In other cases where one person accuses another of harassing them, there's at least some unresolved bad blood between the alleged harasser and the alleged victim. The accused might have repeatedly contacted the complainant because they wanted to resolve some issue between them, which the complainant preferred to avoid.

What are some defences to criminal harassment?

An accused isn't guilty of criminal harassment if they had lawful authority to knowingly harass and scare the complainant. However, this is a rare defence.

Other defences to criminal harassment involve the *negation* of one or more of its elements (elements = ingredients). Usually, the element the prosecutor can't prove beyond reasonable doubt is that either:

- (1) The accused *knew* there was a risk they were harassing the complainant; or
- (2) The complainant had *reasonable* fear.

How does a prosecutor prove criminal harassment?

Prosecutors rely on different types of evidence to prove different types of cases. For example, a prosecutor will usually use a complainant's testimony and photographs of the complainant's injuries to prove an assault charge.

In modern times, people often communicate by text messaging, social media, or email. All of these forms of communication leave a record that prosecutors can use as evidence that the accused was sending the complainant unwanted communications.

After someone complains to the police that they're being harassed, the police usually first serve a *warning letter* on the alleged harasser. If the alleged harasser continues to contact the complainant after the police warned them, the prosecutor can use the warning letter as evidence that the alleged harasser *knew* that they were harassing the complainant.

You can find some of the firm's case results for criminal harassment [HERE](#).