

# Assaulted, threatened, or harassed?



If you have been  
assaulted,  
threatened,  
or harassed,  
perhaps this  
pamphlet can  
help you decide  
what to do.

GOVERNMENT OF  
NEWFOUNDLAND AND LABRADOR

Victim Services, Department of Justice

Violence Prevention Initiative  
and Women's Policy Office

Violence is a crime. Physical assault, sexual assault, harassment, and uttering threats are criminal actions. They are not your fault. If you are a victim of any of these actions, you have the right to make a criminal complaint to the police. No one has the right to harm you or your family. No one has the right to cause you to live in fear.

**- Assault, sexual assault, uttering threats, or harassment can happen in any relationship.**

**- Consent given under fear is not consent.**

**- Only the crown prosecutor can drop a criminal charge.**

**- A peace bond is not a criminal charge. It is not monitored by the police. The police only become involved when a peace bond is broken.**

### **What is assault?**

Assault includes being hit, shoved, or pushed without your permission.

### **What is sexual assault?**

Sexual Assault is any sexual act that was forced upon you or you were pressured to take part in. This includes unwanted sexual touching.

### **What is uttering threats?**

Uttering Threats involves any threat against you, your family, or your property. Some common threats are "You're history," "You're gonna get it," and "I'll burn your house down."

### **What is criminal harassment?**

Criminal Harassment is often called stalking. It involves any action that you don't want and causes you to fear for your safety. Common forms of Criminal Harassment are when someone follows you; calls you at home, at a friend's house or at your workplace; or watches your home or workplace.

### **What can the criminal justice system do?**

First, you have to contact the police. Then you have to tell them what happened, who was involved, and if there were any witnesses.

The police will investigate the complaint. They will decide if there is enough information or evidence to lay criminal charges. If the abuser or stalker is charged, he can be ordered not to contact you as part of being released. When charged the accuser or stalker is called the accused.

Once charges are laid, the case is passed on to a crown prosecutor who then decides if the case should go to court. The crown prosecutor makes this decision by looking at how much evidence there is, and whether there is enough evidence to convict the accused. If there is not enough evidence, you can apply for a peace bond.

### **What will happen if the case goes to court?**

The court process can be difficult. You will be expected to testify or tell the judge about your experiences. In some cases, you could be asked to go to court and testify two, three, or even four times. It may be difficult for you when you go to court and see the accused.

For all these reasons, it is important to bring someone with for support. You can ask a friend or family member to go with you, or you can contact Victim Services for support.

The judge will listen to the evidence and decide if the accused is guilty or not guilty.

If the accused is found guilty, he may be sentenced right away or at a later time. His sentence could range from being placed on probation with conditions (such as counselling), to spending time in jail.

If the accused is found not guilty, there may be an appeal. The decision to appeal is made by the crown prosecutor. If the accused is found not guilty, you can apply for a peace bond.

### **What is a peace bond?**

A peace bond is a court order stating that a person, this time called the defendant, must “keep the peace and be of good behaviour towards you.” To apply for a peace bond, you must be fearful that the person is going to harm you, your children, or your property.

**In many situations if you have grounds for a peace bond, you have grounds for a criminal complaint.**

If you or a family member have been assaulted, a peace bond is not the best way to deal with it.

### **What are some limitations of a peace bond?**

- It is only effective when the defendant does not break the conditions.
- It is not monitored by the police,

and not enforced unless conditions are broken.

- It can take weeks or months to get a peace bond.

- It will only last for up to one year from the date it was signed.

- It only applies in the province where it was granted.

- While you may feel unsafe and believe that the peace bond was broken, it is up to the police to decide if enough evidence exists to lay a charge.

**It is a myth that peace bonds will stop violence.**

### **How do I apply for a peace bond?**

You can contact the Provincial Court in your area. In some situations and areas of the province, you may be referred to Unified Family Court or the police. You will have to give information to the police about what the person is doing to make you afraid. If it seems like a crime took place, the police will have to investigate the case. This may mean that criminal charges will be laid.

### **What conditions can be included in a peace bond?**

The defendant can be ordered:

- to stay away from your home, place of work, or place of worship;

- not to contact you by phone, letter, or message; and,

- not to contact your friends or family members.

**Can I contact the defendant or reunite with him after a peace bond is issued?**

If the defendant is ordered not to contact you, then you should not contact him. If you want to reunite or talk to him, contact the court.

**If I have a peace bond against my partner or spouse, can he still see the children?**

You must tell the court if any custody arrangements are in place for your children. A peace bond may not affect your spouse's visiting or access rights, but it may. You might want to talk with a lawyer.

**What if I fear for my children's safety?**

Contact the police or child protection immediately. You may have visiting rights changed if you re-apply to the court. Once again, you might want to talk with a lawyer.

**In case of emergency, call 911 or your local police.**

**Provincial Court**

Clarenville	466-2635
Corner Brook	637-2395
Gander	256-1100
Grand Bank	832-1450
Grand Falls-Windsor	292-4212
Happy Valley-Goose Bay	896-2404
Harbour Grace	596-6141
Placentia	227-2002
Springdale	673-5050

Stephenville	643-2966
St. John's	729-2065
Wabush	282-6617

**Unified Family Court**

St. John's	729-2258
------------	----------

**Victim Services**

Carbonear	945-3019
Clarenville	466-5808
Corner Brook	637-2614
Gander	256-1028
Grand Falls- Windsor	292-4544
Happy Valley- Goose Bay	896-0446
Nain	922-2360
Port Saunders	861-2147
Stephenville	643-6588
St. John's	729-0900