



Dealing with the Police

Information for ABUSED WOMEN

If you are an abused woman, you may be afraid of dealing with the police and the justice system. Knowing what to expect can make the experience less frightening. New Brunswick has a set of guidelines called **Women Abuse Protocols** that police, and other professionals delivering government services, must follow. The Protocols help them to recognize signs of abuse, prevent further abuse, and refer survivors to appropriate services.

If I call the police, will they take me seriously?

Yes. If your husband or partner physically harms you or threatens to harm you, he is breaking the law. Assault is a crime. Police can press charges no matter where the assault occurs. Police take all assaults seriously, even when they involve a wife and husband or you and your partner.

What if my husband or partner will not let the police into the house?

The police can enter the house if they have good reason to believe someone is committing a crime inside. The police will stop the violence once they get inside.

What will the police want to know?

The police will want to know exactly what happened. Tell them if:

- you have an injury; (If you have been injured, the police will recommend medical treatment.)
- the abuse has happened before;
- your husband or partner used weapons;
- names and addresses of other witnesses.

Can the police just take my husband away until he calms down?

The police cannot force your husband or partner from the home unless they put him under arrest.

Will I be asked to make a statement?

Yes. The police will ask you to tell them what happened. They will write down what you say and ask you to read and sign it. This statement is the record of your complaint. If you refuse to make a statement the police may not have enough evidence of a crime to lay charges. Although the police may question neighbors or others who may have witnessed the assault, you will probably have the best evidence of the assault, especially if it took place in private.

In some instances, if the assault is serious and you think that your friends or family may pressure you to return to your husband or partner, ask the police to let you make a videotaped statement. Videotaped statements (also known as a K.G.B. statements) are made under oath. That means that you would swear to the truthfulness of the statement. This may help remove some of the pressure to change your story later in the process.

Will the police take photos of my injuries or property damage?

The police should take photographs of any obvious injuries. These photographs may be taken in the days following the assault when bruises become more obvious. Be sure to let the police know when bruises begin to appear. Tell the police if you need a ride to the police station to have them take photos. The police

may also take photographs of any damage to property.

Will I have to lay charges?

The police are responsible for laying charges if they have evidence that a crime has been committed.

What can my husband or partner be charged with?

There is no specific crime called woman abuse. The police may charge your husband or partner with a crime such as:

- assault;
- aggravated assault;
- indecent or harassing phone calls;
- uttering threats;
- assault causing bodily harm;
- unlawfully causing bodily harm;
- sexual assault;
- aggravated sexual assault;
- sexual assault with a weapon;
- discharge of a firearm with intent;
- criminal harassment (stalking).

What will happen when the police charge my husband or partner?

The police may decide to arrest your husband or partner and take him to the police station. Or, instead of detaining him, they may give him an appearance notice or summons him to appear in court on a certain date to plead guilty or not guilty to the charge.

If he is arrested, how long will the police keep him in jail?

The police may keep your husband or partner until he makes his first court appearance. That often happens within a few hours. The judge will then decide whether to release him or have a hearing to decide whether to keep him in jail. Unless his offence was very serious and violent, the court will probably let him out at that time. Ask the police to let you know what happens.

What if I am afraid he will harm me when he gets out of jail?

Tell the police if you are afraid for your safety when they arrest your husband or partner. Ask that a condition of his release from jail be a “no contact order” imposed by the judge telling him to leave you alone. Then, if he tries to contact you, call the police and they can arrest him.

What if I don't want the police to lay charges. Can I refuse to cooperate?

If you won't make a statement or you change your statement, the police may not have enough evidence that a crime was committed. The police and the Crown Prosecutor have the right to start or continue the case against your husband or partner against your wishes. But without your help, it is unlikely there will be enough evidence to get a conviction. As the victim, you have the best evidence of your husband's or partner's crime.

Will I have to go to court?

If your husband or partner pleads guilty to a charge, you will not have to go to court. If he pleads not guilty, the Crown Prosecutor will call you as a witness to prove your husband or partner committed the crime. If the judge finds your husband or partner guilty, he will be sentenced.

What if the police refuse to lay charges?

If there is evidence of assault, the police must charge your husband or partner. If the police will not deal with the abuse, insist that action be taken. Call the police station. If you are not satisfied with the response you may want to register a complaint. For information about complaints against the RCMP call 1-800-267-6637; information about complaints against the Police call (506) 453-2069.

You should know that you have the right to lay charges yourself. This is called a private prosecution. You can do this by going to a Provincial Court judge and making a statement in writing and under oath. If you can, contact a lawyer to discuss this. When the Crown Prosecutor hears your evidence, he or she may decide that your husband or partner committed a crime and take over the prosecution.

This pamphlet does not contain a complete statement of the law in the area and changes in the law may occur from time to time. Anyone needing specific advice on his/her own legal position should consult a lawyer.

PLEIS-NB receives funding and in-kind support from the Department of Justice Canada, the New Brunswick Law Foundation and the New Brunswick Department of Justice. Project funding for revisions to this pamphlet were provided by Justice Canada.

We gratefully acknowledge the cooperation of the New Brunswick Coalition of Transition Houses and Centres, members of the Law Society of New Brunswick, the Public Prosecutions Branch of the Department of Justice, and the Faculty of Law, University of New Brunswick.

**Published by: Public Legal Education and Information Service of New Brunswick
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Fredericton, NB
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Revised March 2005

ISBN: 1-55137-158-8