

When Elder Abuse Involves the Police

Calling the police and making a criminal complaint is an important way for an abused older adult to be protected and one way to prevent future occurrences.

Making a Criminal Complaint

When they receive a complaint about alleged abuse the police may:

- get a written statement from the person making the complaint
- investigate the complaint
- interview the abused person and any other people who have evidence about the incident
- interview the alleged abuser
- gather evidence that is relevant to the complaint
- lay charges against the alleged abuser

Even if no charges are laid, the police can help by connecting seniors to supports in the community—making referrals to other agencies as needed.

Victims' Services

Victims' Services Units are located in communities across Alberta. They can:

- provide information, including information about the police and court processes being followed
- offer practical assistance
- extend emotional support
- help communicate the victim's needs and concerns to the police or Crown Counsel

You can ask the police officer you speak to about getting help from Victims' Services.

Laying charges

- after investigating, the police will make a decision about whether charges should be laid
- Crown Counsel, also called the Prosecutor, can be involved in the decision about whether charges are laid
- Crown Counsel may decide (either at the start or later) that there isn't enough evidence to convict the abuser and to drop the charges

The Accused

After charges are laid, the process followed depends on the seriousness of the offence and several other factors. The accused may be:

- arrested or not;
- arrested then released;
- taken to the police station;
- released after a bail hearing;
- held in custody without bail

The Process

There are three types of criminal offences:

- summary offences
- indictable offences, and
- hybrid offences

Summary Offences

These kinds of offences are tried in Provincial Court and include most minor criminal offences, for example, harassing telephone calls. A simpler court process is used for summary offences than for indictable offences.

Indictable Offences

These kinds of offences carry more severe penalties than summary offences. Examples include murder, manslaughter and aggravated assault. The court process for indictable offences is more complicated than the process for summary conviction offences.

Summary or Indictable (“Hybrid”) Offences

For these offences, the Crown will choose whether the offence is tried summarily or on indictment. Most offences in the Criminal Code are hybrid offences.

ADDITIONAL RESOURCES ON ALBERTA LAW

- More information about abuse of older adults, including links to related websites, can be found on Oak-Net at www.oaknet.ca/abuse
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