When the police get involved

Unfortunately, sometimes domestic violence reaches the point where someone calls the police. This can be unsettling for you, your staff, and other tenants. It may help to know a little about what will likely happen.

Calling the police

Anyone can call the police if they think a crime is being committed or is about to be committed. The crimes associated with domestic violence include assault, kidnapping, manslaughter, and murder.

What will the police do?

The police will respond as quickly as possible. If resources permit, they may send out a special domestic violence team which may include a social worker. They will interview the person experiencing domestic violence, the person causing harm, other adult family members, the person who phoned in the complaint, and anyone else who may have relevant information. They will also gather any physical evidence that might be important.

Once they assess the situation, the police will decide what to do next. They will consider the severity of the situation. Who was hurt? How badly were they hurt? What else might have happened if the police hadn't been called? Were alcohol or drugs involved? Are there children in the unit?

Sometimes they can settle the situation without arresting anyone. However, if they think a crime was committed and the situation is still dangerous they will arrest the person causing harm. If there are any children in the family, the police will call Children's Services. A social worker will visit the family to determine if the children are at risk of being harmed. Under Canadian law a person is presumed to be innocent until proven guilty. Until that is determined the person is only 'alleged' to have committed a crime.

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What happens if the person causing harm is arrested?

If the police decide to arrest the person causing harm, they will take the person to the police station. They will contact a Justice of the Peace who will decide whether the person can be released on bail. That usually takes a few hours. If the person is released, there may be some conditions limiting contact with the person they harmed or access to the place where they live. Later a prosecutor will review the evidence and decide whether to proceed with the charges. Meanwhile, the person causing harm may be getting a lawyer or applying for legal aid. If the person causing harm isn't released on bail, they will be kept in custody.

What about the person experiencing domestic violence?

The police may talk to the person about getting help from their victim service program. A victim service worker will explain what might happen with the criminal charges, provide some practical assistance

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and emotional support, and help with communication with the prosecutor.

The police may also suggest that the person get an *Emergency Protection Order*. It may order the person causing harm to

- stay away from the residence, the impacted person's workplace, or other designated space
- stay away from the impacted person or family members
- not communicate directly or indirectly with the impacted person or anyone else named in the order.

If the person causing harm violates the order, the person experiencing domestic violence can call the police and the person causing harm can be arrested again.

The order can also allow a police officer to

- accompany someone to the residence to remove personal belongings
- seize any firearms.

Frequently Asked Questions

How will we know what is happening?

Neither the police nor the person experiencing domestic violence are required to keep you informed about what is happening. It will be up to them to tell you where things are at. However, you can ask the person experiencing violence if there has been any sort of court order keeping the person causing harm from coming onto the premises. You can also call the Victim Services Unit of your local police to see if they can find out anything for you. If you have a community police liaison officer for your area, see if they can help.

Will I, other staff members, or other tenants be called as witnesses?

Anyone who has direct knowledge of the alleged offence may be called as a witness. Just hearing about it from someone else probably won't be enough. In many cases, though, the person causing harm pleads guilty so there is no trial and no one is called to testify. However, anyone who was directly affected can provide a written Victim Impact Statement to be used in sentencing the person causing harm. Anyone who has suffered damages can also apply for a restitution order.

How do the police know who to believe and whose fault it is?

Sometimes it is not obvious who is at fault in a domestic violence incident. Sometimes the incident starts with something very minor, may build, and then blows up. Sometimes the person experiencing domestic violence 'starts it'. Sometimes the person experiencing domestic violence is just 'fighting back'. The police will do their best to investigate the situation and may even charge both parties.

What if the person experiencing domestic violence doesn't want the person causing harm charged?

There are several reasons why a person experiencing domestic violence may not want the person causing harm charged even if the

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assault is serious. It is important not to judge. The police will take the person experiencing domestic violence concerns into consideration. However, the police and the prosecutor make the final decision about whether to proceed with charges or not.

Why was the person causing harm back home the next day?

It is not unusual for a person arrested for an offence to be released from custody. For example, the police may decide not to press charges. Or, the person causing harm may be released on bail.

Handy Resources

Centre for Public Legal Education Alberta

Domestic Violence and the Law: Going to the Police – info sheet

Domestic Violence and the Law: Emergency Protection Orders – info sheet

Alberta Government

Victims of Crime: What victims of crime can expect from the justice system – booklet

Victim impact statements – brochure

Alberta Society for the Prevention of Cruelty to Animals (Alberta SPCA)

Pet Safekeeping – website

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