

Reporting Crimes to the Police and What Happens When You Make a Report

Information for seniors



This is one of a series of information sheets for seniors. The others are :

- ▲ *Abuse and Neglect of Seniors — Is it a Crime?*
- ▲ *Abuse and Neglect of Seniors and the Criminal Justice System*
- ▲ *Reporting Abuse and Neglect Under Part 3 Adult Guardianship Act*
- ▲ *Where to Get Legal Help*
- ▲ *Giving Other People Authority to Help You Manage Your Affairs*

HOW DO I MAKE A REPORT TO THE POLICE?

It can be very difficult and upsetting to make a report to the police about abuse, especially if the person harming you is someone you care about. Most seniors have a lot of questions about what is involved and what to expect.

When you report a crime to the police, the officer who talks to you will ask many questions. Some of those questions may be difficult to answer but you should try to give as much information as possible. What you tell the police officer will be written up on a piece of paper called a **statement**.

Be sure to tell the police officer if there are any threats or if you are in any danger. You may need to make a plan to keep yourself safe. The police officer can help you do that or connect you to other people who can help. For instance, police often ask victim service workers to give support and help to seniors who are victims of crimes.

After the statement you made to the police is

finished, you will be asked to sign it. Ask for a copy of the statement. Make sure to get the police officer's name and number and, if possible, the numbers of the police report for future reference. If you later remember something you should have said, you can contact the officer and provide this new information.

WHAT HAPPENS AFTER I MAKE A REPORT TO THE POLICE?

The police officer will investigate your complaint. If the officer thinks that the person committed a crime they will prepare a report for the Crown counsel. The Crown counsel will look at the report from the police and decide if the person should be charged with a crime.

If the police and Crown counsel think the person should not be charged, they will tell you so. Follow up your report by contacting the officer who took the complaint if you have not heard anything after a week or so. Victim service workers can also help you find out what is happening with the investigation.



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You can telephone **VictimLINK at 1-800-563-0808** to get the telephone number of your local victim service program as well as referral to other services in your community.

There are some victims of crimes who cannot tell the police what happened because of illness, injury or disability. The police may still look for other evidence so that a prosecution can take place without the victim's testimony. This evidence might include weapons or property that has been obtained illegally or statements by witnesses.

WHAT HAPPENS TO A PERSON ACCUSED OF A CRIME?

Another question that many seniors who are victims of crime have is: "*What will happen to the person who is accused?*" This question is especially important if the accused person is a relative or someone who provides some services to the senior.

Sometimes the police will arrest a person suspected of committing a crime. They might do this to stop him or her from continuing the crime or to make sure that the victim and other people are safe. The police may keep the accused person locked up if they believe that he or she is a risk to others or might not show up for a court appearance.

> bail hearing

Any person charged with a crime has the right to be considered for bail. No one can automatically be held in custody until trial. Generally, a bail hearing is an application to be released from jail until the trial takes place.

The accused must be given a bail hearing within 24 hours of being arrested. A judge or justice of the peace will issue the bail release or a release order and may ask for one of several different types of bail.

The simplest form of bail release order is a **promise to appear** (also called **an undertaking to appear**). If the accused has no criminal record or only a minor criminal record, this is the likely form of bail that will be used.

An undertaking to appear may have some conditions attached. For instance, the accused may have to report to a bail supervisor or agree to live at a certain address or not have contact with the victim and other people.

> recognizance

Another type of bail is recognizance. This is an agreement to pay a set amount of money if the accused fails to appear in court. A recognizance can have different conditions attached to it. The bail options include:

- ▲ a recognizance which sets an amount of money the accused must pay if he or she does not appear in court;
- ▲ a recognizance with the amount the accused has to pay if he or she does not appear in court plus a cash deposit; and
- ▲ a recognizance with surety is when someone else agrees to pay an amount of money if the accused fails to appear in court.

If the accused is not released on any of the above and is held in custody, then the Crown counsel will conduct a **show cause hearing** to give reasons for not releasing the accused until a preliminary inquiry or trial.

WHAT IS A PEACE BOND?

Sometimes under section 810 of the *Criminal Code*, a **peace bond** is ordered to prevent violence or damage in a home or neighbourhood. A peace bond orders the defendant to keep the peace and be of



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good behaviour for up to a year. The usual conditions of a peace bond are that a person accused of a crime should not have any contact with a person who has been the victim of the crime. Phone calls, letters and visits are not allowed even if the victim invites the defendant to do so. If the accused breaks any conditions of the peace bond, he or she can be charged with an additional criminal charge.

HOW DO YOU APPLY FOR A PEACE BOND?

If someone has seriously threatened to hurt you or damage your property, you can ask for a peace bond by filing a report with the police. Give the police as many details of the threat or assault as possible. If the threat is still going on, keep a record of every time it happens and the exact words used in the threat.

The police will investigate and prepare a report for Crown counsel who will decide whether or not a peace bond is appropriate for your situation. If Crown counsel decides to go ahead, the person who is threatening you might be asked to agree with the conditions and sign the peace bond. If he or she does not agree, a hearing date will be set.

If you are unable to obtain a peace bond through the police and Crown counsel, you can go to the provincial court, criminal division, and ask a justice of the peace to issue a peace bond.

For more information on applying for a peace bond, refer to the brochure *For Your Protection: Peace Bonds and Restraining Orders*. Call 604-660-5199 to receive a copy from Victim Services & Community Programs Division or download it from www.pssg.gov.bc.ca.

ARE SOME CRIMINAL OFFENCES MORE SERIOUS THAN OTHERS?

In order to better understand the offences under the *Criminal Code* of Canada, it is important to know that

there are three categories of criminal charges. These are **summary offences, indictable offences and offences which can be treated as either summary or indictable.**

Indictable offences are more serious than summary offences. For example, murder is an indictable offence, while loitering or causing a disturbance are summary offences. Offences, which can be treated as either summary or indictable, include assault, and sexual assault. It is the Crown counsel that decides if a person should be charged by a summary offence or an indictable offence.

To learn more about the law and your rights, telephone BC CEAS at **604-437-1940** if you live in the Lower Mainland or toll free from the rest of the province at **1-866-437-1940**.



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