

Policy Title	Policy Number	Effective Date	Page
Spousal Abuse Police Charging	J&PS-03-01	October 1, 2004	1 of 2

Purpose

This policy provides guidance to police services in the province.

1. Background

Prince Edward Island has had a charging policy since October, 1983 when the Prince Edward Island Minister of Justice and Attorney General requested that police forces institute a policy of laying charges in all domestic violence cases where there are reasonable and probable grounds to believe an assault has taken place. The policy was confirmed in May, 1988 by the PEI Minister of Justice and Attorney General who further requested that commanding officers update officers regarding the policy, and encourage the practice of removing the assailant, rather than the victim, from the home.

Municipal police are guided by the Police Section of the PEI Woman Abuse Policies and Protocols, developed in 2000. Section 1.6 states: “ Domestic violence should be treated as any other criminal matter and therefore the onus is on the police, not on the victim, to initiate the criminal process. In all cases where a charge is warranted on the evidence, the police will lay a charge.”

2. Objectives

The objectives of the Spousal Abuse Charging Policy are to increase victim safety, deter spousal abuse, and hold offenders accountable.

3. Policy

3.1 Where there are reasonable grounds to believe that a criminal offence has taken place, the police officer should lay a charge under the *Criminal Code of Canada*, and make it clear to the victim and accused that laying charges is the responsibility of the police.

3.2 Where the facts of a particular case may initially suggest charges against both parties, the police officer will attempt to identify the primary aggressor by determining, for example, whether either person acted in self-defence (as shown by offensive and self-defensive injuries), the history of violence between the persons, and differences in the physical size between the persons.

3.3 When appropriate and with the consent of the victim, police will apply for an

Emergency Protection Order under the *Victims of Family Violence Act*, whether proceedings under the *Criminal Code of Canada* are initiated or not.

Department of Justice and Public Safety

Policy and Procedure

Policy Title	Policy Number	Effective Date	Page
Spousal Abuse Police Charging	J&PS-03-01	October 1, 2004	2 of 2

3.4 Where there are no reasonable grounds to lay a charge, but police believe that the victim's safety may be at risk, police will consider the availability of other responses including recognizance orders under section 810 of the *Criminal Code of Canada*.

4. Procedure

4.1 When investigating incidents of spousal abuse, police officers will conduct a thorough investigation.

4.2 All police reports of spousal abuse, including consideration of the risk to the victim and recommendations by the investigating officer, will be reviewed by a police supervisor who will ensure that:

- the investigation is thorough
- documentation is complete
- the victim has been referred to Victim Services, through the referral procedures used by the police agency, and
- if there are children residing in the home, the Child & Family referral form has been completed and forwarded to Child & Family Services.

4.3 In assessing whether there are reasonable grounds to believe that the accused should not be released, the safety and security of the victim will be a significant consideration, including whether there is a history of abuse, previous breaches of bail or probation conditions, and criminal or civil court orders. When the decision is made to release the accused, steps should be taken by the police officer/officer in charge to ensure the accused is released on an undertaking to a peace officer, or brought before a justice of the peace/judge to show cause why the accused should be released on an undertaking.