

J. POLICE CHARGING POLICY

The Committee heard that police responses to violence against women are often inadequate. In sexual assault cases, the victim is often not believed. In wife assault cases, the perception of the sanctity and privacy of the family prevails over women's need for safety. Police intervention is critical as they set the entire criminal justice process into motion. When police arrest a violent man, his victim, and potential future victims, are provided with immediate safety and his behaviour is denounced and labelled criminal.

Canada has charging policies in place across the country with respect to wife assault cases. Typically, the policies state that when police have reasonable and probable cause to believe an assault has taken place, they do not have to have witnessed it in order to lay a charge. Witnesses commented, however, that there is a chasm between policy and practice. For example, one study carried out by the Ontario Solicitor General found that police did not lay charges in 50% of the domestic violence occurrences to which they responded (5:79).

Witnesses told the Committee that some police officers believe that wife assault calls are not serious and therefore fail to respond to these incidents in a timely manner. In point of fact, in May of 1991, a Calgary woman was severely beaten and raped in her home by an intruder when police did not respond to her 911 emergency call for help. The police explained that they did not respond to the call as an emergency because the 911 dispatcher indicated that he thought the call was a "domestic dispute" (Calgary CP, 9 May 1991). Police tend to believe that wife assault incidents will not profit from police intervention because the victim will continue her relationship with her abuser after he is charged, she will not appear in court and testify against him, and, in the end, he will be acquitted. Witnesses expressed concern that this attitude is discriminatory in that it fails to offer immediate protection to the victim and it reflects a profound lack of sensitivity towards the complexity of wife assault.

Research has revealed that women who are physically and sexually assaulted may refuse to testify against their assailant because they do not trust the criminal justice system, because they are ashamed or embarrassed, and because they fear retaliation by their assailant. Assaulted women often stay with their husbands or partners for a host of inter-related reasons: they do not have a job and are reliant on his salary; they cannot obtain affordable housing; they lack the necessary skills sought in the labour market; they cannot support themselves and their children on their salary; they lack child care enabling them to find and hold down a job; they do not want their relationship to end but would rather see the abuse cease. In short, women are confronted with limited choices when they try to put an end to the violence in their lives.