



Canada Court Watch Report



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Refusal to lay charges by Halton Regional Police undermining the administration of justice!

Halton police set a bad precedent and send the wrong message to Halton residents.

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According to an article printed in the Burlington Post on November 26, 2003, a 14-year-old girl told Halton police that she had been grabbed by an unknown man while walking home from school.

The girl reported to police that she was walking along Lemonville Road in Aldershot after getting off her school bus at about 3:10 pm in the afternoon when she was approached from behind by an unknown male.

The girl provided a description of a white male and a number of other witnesses claimed to also have seen such a man in the area. Based on this information, police assume that the girl's claim was legitimate and proceeded on with an investigation.

Halton Police assigned three officers to this teen's case but came up empty-handed. When they re-interviewed the girl, she recanted and admitted that her story had been fabricated and that she had lied to police. The teen could not provide officers with any reason for her false allegations.

Halton police officers stated that the girl likely used a description of a man she saw in the area prior of getting off the bus as a way in which to enhance the credibility of her false claims.

This teen's story resulted in an extensive police investigation at considerable expense to Halton area taxpayers.

Although Halton police could have laid a public mischief charge against the girl, the police decided not to. Police claimed that because of the girl's age and the fact that she did not have a criminal record, they would not charge her.

However, by refusing to lay appropriate

charges against the teenage girl, Halton police have, in effect, possibly helped to further encourage more of these sorts of wild goose chases.

To make the point, according to Halton police, this was the second time in two months that an alleged assault claim by a young girl turned out to be bogus. In September of 2003, a Lester B. Pearson High School female student told Halton police a man in a van attempted to abduct her outside of school. She later told police the story was made up. That teen was not charged as well.

Somehow it would seem that young girls in Halton are breaking the law but at the discretion of some officers at the Halton Regional Police, being allowed to avoid the due process of law.

Could it be that some of these bored, young teenage girls are turning this "I am a sexual assault victim" mentality into some sort of a game to see who can make the police jump and to see if they can get a story printed in the local newspaper, knowing at the same time that nothing is going to happen to them even if they do get caught?

Not only do these sorts of police investigations cost tax dollars but they put further strain on police resources should a real emergency occur.

What is even more frightening is what may happen when one of these young girls does such a good job in fabricating a falsehood that an innocent person, possibly a father of young children, gets arrested and put in jail for something he did not do.

The policy that police officers can decide which law-breakers get to go to court and which don't is begging correction. It should not be a police officer's job to act as judge and jury.

By not laying charges when it was clear that the girl had concocted a story and had caused the police to begin an investigation constitutes a failure

by police to do their duty to uphold the Law.

Section 140 of the Criminal Code of Canada is quite clear and states the following:

140. (1) Every one commits public mischief who, with intent to mislead, causes a peace officer to enter on or continue an investigation by

(a) making a false statement that accuses some other person of having committed an offence;

(b) doing anything intended to cause some other person to be suspected of having committed an offence that the other person has not committed, or to divert suspicion from himself;

(c) reporting that an offence has been committed when it has not been committed;

(2) Every one who commits public mischief

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or

(b) is guilty of an offence punishable on summary conviction.

Every one who commits any of the items mentioned in Section 140 of the Criminal Code has broken the law. No exceptions.

According to Sgt. Val Hay, Halton Regional Police confirmed that the girl was not charged. Yet, most believe that Ontario is supposed to have a zero tolerance in these sorts of domestic and sexual violence related crimes. Young men are routinely thrown in jail based just on an allegation.

Although the reason given by police for not laying charges sounds good in principal, unfortunately, to those who understand the law, the police action does not comply with the way that things are supposed to be done under the Law. Police have a duty to enforce the law - not decide the punishment for those who do break the law.

The duty of police is to charge persons who are believed to have broken the law and to bring those charged before a court of Law where the circumstances will be reviewed and where a judge will decide on the appropriate penalty.

Many parents would argue that if we don't start teaching our children that there are serious consequences to criminal acts when they are young, then they and their friends are likely to grow up without any sense of respect for the law at all.

As nice as this young girl may be, and we have no reason to believe otherwise, she should still have been charged and made to face the consequences of her actions in youth court through

the due process of the law.

Likely, the court would have exercised compassion let her off with not much more than probation of some sort. When she turns 18 her record is cleared away. More importantly, however, the experience of appearing in court itself would have given this young girl a lesson in life that would have benefited not only her and her family, but all other teens in the region. A clear message would have been sent to her and to other teens – don't lie about serious criminal offences such as sexual abuse and stalking and if you do, there will be consequences involved for your actions.

In fact, the whole community would have benefited by having the reassurance that the Crown and the Police are following due process of law.

Few of us can imagine the hell that would have been unleashed on an innocent person's life if the police had actually located the person which matched the description that this girl had provided to police. Chances are is that this innocent person would have been arrested, hauled to the police station in front of family, friends and possibly children and likely fingerprinted and charged.

The damage that could have potentially been inflicted on an innocent Halton resident could have been significant and traumatic, especially if this person was the head of a family.

By allowing these teenage girls to walk away after breaking the law and to have taxpayer's pick up the tab for these sorts of crimes, Halton Police have set a dangerous precedent which may only encourage others to make false allegations. In effect, Halton police have obstructed the administration of Justice and helped to erode the public's confidence in its police force.

If you let one person off then you have to let others off too so where do you draw the line? There is no sense in having laws if police are not going to enforce them fairly and equitably as written.

When police officers start acting as judge and jury we have effectively circumvented the laws upon which the Administration of Justice is based and without the due process of law, we have no transparency or accountability and in effect, no real justice and no protection for the citizens.

Hopefully, Chief Algar, will get his officers better informed about the law and their duty to enforce it and to advise his officers to let the local court deal with the job of sentencing lawbreakers.

The citizens of Halton should expect nothing less from their local police force.