



Refusal to lay charges by Barrie Regional Police sends the wrong message to area teens

Police send message that it is OK for teens to make false sexual abuse allegations

Barrie, Ontario – Thursday January 19, 2007

On Monday, a 16-year-old student girl told Barrie police that she had been sexually assaulted by a boy in the girl's washroom at St. Joan of Arc High School in Barrie.

She described the boy in great detail and her description of the boy included his age, height, build, hair colour, clothes, earring and even the pimples on his face.

Based on the information provided to police, police proceeded with an investigation which consumed valuable resources and kept officers from their sexual assault and forensic unit busy.

The girl was taken to Soldiers Memorial Hospital in Orillia and given a sexual examination, likely at the expense of taxpayers.

After two days of maintaining her lie, the girl recanted and admitted to police that her story had been fabricated.

Although what the 16-year-old girl did was a criminal offence and although police have a sworn duty to lay charges when the law has been broken, it was reported that the police decided not to charge the girl.

However, by refusing to lay appropriate charges against the teenage girl, Barrie police have, in effect, possibly helped to further encourage more of these sorts of wild goose chases.

To make the point, just a few months earlier, another woman in the Inisfil area made bogus allegations to Barrie Police about being attacked by a man in a washroom at Minet's Point Park.

In 2003 and 2004 female high school students from Halton, Ontario also reported to local police that they had been victims of sexual abuse and staking with one teen claiming that a man in a van attempted to abduct her outside of her school.

Those stories were found to be made up but

with those girls not being charged as well.

Somehow it would seem that young girls in Ontario are being allowed to break the law but at the discretion of police, being allowed to avoid the due process of the 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 would be a scenario in which one of these young girls does such a good job in fabricating a falsehood that an innocent young boy gets arrested and put in jail for a crime he did not commit.

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 when there is a clear violation of the law.

The job of the police is to arrest an offender when they have broken the law and to let a judge deal out the sentence.

By not laying charges when it was clear that the teenage girl had concocted a story and had caused the police to begin an investigation constitutes a failure by police to do their sworn 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. There are no exceptions.

Ontario is supposed to have a zero tolerance policy when it comes to sexual related crimes.

Many males are routinely arrested and jailed based just on an allegation from a female so violation of the Criminal Code by those who make false allegations must not be dismissed lightly as it appears the Barrie police have done.

To those who understand 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.

This teen should have been charged and made to face the consequences of her actions in youth court through the due process of the law.

Although when the girl 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 because if you do, there will be consequences for your actions.

Few of us can imagine the hell that would have been unleashed on an innocent young boy's life if the police had actually picked up and arrested a young boy who may have matched the description provided to police by this teen.

An innocent young boy could have been arrested, hauled to the police station in front of family, friends and likely fingerprinted and charged.

The damage that could have potentially been inflicted on an innocent boy could have been significant and traumatic.

One such case was that of Jamie Nelson from Ottawa who spent 3 1/3 years in prison for a rape he did not commit.

By allowing this teenage girl to walk away after breaking the law and to have taxpayer's pick up the tab for this crime, Barrie Police have set a dangerous precedent which may only encourage others young girls to make false allegations as well.

By their actions, Barrie police have obstructed the administration of Justice and helped to erode the public's confidence in its police force.

There is no sense in having laws if police are not going to enforce them fairly and equitably as they are written.

When police officers start acting as judge and jury we have effectively circumvented the laws upon which the Administration of Justice is based.

Without the due process of law, we have no transparency or accountability and in effect, no real justice and no protection for the citizens.

Some citizens on the street said that Chief of Police, Wayne Frechette, should ensure that his officers lay appropriate charges against this young lawbreaker, not to mention that this teen should also be required to do some community work.

He should also get his officers better informed about the law and their duty to enforce it and to advise them that it is the responsibility of the local court system to deal with sentencing those who break the law.

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

If the Barrie police feel that they must take sexual abuse allegations seriously as they claim they do, then they must apply the law equally and fairly and also be committed to effectively dealing with those who fabricate such serious and potentially harmful allegations.