



CAN A POLICE COMPLAINT BE WITHDRAWN?

Perhaps you filed a police complaint against someone a few days ago and now wish to withdraw it. You should know that it may not be possible to do so.

First, it's important to understand that when police receive a complaint, they generally conduct an investigation to gather as much evidence as possible indicating that the offence has been committed (statements from other witnesses, video evidence, photos of the damage or injuries, etc.).

During the investigation, the plaintiff can ask the police to withdraw the complaint. After ensuring that the complainant's decision is free and voluntary, the police may accept the withdrawal if the offence is a minor offence and if withdrawing the complaint is not contrary to the public interest. However, once the investigation has been completed, it is no longer possible to withdraw a police complaint. At that point, the file is in the hands of a prosecutor, and it is up to the prosecutor to decide whether or not to file charges or drop charges that have already been filed.

In that regard, the Director of Criminal and Penal Prosecutions (DCPP) has issued guidelines and instructions to prosecutors to guide their discretionary power as to whether or not to lay charges. Primarily, the prosecutor must determine whether there is sufficient evidence and assess whether it is appropriate to initiate a prosecution in light of the public interest.¹

In doing so, the prosecutor will take the victim's opinions and concerns into account, among other things. However, the prosecutor's decisions may not always be in line with the victim's point of view.² This is particularly true in domestic violence cases.

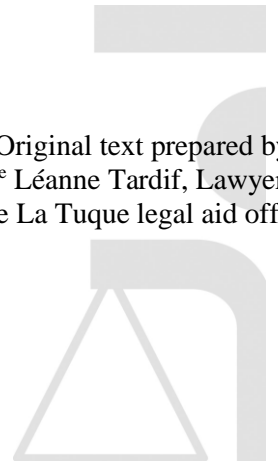
In such cases, the guidelines stipulate that the protection and safety of the victim and the victim's family must take precedence.³ For example, even if the victim does not wish to engage in the judicial process, the prosecutor must proceed without the victim's testimony as long as independent evidence is available.⁴ Thus, the fact that the victim does not wish to be involved is not a determining factor in the decision to authorize or uphold a complaint.

For more information, please refer to the DCPP guidelines and instructions available at this [link](#).

For more information, don't hesitate to contact a legal aid lawyer in your area at a legal aid office near you. For contact details, please click on the following link: www.csj.qc.ca.

¹ Directive ACC-3, para. 4 [available only in French].
² Directive VIC-1, para. 5 [available only in French].
³ Directive VIO-1, para. 12 [available only in French].
⁴ *Ibid.*, para. 23.

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* The information set out in this document is not a legal interpretation.

The masculine is used to designate persons solely in order to simplify the text.