

What do I do after a sexual assault?

This information has been adapted from:

METRAC: Metropolitan Action Committee on Violence Against Women & Children & Ontario Women's Justice Network and funded by the Law Foundation of Ontario
www.owjn.org or justice@metrac.org



You are not alone.
Inside you will find information on those who can help and support you.

**The Leeds & Grenville
Victim Crisis Assistance &
Referral Service Team**

What do I do now?

What is sexual assault?

Sexual assault: any sexual act you are forced to do that you haven't agreed to.

It is against the law for one person to force unwanted sexual acts on another person. Sexual assault is the legal term for the crime. Rape is one form of sexual assault.

Sexual assault can be unwanted:

kissing touching oral sex
vaginal sex anal sex

Sexual assault can happen to men and women. However, it tends to happen more often to women and girls.

You do not have to be physically hurt for it to be a crime.

- Many sexual assaults happen when one person threatens or scares another into sex. These threats don't need to be physical.

Sexual assault is more likely to be committed by someone we know than by a stranger.

It doesn't matter who forces you into unwanted sex, it's against the law.

- Husbands can be charged with sexually assaulting their wives.
- Boyfriends can be charged with sexually assaulting their girlfriends.
- If a date or someone you know casually, pressures you, drugs you, threatens you, or forces you to have sex this is called **date rape**.

One woman said...

"When Tom drank, he would force me to have sex. It was horrible. I would hear his drunken voice and my whole body would turn to ice."

My sexual assault just happened. What can I do?

Myth: Sexual Assault is a sexual crime.

Fact: Sexual assault is a violent assault that is acted out, in part sexually. It violates a victim's integrity and sense of safety and control over his / her life.

Go to a safe place. Then you can do any or all of the following:

Ask a good friend or relative to stay with you. You may want to talk. You may not. You may just feel better with someone you trust close by.

It can be hard to talk about sexual assault
The Assault Response & Care Centre or

Interval House can be very helpful at a time like this. They have staff that understands sexual assault and they will know how to talk about the assault. They also know about sexual assault and the law. If you don't want to call the police, they will support your decision. If you do want to call the police, they will assist you with this process. These centers also have counselors you can talk to about your feelings.

Do I have to call the police?

It is your choice. Not every woman wants to call the police after she has been sexually assaulted. You do not have to call them if you don't want to. You may want to bring a relative or friend you trust with you when you talk to the police.

Talk to the police if:

- you are in danger
- you think the person who sexually assaulted you may hurt you again
- you think the person who sexually assaulted you may hurt someone else
- you want to see that charges are laid against them

You are not alone...51% of all Canadian women have experienced at least one incident of sexual or physical violence in their lifetime.

You can tell police your story and ask them not to do anything about it. The police may not like this, but it is your choice if you are over 16 years of age. You can also call the police at a later time.

Do you want to see a Doctor?

It is your choice. The **Assault Response and Care Centre** specializes in dealing with sexual assault survivors. At the Brockville General Hospital they can collect evidence (semen, record of bruises, scratches, and other injuries), give tests for pregnancy, HIV and sexually transmitted infections and provide the morning after pill. Try not to shower or wash away the evidence, even if this is hard to do.

Your evidence can be frozen in case you want to report the sexual assault later instead of right away. If you choose to call the police, this evidence can help their investigation.

Write down everything you remember. Write down details about what happened (times, locations, anything about your abuser). This could be useful if you decide to go to the police or if you have to go to court.

Remind yourself that you are not to blame.

Many women who have been sexually assaulted do not report it to police. They may feel ashamed, shocked, and helpless. It is important to share these feelings with someone who is trained and can help you.

My sexual assault happened a long time ago. What can I do?

You may want to visit the **Assault Response and Care Centre (ARCC) or Interval House** to talk about what happened. They will be able to help you sort out your options.

You may want to **call the police** and tell them your story. They will investigate if they think they can find enough evidence (proof). A person can be charged with a sexual assault that happened long ago if there is enough evidence.

Be aware, the more time that passes; the more difficult it may be to find evidence. You may want to try and remember as much as you can about what happened to you. Any details you can give to the police and names of witnesses who have information will help your case.

You may want to find a therapist or counselor and talk about your feelings.

You may want to hire a lawyer and sue the person who assaulted you in civil court.

You are not alone...80% of women who have been sexually assaulted are assaulted by men they know.

Assault Response & Care Centre – 613-345-3881

Assaulted Women's Helpline – 1-866-863-0511 or TTY: 1-866-863-7867

When you call the police...

1) Describe the sexual assault

The police officer will ask you a lot of questions. Many of these questions will be very personal. Some police officers are easier to talk to than others.

2) Your statement

The police will take notes or videotape what you say to them. The police may read you a 'caution' before you make your statement, warning you that you could be charged for making a false statement.

Myth: *Sexual Assault happens when men lose self-control.*

Fact: *Men who commit a sexual assault know exactly what they are doing and in many cases have planned it. Sexual Assault is an act of control.*

You will be questioned about this statement in court. You must be sure about everything in it. Do not sign the statement unless you agree with everything in it. Do not guess about anything – just say so if you don't remember. If anything is missing from your statement, tell the police to add it.

The police will investigate to see if a crime has occurred and will lay the applicable charges. It is the police, not you, who decides to lay charges and it is the Crown who prosecutes the accused, not you.

Remember these things anytime you talk with police:

- Tell them if you are **uncomfortable** answering their questions. You may want to tell them why.
- You **do not** have to answer any questions asked about your sexual history. If the police ask you a lot about this, get help from a women's organization.
- You can **stop** talking to police anytime you want. You may want to stop now but start again later.
- You can get an **advocate** from the Assault Response & Care Centre, or Interval House to come with you.

Victim Witness Assistance Program (VWAP)

This program is available in most Ontario courts. The staff is there to advocate and support the victims and to provide information to help the victim understand the court process. They can also speak to the Crown Attorney's office on behalf of the victim in order to help share information and concerns. They cannot discuss evidence and will help the victim find the appropriate supports to in the community.

You are not alone.

***These are the people who will listen.
Call them, they can help.***

Assaulted Women's Helpline 1-866-863-0511 – 24/7 days a week
TTY 1-866-863-7868

Assault Response & Care Centre 1-800-567-7415 or go to the emergency room
at the Brockville General Hospital and ask to speak with an Assault Response &
Care Centre nurse.

Interval House 1-800-267-4409 – 24/7

Kid's Help Phone 1-800-668-6868 – 24/7



Common Reactions of Sexual Assault Survivors

No two women respond the same way but there are many feelings that are common amongst survivors. You may experience a wide ranger of reactions immediately afterwards or you may experience them many years later.

Self-blame and guilt. This is a very common reaction. Many people feel humiliated, embarrassed and ashamed about what they were forced to do. Many people feel guilty for the decisions they made before the assault and sometimes later think these decisions led to the assault. The truth is that sexual assault is never the fault of the victim.

Feeling unsafe and being afraid. For some women, the fear and terror they felt before, during or after the assault can become generalized to other areas or situations of her life. It's common for victims to feel like nowhere is safe anymore.

Anger towards yourself. Some women turn their anger from the assault inside and take it out on themselves. It's common for women to feel angry at themselves for everything from what they did and didn't do to how they feel they're not handling it "right" right now. Some of that anger can be expressed through emotions (depressed, suicidal feelings) or through actions (cutting, self-abuse). These are things that counselors have a lot of experience helping out with.

Anger towards others. Anger can be a very scary emotion and a difficult one for people to find ways to cope with. Expressing anger at someone we may be scared of or who has hurt us can be an incredibly frightening thing to do so sometimes we take our anger out on the 'safe' people around us. This can be very confusing for our loved ones, even though it's very common. Sometimes our loved ones can benefit from talking to a counselor in order to understand what's happening and how to cope.

Myth: *You know she 'wanted it' by the way she was dressed and was carrying on.*

Fact: *Assailants look for people who they think they can hurt, not people who dress or act in any particular way. That's like saying you wanted to be robbed because you were carrying money in your purse.*

Grief. Grief often happens following any kind of loss. For sexual assault, grief and loss can range from loss of innocence to loss of a planned future to loss of faith and trust in someone that you previously trusted. Many women feel a loss of control over their lives that can be difficult to cope with.

Changes in intimacy. There can be a lot of confused feelings about ourselves and other people after a sexual assault. We may want comfort and nurturing but be scared to have sex and have fears it will trigger thoughts of the assault. Some women seek out a lot more sexual experiences after the assault than they did before. Both of these changes can be common.

Flashbacks. Flashbacks are memories that you experience with your senses. Something can trigger a flashback and make you feel like you are experiencing aspects of the assault all over again. Flashbacks typically happen when you are awake. Nightmares are dreams that may involve aspects of the assault but can be confused with other things going on in your life, what you see on television, or read in a book. Nightmares typically happen when you are sleeping. Both of these experiences can be overwhelming and very frightening but they are very common and quite normal.

Isolation. Many things can influence a woman to isolate herself after an assault. Many women feel that no one can possibly understand what this feels like and worry about not being believed and / or rejected. When you do talk about what has happened its common for others to say things like “just put it behind you...”, “you need to forget this happened...”. Comments like this can make you question if you’re taking too long to heal or why your thoughts and feelings are so real and disturbing.

Spiritual Crisis. Any traumatic event that results in loss and pain can result in an intense spiritual crisis. Issues range from wondering why your God would let this happen to you to thinking (or being told) that the assault was some form of punishment for being a bad person or for being a sinner. This can be difficult to resolve until you have the chance to regain your sense of self and who you are in your world.

Whatever you did to keep yourself safe was the right thing to do. Even if you think you would make a different decision today, that doesn't change the fact that your choice at the time this happened was right for you.

The Legal System and Sexual Assault

What is a bail hearing?

A bail hearing is used to determine whether or not an accused should stay in jail or be released after being charged. The Crown Attorney will give the Justice of the Peace reasons why they think the accused should be held in jail and the Defense will give reasons why they think the accused should be released. Sometimes the accused needs to have a 'surety' in order to be released. This is someone who is willing to pay money (bail) and be prepared to be responsible for the accused once they are released. Most times, the accused will be released but there will be conditions that the accused must agree to abide by. These conditions almost always include no contact with you or anyone close to you. If the accused breaks any of the conditions s/he agrees to, you should call the police immediately.

What is a publication ban?

Before the trial, you may be asked if you want a publication ban. This means that no information that could identify who you are can be released or made public. The accused's name may be kept secret if revealing it can identify you. If you want privacy, the Crown will request a publication ban from the judge. It is the judge who makes the final decision about a ban. A publication ban is almost always put into place if a woman requests it.

What is a Preliminary Inquiry?

A preliminary inquiry is held to determine if there is enough evidence to proceed to trial and is only held when the Crown proceeds by way of an indictment (seeking a more serious charge). You will most likely need to testify at this inquiry and you will be cross-examined by the defence. Two things can happen;

- 1) The judge can determine that there is not enough evidence and there is no trial.
- 2) The judge can determine that there is enough evidence and the accused can plead not guilty and then choose the type of trial s/he wishes (trial by judge and jury or trial by judge only) or can plead guilty and be sentenced.

What is a Victim Impact Statement?

If the accused is found guilty, you can provide a written account of how the sexual assault has affected you physically, emotionally, psychologically and financially. It is to be given to the crown before the sentencing. It should NOT be given to the crown before or during the trial as it can be used as evidence. These statements are very helpful in letting the judge know how the sexual assault has affected you and the impact it has had on your life. The defence is

given a copy of the statement and it is shown to the accused. The defence has the right to cross-examine you on your statement.

What do I do now?

Words you will hear

| | |
|----------------------------------|---|
| Alleged | Until the Crown proves that the crime happened or was done by the accused, it will be called 'alleged'. This means that it is not known for certain. |
| Beyond a reasonable doubt | In a criminal trial, it must be proven "Beyond a reasonable doubt" that the crime was done by the accused. This means proving that the crime really happened and that only the accused could have done it. There is no other explanation for what happened. |
| Breach | This means a person has broken a court order. A court order may say a man can't visit his ex-wife's house. If he visits her, he has breached his court order. |
| Offence | Crimes are called offences. There are different kinds of offences depending on how serious the crime is. |
| Sentencing | When an accused person is found guilty, he will be sentenced by a judge. The sentence is the punishment for the crime. It could involve jail time; a fine; or both. |
| Trial | If the accused person says he did not do the crime (pleads 'not guilty'), there will be a trial. At the trial, the Crown and Defence will try to prove whether the accused committed the crime or not. |
| Victim | When the crime is first committed, the police will call you the victim. Later in court, the Crown Attorney may also call you a victim. |
| Complainant | Once you speak to the police, you then become a complainant. The police need your 'complaint' before they can investigate the crime. |
| Suspect / Accused | Before he is charged, the person who committed the crime against you is called a suspect. Once he is charged (the police tell him he must show up at court,) he is called the accused. |
| Witness / Defendant | While at trial, you will be called a witness. The person that committed the crime will be called the defendant. His lawyer will be called the defence. |
| Perpetrator | The police, lawyers, judge and the newspapers may say he is alleged to have committed a crime. This will change if he is found guilty (proven in the court that he committed the crime). Then he will be called the perpetrator. |

This information is for those who have been sexually assaulted and want to see how the law can help them.

Sexual assault is what police, lawyers and judges call unwanted sexual acts, like rape. It is against the law for one person to force unwanted sexual acts on another person. If you have been sexually assaulted, there are different ways the law can help you.

What do I do now?

| Criminal Court | Civil Court |
|---|---|
| The police will charge the person who sexually assaulted you. They will need evidence (proof) for this. Even a person who sexually assaulted you long ago can be charged if there is proof. | You can sue your perpetrator for hurting you. You can also sue other people if they let the assault happen (for example, the school board if you were hurt by a teacher) |
| You will not have to hire a lawyer. You will be a witness for the Crown Attorney. | If you win, your perpetrator will have to pay you, so civil court is only useful if your perpetrator has money. |
| The Crown will have to prove 'beyond a reasonable doubt' that the sexual assault happened. This can be very hard to do. | It is a little easier to prove a case in civil court than in criminal court. |
| The Crown will have to prove that you did not 'give consent' (agree to) the sexual act. You do not have to have said 'NO'. Some women 'agree' to have sex because they are scared into it. | You will have to hire a lawyer. It can be expensive and take a long time. Legal Aid does not pay for these cases. |
| Your perpetrator may say that you agreed to sex or that he thought you agreed to sex. He may say that he was so drunk or drugged that he didn't know what he was doing. He may say that it didn't happen at all. | Some lawyers might take your case on a contingency basis (for example, if you win, your lawyer will get a percentage of the award). This will depend on their opinion of your case once they look at all the facts. |
| The law says that your sexual history or reputation shouldn't be asked about unless it is important to the case. However, if this happens you may feel like you are the one on trial. | |
| Penalties for sexual assault are sometimes not very tough. Often, when the assaulter and victim know each other and there are no physical injuries, he will not even go to jail. You must be prepared in case this happens. | |
| The Assault Response & Care Centre can provide you will information and support. They will know about the law and how the courts work in the area. You may need to talk to someone about how you feel as the trial happens. | |

Human Rights Commission

This is useful if your sexual assault happened when you were at work.

- If you file a complaint with the Human Rights Commission, it can take a long time before anything will happen.
- Contact the Ontario Human Rights Commission at 1.800.387.9080 or www.ohrc.on.ca

If you were assaulted by a doctor, dentist, chiropractor, lawyer or other professional

- You can file a complaint with the perpetrator's professional board, like the College of Physicians and Surgeons.
- If they believe you, they will discipline the professional. That professional may not be allowed to work or may be fined.
- You do not need police charges in order for you to make a complaint.
- Talk to a lawyer to find out more.

One woman said...

"After I got over being scared and disgusted, I got mad. He wasn't getting away with this. I looked into my choices and found the right one for my case."

Criminal Injuries Compensation Board (CICB)

- You can claim financial compensation (money) if you have been injured as a result of violent crime, including sexual assault. This money will come from the government.
- You must apply within 2 years after the date of your injury. In some cases the Board will extend the time for filing your claim.
- First, you will fill out an application and describe what happened. Tell if you had to pay for health care, like a therapist, or if you missed work time after the assault. Evidence is important, especially if you are making a claim for a sexual assault where there was no conviction.
- There may be a hearing that you will have to attend.
- The perpetrator (the person who assaulted you) does not need to be convicted of the crime. He might be at the hearing.
- There is a maximum amount that the Board can award (\$25,000). It is rare that the Board will award the amount except for in the most serious cases.
- For more information call 1.800.372.7463 or go to www.cicb.gov.on.ca

What should I do?

While this tragedy was not a choice on your part, you do have many choices and options in the process of coping with, and grieving, this loss. This idea contrasts with the popular belief that grief following loss is something that happens to us, and that we have no say in how it proceeds. Experts now believe that there are endless choices in the process of adjusting to loss, and that an awareness of these choice points, as small as they may be, can be most helpful to the bereaved person in bringing an increased sense of control back into their lives.

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Created by:

Leeds & Grenville Victim Crisis Assistance and Referral Service
(L & G VCARS) 1-800-939-7682 / (613) 341-7700

In partnership with police services VCARS is a community response program that provides immediate, short-term crisis intervention services to persons affected by crime, tragedy and disaster.

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