



VESTA
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YOUR RIGHTS

A Sexual Violence Survivor's Handbook

Chapter 7: Reporting - When, Where & How



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Reporting - When, Where & How

First Steps: Deciding if You Want to Report

In Ontario there are specific places, people and practices that support individuals who experience sexual violence. The trauma and stress experienced is valid and the supports in place are meant to provide the most private and respectful process to support you with this experience.

Having said that, we acknowledge that even under the best circumstances, reporting sexual violence may be difficult. **Remember, it is your choice if you want to report or not.** You can still seek/obtain support and counselling for your experience regardless of your decision to report.

Regardless of how you seek justice, your experience of sexual assault is valid. Some people prefer to seek justice in the criminal legal system, but many others don't. Additionally, there are other systems of justice, but they might not be available in your area such as Restorative Justice.

Sexual Assault/Domestic Violence Care Centre (SA/DVCC)

There are **37 hospital clinics across Ontario** that specialize in supporting survivors of sexual assaults and/or domestic violence. They provide emergency services, follow-up health care, counsellors and safety planning to all survivors regardless of gender identity. They also document, take photos and collect evidence if the survivor chooses. If you have experienced any type of sexual assault or domestic violence, you can go to a hospital for support. When you arrive, you will be taken to a private space right away in order to protect your privacy.



Sexual Assault Evidence Kit (SAEK)

You can request that evidence is collected even if you do not want police involved. Evidence can be kept for 6 months before it is destroyed. Physical evidence can be collected within 12 days of the assault, however, there is a greater chance at collecting forensic evidence within 72 hours. This kit is completely voluntary and should you choose to use one, it is recommended that you try not to urinate, shower or wash the clothing worn during the assault prior to collecting evidence. It can take anywhere from 1 to eight hours to complete this process and the duration is dependent on the experience including any injuries sustained. The survivor can take as many breaks as needed throughout this process and can deny having any segment of the kit completed.

Sexual Assault Nurse Examiner (SANE)

There are trained nurses at every SA/DVCC. They are specially trained and may collect evidence from anywhere on your body in addition to a toxicology screening. You can choose to have a support person present during your examination.

Sexual Assault Response Team (SART)

A community based team that coordinates the response to victims of sexual assault. This team can include hospital personnel, advocates, law enforcement and other professionals with a specific interest in assisting victims of sexual assault.

Victim/Witness Assistance Program (VWAP)

Should you choose to report, there are VWAP in or near the court in all 54 court districts in Ontario. The program's staff will help you understand the court process and give you updates on the court case. They will help you communicate your needs to the Crown Attorney and the police. In some cases, they can set up a pre-trial interview with the Crown Attorney. But they cannot discuss the evidence in the case with you.

They can let you know what to expect on your court date, and might give you a tour of the court. They can also ask for a copy of your police statement for you to review before the trial. They can refer you to other services that might offer you support, such as help planning for your safety. Throughout the court process, the staff are also available for emotional support.

When Can I Report?

If you are in immediate danger or fear for your safety, or if the sexual assault just happened, CALL 911*

*for anywhere in Canada or the USA

There are many reasons why people do not report - feeling like no one will believe them, fear of retaliation, mistrust of the legal system or bad experiences with institutions. Many people do not feel safe with Police but no matter what, we all deserve justice and healing. If you are fearful of the Police, but still would like to report, we encourage you to connect with your community, family, friends, counsellor, or a local sexual assault centre so that you don't have to make the report alone.

If you are not in immediate danger, it is okay to take your time and consider your options. **There is no statute of limitations on sexual assault in Canada.** This means that even if a sexual assault happened several years ago, you can still report it to the police. It's okay to wait until you feel ready, even if that takes years. Every person is unique and responds to sexual assault differently, so it is important to make this decision for yourself and according to how you feel.

Remember, you can make your decision with support, and you don't need to do this alone. Professional supports, such as those offered through your local sexual assault support centre, can provide emotional support and guidance in making this decision, including information on your options.

It may also be helpful to consult with a lawyer and connect with a therapist if possible. See the resource section of this guide for more information on professional supports you can access.

When to Report

There are three general ways to report a sexual assault.

Phone the Police

To report a sexual assault, you can call the Police Non-Emergency line. When you call you will reach a dispatch officer, who will send uniform police officers to you. When the police officers arrive, they may offer to take you to the hospital to receive medical attention and have any evidence of the sexual assault on you documented. (As per SART Kit/SART Nurse).

The police officer will start a police report in which she/he gets personal information from you and information about the occurrence. The officer may ask you several things, including the name, address, and physical description of the suspect if you know the person. You will be asked to provide a statement about what happened.

Once the officer has completed his/her report and if there is no imminent safety risk to you, the officer will conclude their initial contact with you. In most cases you will be asked to provide a record statement which will occur at a police station. The investigating officer will make arrangements with you either on the day of reporting or a few days after. These recorded statements allow you the opportunity to share more information with the investigating police officer.

Please note: The factors of the sexual assault will determine who the investigating officer will be. Your file may be forwarded to a divisional detective, a sexual assault detective OR remain with the initial uniform patrol member. You will be kept informed at all times and notified if your file has been forwarded.

Go to a Police Station

You may also report a sexual assault by going to a police station and reporting it to the officer at the desk. At a police station, you may be asked to write a witness statement while the police officer starts a report. You should be aware you may have to write your witness statement sitting at a table in the waiting room, standing at the counter, or in a private room, depending on the station. Your investigation will be turned over to a member working the street, as front counter members do not investigate sexual assaults.

Depending on the time frame between the sexual assault and reporting, you may be asked if you want to attend the hospital for a SART examination. (As per SART Exam/SART Nurse). If you consent to a SART exam, the SART nurse will contact a Sexual Assault Detective. The detective may attend the hospital to take over the investigation.

Depending on the circumstances, the initial investigating division may continue the investigation, or your file may be taken over by the Sexual Assault Section. You will get a copy of your statement and file number for your records.

Go to the Hospital

You may also report a sexual assault to the police by going to a hospital to get examined. At the emergency department of the hospital, tell the triage nurse you have been sexually assaulted and/or you would like to see a **SART (Sexual Assault Response Team) nurse**. SART is a team of female Registered Nurses who have been trained specifically to care for people who have been sexually assaulted. The sooner you go see an SART nurse to collect evidence after an assault, the better. When you can access an SART nurse can vary based on your region. Some regions require you to access this service within 72 hours after the assault, while other regions can treat you within 12 days. SART nurses are available 24 hours a day, and usually arrive within an hour of being called.

To find out how long you have in your area, check out the hospital's website. You can also call the hospital and ask to speak to someone who would know the answer to this.

By asking for an SART nurse, you are not automatically reporting the assault to the police. The SART nurse will ask you if you want to report to the police. If you do not want to report, the SART nurse will provide you with your options which can include a physical and genital exam to assess any injuries that may have occurred. She will also talk with you about sexually transmitted diseases, and for female victims, about pregnancy concerns. The SART nurse will discuss treatment options such as emergency contraception and medicines to combat sexually transmitted diseases. She will also give you information about follow-up medical care.

If you choose not to report to the police, you can still receive medical attention at any hospital.

If you do decide to report to police, the SART nurse will call a detective with the Sexual Assault Division and a police officer will come to the hospital to speak with you. You may speak to a uniform police officer or a Sexual Assault detective who attends in plain clothes. The police officer will ask you what happened and may take a recorded statement while at the hospital. If you are not up to giving a full verbal statement at this time, the police officer will wait a few days to have you come into a police station to give a recorded statement. The police officer will give you her/his card and make arrangements to speak with you again about the sexual assault.

Remember that most of the SANE nurses are female.

Additional Ways to Report

- You can report to your teacher/professor, school office, or any designated reporting person or system for your school.
- You can report to a hospital or clinic staff if you feel it is safe to do so.

Free Independent Legal Advice

Pursuing justice through the legal system can be overwhelming. You are not alone if you feel overwhelmed or confused, as the justice system can be difficult to navigate. Here is a quick list of services that provide free advice to get you started. For additional services, you can visit [the Legal Aid section of our Resource Library](#).

Independent Legal Advice from the Ministry of the Attorney General

If you are a victim of sexual assault living in Ontario, you are at least 16 years old, and would like to speak to a lawyer, you may be eligible for up to four hours of [free legal advice by phone or video conversation](#) (Skype or Zoom). This service does not include legal representation in court. This service is confidential and is available any time after a sexual assault has occurred. Visit the link to apply for this service or call **1-855-226-3904**.

Barbara Schlifer Clinic

If you identify as a woman or non binary you can contact [the Barbara Schlifer Clinic](#) intake line and they will schedule a consultation with a lawyer. You can call the clinic at **416-323-9149 ext. 234**.

Luke's Place

This is [a free Virtual Legal Clinic for Women](#) dealing with abuse and family law issues. For an appointment please call or email them directly at **1-866-516-3116** or Intake@LukesPlace.ca.

Can I Bring Someone With Me?

You may be entitled to bring a support person with you, and although they may not be able to be in the room with you when you make the report, they can wait with you and be there for support afterwards. It can be a trusted friend or family member or more formal support such as a sexual assault centre worker, teacher, counsellor, etc.

What Happens When I Report a Crime?

If you are anywhere in Canada or the USA - CALL: 911

If It's a 911 Call: When the Officer Arrives

- An ambulance will be called if you need one.
- You will be asked to give basic details about what happened.
- Depending on the nature of the sexual assault, you may be asked to consider having a Sexual Assault Evidence Kit done at the hospital.
- You will be provided with contact information for Victim Services if you live in Toronto.
- Your case will be referred to a trained Sexual Assault Investigator.

When the Sexual Assault Investigator Takes the Case

- A suitable place to do a detailed interview will be chosen.
- You will be asked if you would prefer being interviewed by a male or female investigator.
- You will be kept updated on the progress of the investigation.
- You will be told if charges will be laid, if appropriate.
- You will be told of your right to complete a Victim Impact Statement. You may be referred to someone at the Victim Witness Assistance Program.

When Charges Have Been Laid

- Charges will be laid if there is enough evidence to support the investigation.
- Charges may not be laid. This does not mean the police don't believe you. It may mean there is not enough evidence to proceed.
- The case can take several months, or years, to make its way through the court process. You will continue to be supported during this time.
- For more information about the court process, please visit www.courtprep.ca or ask your Victim Witness Assistance Program worker, if one has been assigned to you.

In some situations, the victim will decide if they wish to report the crime to the police or not. In other circumstances, the crime may come to the attention of the police, and they will arrive at the scene of the assault. The actual procedures for reporting a crime vary by jurisdiction, so you should check with your local police. When and if you do report a crime, you may be required to make a statement. If you decide to go to your local police station to report a crime, you may request that the officer taking the report be of a certain gender. If you are uncomfortable at any time, tell the officer or detective, and you may be able to take a break or continue the report at a later time.