



REPORTING SEXUAL VIOLENCE TO THE POLICE

A Guide For Survivors

This resource provides information and answers some common questions about reporting sexual violence to the police.

This information is general in nature and does **not** constitute legal advice.

Reporting sexual violence to the police can be intimidating and overwhelming. If you have more questions or would like some support during this process, you are encouraged to contact a Legal Support Navigator at The Journey Project. A Legal Support Navigator is a staff member who can provide emotional support and case management while you consider your legal options and throughout the legal process.

If and when you report to the police is **your choice**. The Journey Project will support you in any decision you make.

A Note on Language: Language is important. It holds a lot of power. You may identify with the word “survivor,” “victim,” both, or neither. The criminal justice system may refer to you as a “victim,” “complainant,” or “witness,” even though you may not identify with any of these terms. This is the language used by the court and does not mean you or your reaction to the incident is being judged. In this guide, we use the term “survivor.” However, we know that not everyone who has experienced sexual violence will identify this way.

If you would like to speak with a Legal Support Navigator (LSN), you can reach us through email, text, phone, or our social media pages. We are available Monday to Friday, 9:00am - 4:00pm.

TEL: 1-709-722-2805

TOLL-FREE/VRS: 1-833-722-2805

TEXT: 709-986-2801

EMAIL: support@journeyprojectnl.com

www.journeyproject.ca

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THINGS TO KNOW

If you are in an emergency situation, call 911.

You have options when reporting sexual violence. Reporting an experience of sexual violence is often called “making a complaint”. This is why you may hear police officers, lawyers or other legal professionals use the word “complainants” when talking about survivors.

The process is usually similar at every police station. However, there may be some differences depending on where you live in Newfoundland and Labrador.

Depending on your location, you may need to report to the Royal Newfoundland Constabulary (RNC) or the Royal Canadian Mounted Police (RCMP). RNC jurisdiction includes the Northeast Avalon region, Corner Brook, Labrador City and Churchill Falls. The RCMP are responsible for all other areas of the province.

WHAT TO EXPECT WHEN YOU REPORT SEXUAL VIOLENCE TO THE POLICE

In Canada, there is no limitation period, or time limit, on when a person can report an incident of sexual violence to the police, or when the police can charge someone with an indictable offence. You can report an assault to the police no matter how long ago it happened.

If you are an adult (18 or older), reporting to the police is your choice. It is completely up to you if and/or when you report to the police. However, once you make a report to the police, they will determine much of the process and decision-making that follows. The Journey Project will never pressure you to report to the police, it is completely up to you. We respect any decision you make, and will support you.

If you are under age 18, reporting to the police may look different. Under the *Child, Youth and Families Act*, every person has a duty to report any abuse of children and youth.

For individuals aged 16 or 17, a social work assessment to determine the need for protective intervention is voluntary.

In most instances, when a youth reports sexual violence to the police, at some point throughout the criminal justice process the police may inform the parent(s), guardian(s), or other supportive adult the youth is aligned with.



IF YOU CALL THE POLICE STATION OR 911

A uniformed officer may be sent to your location. If you require medical assistance, the officer may offer to take you to the hospital. This is only done with your consent. The officer will take your information and details surrounding the assault for their report.

In most cases, you will be asked to make your formal statement at the police station. This may be on the same day or at another time. The statement will likely be taken by a different police officer.

Some hospitals in the province have a Sexual Assault Nurse Examiner (SANE) Program or specially trained nursing staff that you may be able to see.

A SANE is a healthcare professional who has advanced training and education in medical and forensic assessment of a person who has been sexually assaulted. A SANE aims to provide options and choices about medical care and/or police reporting, provide medications to prevent common infections and pregnancy, and connect patients with counselling services so they have appropriate support in moving forward if they choose to.

IF YOU REPORT IN PERSON

You will likely walk up to a window at the police station and state what type of incident you are reporting. Depending on the layout of the police station and if other people are present, this conversation may not be private. You may be asked to show ID.

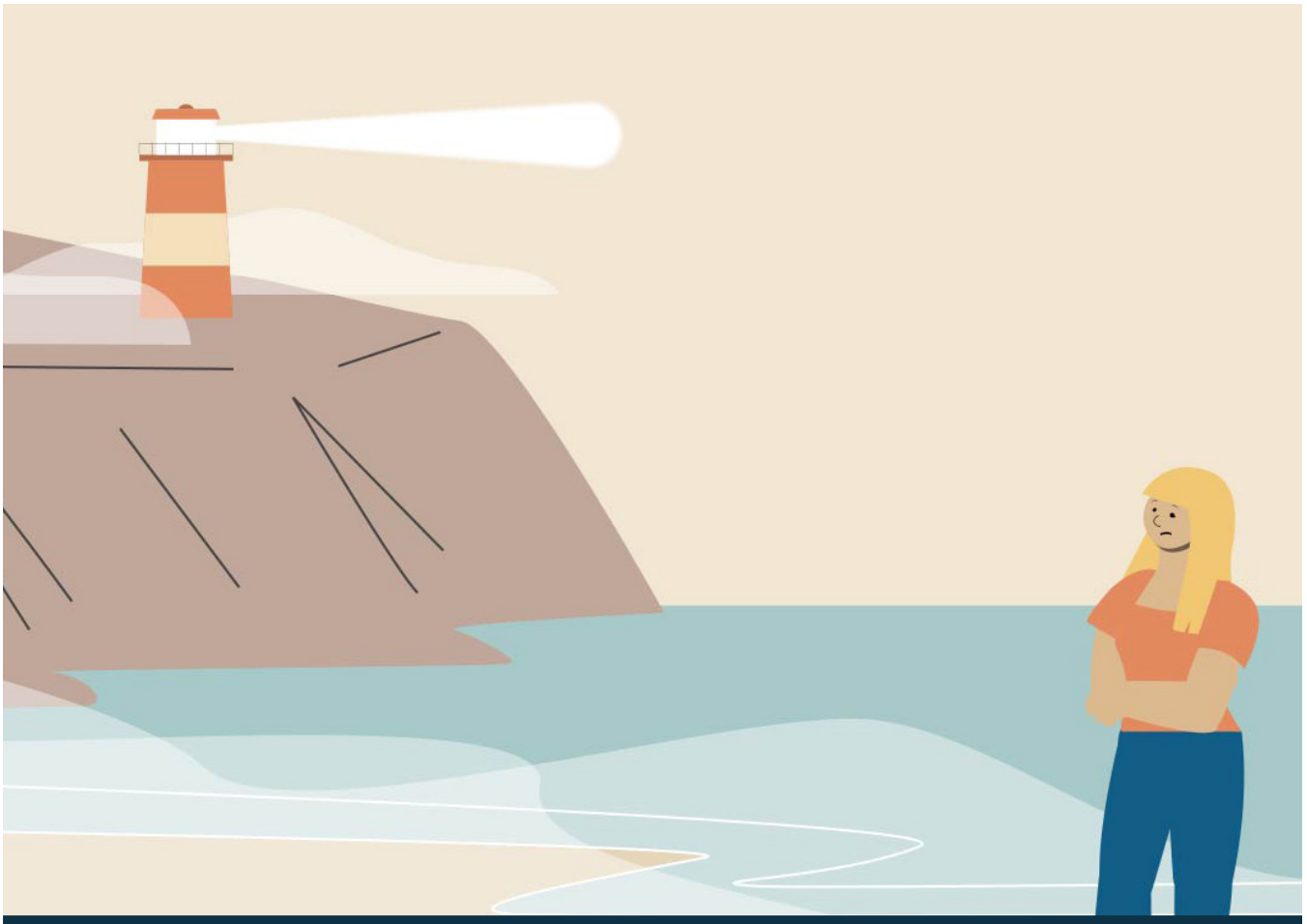
If you are reporting in person at the RNC in St. John's, you can request to speak with someone in the Child Abuse and Sexual Assault (CASA) Unit. A CASA officer may or may not be available immediately.

Be prepared to wait in the main lobby. How long you wait will depend on whether there is a police officer available to take your statement.

We suggest that you bring a support person with you or something to occupy your mind (e.g. your phone and charger, a book to read, a fidget object). You may be waiting for some time, up to several hours. Having water and tissues on hand is also a good idea.

When possible, we suggest calling the police station ahead of time to schedule an appointment.

The Journey Project can accompany you to the police station if requested. However, this may not be possible in every part of the province.



LIVING IN A DIFFERENT PROVINCE OR COUNTRY FROM WHERE THE ASSAULT HAPPENED

If you have experienced sexual violence in Newfoundland and Labrador but are now living in a different province or country, you can still report to the police in your area. They will likely be able to take your recorded statement and communicate this to the police detachment in Newfoundland and Labrador where the assault(s) occurred.

This process may look different depending on where you are located, so it is recommended to contact your local police detachment for further information and guidance.

SEXUAL ASSAULT EVIDENCE KIT (SAEK)

Getting Medical Attention

If you have experienced a recent sexual assault you might want to consider seeing a health care professional to address any medical concerns, injuries, or questions you may have. There are specially trained teams of nurses, called Sexual Assault Nurse Examiners, at St. Clare's in St. John's and Western Memorial In Corner Brook who have advanced training and education in medical and forensic assessment of a person who has been sexually assaulted.

You may want to consider having a Sexual Assault Evidence Kit (SAEK) done. A SAEK is used by health care professionals to collect forensic evidence after a sexual assault. If you are not in or near St. John's or Corner Brook, you can visit your nearest emergency room. An RCMP officer may have to bring the SAEK to the hospital.

If you consent to a Sexual Assault Evidence Kit, a healthcare professional may collect samples from anywhere on your body that the offender may have contacted. Clothing and undergarments may be collected as evidence.

Some hospitals have the ability to store SAEKs on site, while others will send the SAEK to the nearest RNC or RCMP detachment for storage.

The RCMP can store SAEKs indefinitely. However, the RCMP must attach a name to the SAEK in order to create a file and store it. You aren't required to provide a statement, but the SAEK belongs to the police. In St. John's, The RNC can store SAEKs indefinitely. Your kit is stored anonymously; a file number is attached to your kit, but no identifying information.

For evidence collection, it is recommended that you avoid

- **Showering or bathing.**
- **Changing or throwing away your clothes.**
- **Eating or drinking**
- **Brushing your teeth.**
- **Washing your hands or combing your hair.**
- **Disturbing the scene of the assault.**

However, it is ok if you have done any of these things – you did not do anything wrong. Many survivors often want to shower, change, and brush their teeth after an assault has occurred. This does not mean that an examination and evidence collection cannot take place.

St. Clare's Mercy Hospital
SANE Program
154 Lemarchant Rd,
St. John's, NL
A1C 5B8

Emergency Department: 709-777-5502
Program Office: 709-777-5865 (available during office hours)

Western Regional Memorial Hospital in Corner Brook has SANE trained nurses available through the Emergency Department.

Western Regional Memorial Hospital
1 Brookfield Avenue
Corner Brook, NL
A2H 6J7

Emergency Department: 709-784-5524

Initial Contact

When you first contact the police, there may be an initial interview. The initial interview is when a police officer asks for basic information about what happened. Police will ask for more information when you give a statement. A statement is a formal account of what happened. A statement can occur at the police station, or a mutually agreed upon location.

Before making your statement, mention any accessibility or accommodation requests you may have. This may include interpretation or translation services, transportation, having a support person with you, or a service animal. A Legal Support Navigator with The Journey Project can also assist you with arranging accommodations.

Giving Your Statement

The investigating officer will give you an opportunity to describe, in your own words, what happened, and why you are there. The police officer will likely ask you some specific questions to ensure they have as much information possible for their investigation.

Your statement may be videotaped and/or audiotaped for court purposes, as it may be entered as evidence. You may be allowed to bring along a support person with you. It is best to ask the officer ahead of time if this is possible. You may want to bring water and tissues with you. You can also take along any notes you have to help jog your memory.

The police officer will likely ask you difficult, personal, or invasive questions about what happened. At this point, you may have been asked to tell the same story with the same information multiple times. The purpose of this is to ensure the police gain a full understanding of the events.

You should answer all questions as completely and truthfully as you can. If you do not know or cannot remember the answer to a question, it is ok to tell the officer that. If you are making a guess at an answer, tell the officer that. It is best not to try to fill in blanks if you do not know the answer.

The police officer may ask you:

- **The name, description of the suspect(s)**
- **Details surrounding the event(s) (e.g. time, date, location)**
- **About events prior to the assault(s)**
- **What happened? You may be asked to give a very detailed description of the assault(s)**
- **Whether or not you sustained any physical injuries**
- **If you got or tried to get medical treatment**
- **If there were any witnesses to the incident(s)**

A witness is someone who the police think might have relevant information about a crime. The police may want to speak to them, and their statement may be used as evidence in court. They may have to appear in court to provide their testimony.

If you cannot remember all the details, that is ok. Trauma can impact memory and our ability to recount incidents in chronological order. If there are details you may have forgotten, or details that you remember after the interview, you can contact the investigator to follow up.

It is important to remember that the information provided during this statement may be used in court. If you would like to receive legal advice, our Sexual Violence Legal Support Service offers eligible participants up to four hours of free legal advice.

WHAT TO EXPECT DURING A POLICE INVESTIGATION

Your information may be forwarded to an investigating team of police officers who deal with sexual assault. In St. John's, the Child Abuse and Sexual Assault (CASA) Unit of the RNC handle sexual assault matters. However, not every part of the province has a special unit. Under RCMP jurisdiction, your case will likely be sent to the Special Victims Unit. While the matter is under investigation, the police will interview witnesses and continue to collect evidence.

Police investigations can take time and every case is different. It may take weeks, months, or even years in some cases. If you have questions about an ongoing investigation, you can contact the investigating police officer(s) or Victim Services to find out information about your case.





OTHER SUPPORTS

Victim Services is a voluntary, free, and confidential program that supports victims of crime throughout the criminal justice process.

VICTIM SERVICES PROVIDES:

- 1 General information about the criminal justice system.**
- 2 Information on your specific case.**
- 3 Safety planning.**
- 4 Court preparation.**
- 5 Assistance writing your victim impact statement.**
- 6 Referrals to other community organizations and agencies.**
- 7 Emotional support and short-term counselling as you prepare to go to court.**

Victims Services Coordinators do not provide legal advice. When you call Victim Services to request information about your case, you will likely need to provide your police file number. If you do not have one, or do not know it, they may ask you for some identifying information, like the name of the offender(s).

THE INVESTIGATING POLICE OFFICER CAN PROVIDE INFORMATION ON:

- **Your rights as a victim/survivor**
- **How long things might take**
- **What the next steps might be**
- **If any charges will be laid after the investigation is completed**

PEOPLE WHO MAY BE INVOLVED IN THE INVESTIGATION:

- **Sexual Assault Nurse Examiner**
- **Child Abuse Sexual Assault Unit in St. John's (RNC)**
- **Sexual Assault Investigation Unit (RCMP)**
- **Crown Attorney**
- **Other medical professionals**
- **Witnesses (if there are any)**

The Crown Attorney, sometimes called a prosecutor, is a lawyer that works for the government. They represent the best interest of the public and are responsible for making sure that the criminal justice process is fair to everyone involved, including the accused, the complainant, and the public. They do not represent or work for the survivor in a criminal matter. A survivor does not get their own lawyer. A survivor can hire their own lawyer for support and guidance, but they cannot represent you at most court hearings.





PRIVACY

During a police investigation, the investigating police officers may decide that a media release is required to protect the public. This is a rare occurrence. While your name will not be shared, details about the offender and the assault may be released. Under the Canadian Victim Bill of Rights, victims have a right to protect their identity. A publication ban is a court order that prevents anyone, including the media, from publishing or sharing information that could identify the victim. Publication bans are almost always used in matters with children, youth and other vulnerable people.

Generally, a media release may be issued if:

- There is risk to public safety
- Information from the public may help the investigation
- It may encourage more victims/survivors to come forward
- An arrest has been made



WHAT HAPPENS IF A CHARGE IS LAID?

Laying charges (sometimes called “pressing charges”) is up to the investigating police officer(s). It is not up to you, however both the police and the Crown make every effort to act in the best interest of the survivor.

A charge is laid if the police have completed their investigation and have collected enough evidence to formally accuse a suspect(s) of committing a crime. The police will send the file to the Crown Attorney’s office. The Crown Attorney’s office will then take over and handle the prosecution of the accused.

PERSON(S) CHARGED

The person(s) charged (now “the accused”) will either be released back into the community or remain in custody (e.g. jail) until the case is finished.

If the accused is released back into the community, the court may place them on conditions (i.e. rules) they must follow. For example, the accused might be ordered not to have any contact with you or other people connected to the case.

An accused person can make an application to the court to vary (make changes) to their conditions. If this happens, you have the right to know about it.

If the accused is released into the community, you have a couple of options.

If you fear for your safety, you can apply for a Peace Bond. This is a court order that places specified conditions on an individual’s behaviour.

An Emergency Protection Order is a document issued by the Provincial Court that a judge may grant quickly when intimate partner violence has occurred. Your safety is the number one priority. To talk about safety planning, contact The Journey Project, Victim Services, a transition house, a safe house, or the police.



COMMON QUESTIONS

Will I know when or if the person who assaulted me is being interviewed?

The police handling your case should notify you when they plan on interviewing the perpetrator. It is your right to know information about the case.

If the police don't lay charges against the person who assaulted me, does that mean they don't believe me?

To lay a criminal charge, the police have to collect enough evidence to meet a certain threshold. It does not mean that they don't believe you. In some situations, the police consult with Crown prosecutors to discuss the case and obtain their professional opinion on recommending charges.

What if I have a complaint about my experience with the RCMP or RNC?

You can make a complaint about an officer's conduct by contacting the local police station where they work. You can make a complaint directly to the officer's supervisor.

You can also make a complaint to the Royal Newfoundland Constabulary Public Complaints Commission or the Civilian Review and Complaints Commission of the RCMP, depending on the jurisdiction your matter falls under.

The Royal Newfoundland Constabulary Public Complaints Commission (RNCPPC) provides members of the public with an independent forum for their complaints against Royal Newfoundland Constabulary officers. Complaints must be made within 6 months of the incident. For more information, visit: <https://www.rncpcc.ca/>

The Civilian Review and Complaints Commission for the RCMP (CRCC) reviews complaints about on-duty conduct of RCMP members. Complaints must be made within one year of the incident. For more information, visit: www.crcc-ccetp.gc.ca/en/make-complaint

What if a police officer is the person who assaulted me?

The Serious Incident Response Team (SIRT NL) is mandated to conduct investigations into police-related incidents like domestic violence and sexual offences. If either an RNC officer or RCMP officer has committed a sexual offence, like sexual assault, you can report it to SIRT NL. This includes offences that happened while the officer was off-duty. There is no time limit to reporting.

For more information, visit www.sirtnl.ca



Notes:



The Journey Project exists to strengthen justice supports for survivors of sexual violence and/or intimate partner violence. It was established in 2017 as a collaborative initiative of

Public Legal Information Association of NL (PLIAN) &
the NL Sexual Assault Crisis and Prevention Centre (NLSACPC).

www.journeyproject.ca

PLIAN is a non-profit organization dedicated to educating Newfoundlanders and Labradorians about the law. PLIAN provides public legal education and information services with the intent of increasing access to justice.

Contact PLIAN's Legal Information Line by calling toll-free/VRS **1-888-660-7788** or e-mail

info@publiclegalinfo.com

To reach the St. John's office call **709-722-2643**

To reach the Happy Valley-Goose Bay office call **709-896-5235**

www.publiclegalinfo.com

The **NLSACPC** is a non-profit, community-based, charitable organization that exists to support individuals of all genders who have been impacted by sexual violence.

To contact the St. John's office call **709-747-7757**

To reach the Happy Valley-Goose Bay office call **709-896-6758**

The NLSACPC operates a 24-hour Support and Information Phone Line that can be reached at **1-800-726-2743**

You can also text/chat with the **NLSACPC** Monday 2pm-8pm, Wednesday 2pm-8pm, and Friday 12pm-8pm by texting 1-800-726-2743 from your mobile phone, or using the "Get Support Now" button on the NLSACPC website,

www.endsexualviolence.com

