

YOU CHOOSE WHAT TO DO NEXT

A Guide for Navigating the Criminal Legal System, as a Sexual Assault Survivor



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A guide for navigating the criminal legal system, as a sexual assault survivor

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THANK YOU

This guide was created in partnership with the Consent Action Team, student peer leadership group at Ryerson and with input from survivors who have experience navigating the criminal legal system. Thank you for your guidance, care and thoughtful additions. We deeply appreciate your brilliance.

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Consent Comes First, the Office of Sexual Violence Support and Education works with Ryerson University community members affected by sexual violence and gender-based violence.

You Choose What To Do Next are trauma-informed accessible legal information resources created by Consent Comes First in collaboration with community partners for people affected by sexual violence and gender-based violence. It is not legal advice. Please connect with local resources for specific support customized for you.

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We strongly encourage organizations in other provinces and territories to create their own version of this guide. Please contact us osvse@ryerson.ca to work together.



Office of
Sexual Violence
Support & Education

#CONSENTCOMESFIRST

Authors' Notes

This guide was created specifically for individuals who are considering going through or are going through a criminal case in Ontario related to sexual offences under the Criminal Code – including sexual assault, sexual interference, sexual exploitation, and human trafficking.

This guide does not contain information about criminal processes relating to non-sexual offences. The guide is positioned for individuals who are, or would be the complainant of a criminal case relating to sexual offences. The guide does not contain information about criminal processes relating to sexual offences for other individuals, including child witnesses, which may trigger different sections of the Criminal Code.

This guide has been created to provide an overview of informative content only, and should not be interpreted as, or relied on, as legal advice. Only a lawyer can provide legal advice. Please see the answer to page 74 for information on accessing free legal advice.

For the purposes of this document, we use the term survivor or complainant in reference to someone who has been subjected to sexual violence. We recognize that people who have been subjected to sexual violence have the right to choose how they want to be referred to and that the term survivor might not capture how you feel right now. Ultimately, you get to choose what language you want to use in relation to your own experience. Choose a term that works for you.

ACKNOWLEDGMENT OF OUR CONNECTION TO THE LAND

Consent Comes First, the Office of Sexual Violence Support and Education is situated in the ‘Dish With One Spoon Territory’, in Toronto, Ontario. The Dish With One Spoon is a treaty between the Anishinaabe, Mississaugas and Haudenosaunee that bound them to share the territory and protect the land. Subsequent Indigenous Nations and peoples, Europeans, and all newcomers have been invited into this treaty in the spirit of peace, friendship and respect.

Consent Comes First acknowledges that treaties have not been upheld by settlers on these lands and across Turtle Island. We recognize that any work to meaningfully address consent in Canada must acknowledge that this country was founded upon, and is maintained by, a colonial genocide against Indigenous peoples in which gender-based violence is a key tool and is directly connected to land-based violence. We are actively learning from and working to incorporate the recommendations of Honouring the Truth, Reconciling for the Future Summary of the Final Report of the Truth and Reconciliation Commission of Canada and Reclaiming Power and Place: The Final Report of the Inquiry into Missing and Murdered Indigenous Women, Girls, and 2 Spirit Peoples into our work.



**We are glad you are here
This guide is dedicated to you**

There is no right way to heal from sexual assault. We may choose to heal alone, with friends and family, or with professionals. We may tell no one, a very select group of people, or our whole community. We may report right away and some of us may wait for years before telling anyone. Some of us may choose to go to the police and some of us may choose to use alternatives like transformative justice. If we choose to go to the police some of us may want a publication ban to be ordered, some of us may not. We get to choose what happens next.

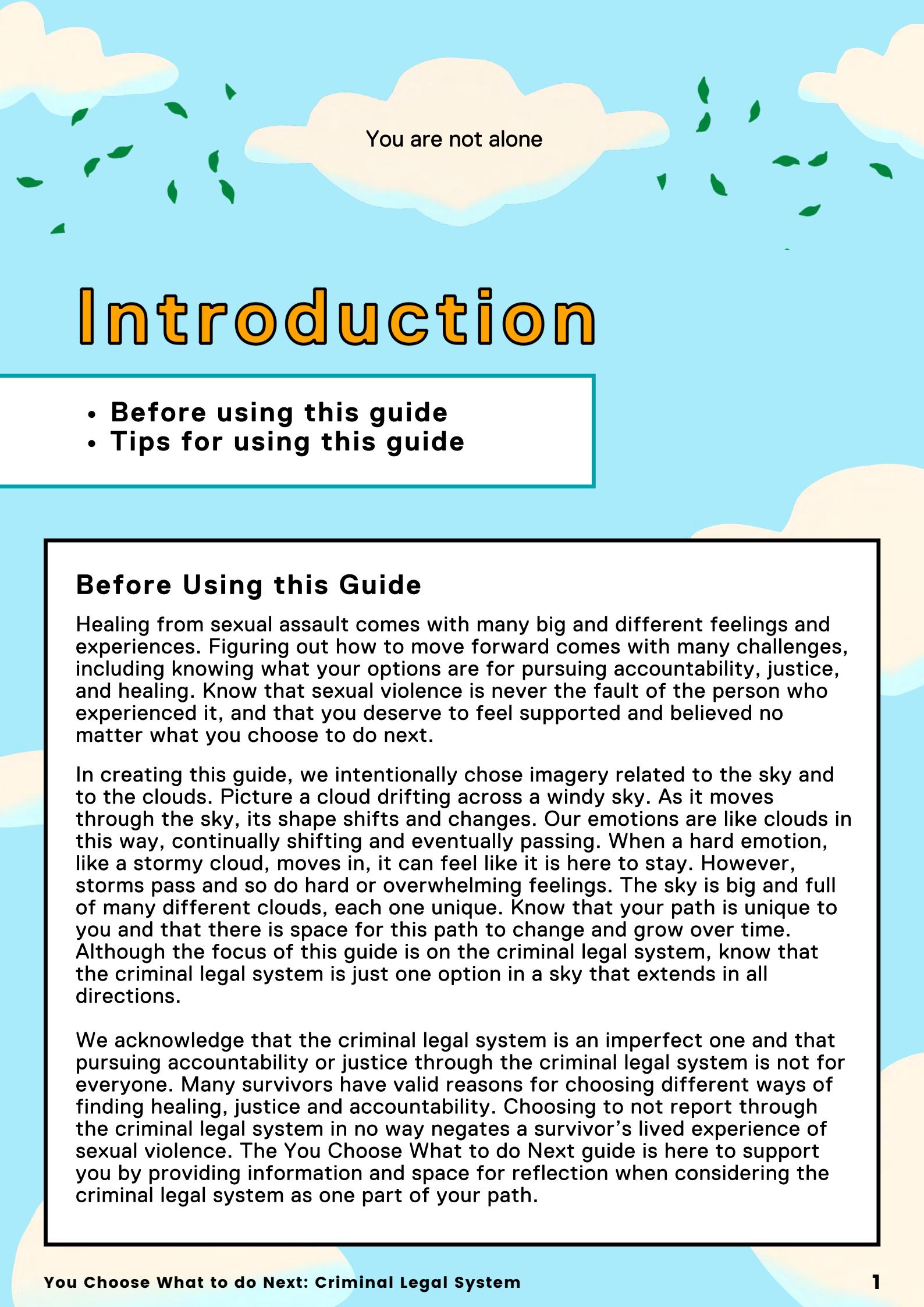
People may judge the choices we make or have to make. But no one knows your experience better than you. Reporting to the police is only one option of a multitude of choices, and for many survivors from marginalized, criminalized and policed communities, it may not be a viable option. Our social location including but not limited to race, class, gender, sexuality, and ability, impacts not only the way we are targeted for sexual violence but how we can access support and if we are believed. Use this guide to gather the information you need to decide what works for you. Remember whatever choice you make, it's your decision.

Need support? You are not alone. Check out these resources
ryerson.ca/sexual-violence/get-support

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I'm writing a new story

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You are not alone

Introduction

- **Before using this guide**
- **Tips for using this guide**

Before Using this Guide

Healing from sexual assault comes with many big and different feelings and experiences. Figuring out how to move forward comes with many challenges, including knowing what your options are for pursuing accountability, justice, and healing. Know that sexual violence is never the fault of the person who experienced it, and that you deserve to feel supported and believed no matter what you choose to do next.

In creating this guide, we intentionally chose imagery related to the sky and to the clouds. Picture a cloud drifting across a windy sky. As it moves through the sky, its shape shifts and changes. Our emotions are like clouds in this way, continually shifting and eventually passing. When a hard emotion, like a stormy cloud, moves in, it can feel like it is here to stay. However, storms pass and so do hard or overwhelming feelings. The sky is big and full of many different clouds, each one unique. Know that your path is unique to you and that there is space for this path to change and grow over time. Although the focus of this guide is on the criminal legal system, know that the criminal legal system is just one option in a sky that extends in all directions.

We acknowledge that the criminal legal system is an imperfect one and that pursuing accountability or justice through the criminal legal system is not for everyone. Many survivors have valid reasons for choosing different ways of finding healing, justice and accountability. Choosing to not report through the criminal legal system in no way negates a survivor's lived experience of sexual violence. The You Choose What to do Next guide is here to support you by providing information and space for reflection when considering the criminal legal system as one part of your path.

As every survivor's choices look different and there is no one way to move forward, it can help to connect with people who have already gone through the process. We have included the words and wisdom of survivors who have gone through the process themselves, along with information and tips they wish they had known when they started the process. Know that you are not alone, and there is a team of survivors and supporters behind you.

We invite you to take from this guide what feels most relevant to you. Although the guide is laid out in terms of common processes in the criminal legal system, it is not an exhaustive list. Moving through the criminal legal system is not always linear. Only you can know what is right for you. Whatever you choose to do, we want to help you make the choice that is right for you.

You choose what to do next

Notes

Tips for Using this Guide

Practicing Self Care:

Take your time going through this guide and do whatever you need to do to take care of yourself. Thinking about experiences of sexual violence can bring up a lot of feelings. All feelings are like clouds in that they come and they go, however some feelings are heavy and lingering, and others are lighter and fluffier and may pass by more quickly. Know that it is normal for lots of different feelings to come up when thinking or talking about sexual violence. Practicing self-care is an important part of navigating difficult material and the feelings that arise.

Here are some questions for you to consider before moving through this guide so that you can feel as supported as possible throughout the process.

What are my self-care practices?

Write down three ways, big or small, you can take care while reading through this guide and beyond.

Who are my people to practice self-care with?

Who could I go for a walk with? Who could I play a game with? Who are people I could watch a movie with?
Who can I sit in silence with?

When can I practice self-care?

When in the day can you take the time to for self-care?
How might you know when it's time to take a break from this document?

It's okay if you are not sure where to start. Self-care could look like taking small breaks from reading this document, breathing, eating a snack, drinking some water, or taking time to recharge.

We have included cumulus clouds in this guide

to act as reminders to take time for care as you read on.

Cumulus clouds are big fluffy clouds that can seem to take up the whole sky, similar to us when we are feeling full of emotions. These clouds include gentle suggestions of ways you can practice care with yourself and others while moving through this guide, and create space to process some of the feelings that may be coming up for you.

Identify your supports:

In addition to self-care, having emotional support is another way to help share some of the pressure or uncomfortable emotions that may be coming up for you. Support could come through informal supports like friends or loved ones, or more formal supports such as Consent Comes First. Before moving through the guide, we invite you to take a moment to reflect on who your supporters are: who can you connect with for emotional support while going through this guide and beyond? If you need help identifying formal supports you can turn to, see the resources section of this guide.

Invite space for reflection:

While moving through this guide, it is helpful to reflect on what some of the topics discussed in this book mean to you, in relationship to your own experiences, capacity, support system, and context. Below we have included some reflection questions to consider. Before moving through this guide, we invite you to take a moment to reflect on them. That could mean thinking about them, writing them down journaling style, or discussing them with trusted support like a friend or a counsellor.

Some things to consider before moving through this guide:

What does justice look like to you?
What does accountability look like to you?
What does healing look like to you?
How are these pieces of your path separate from one another?

At the beginning of every section, we have included additional reflection questions you may want to consider that are specific to that part of the process. Do with them what feels best for you.

Snapshots:

There is a lot of information in this guide that is designed to support you. However, we recognize that sometimes it can be hard to digest all of this information at once. We recommend taking breaks and coming back to this guide as many times as you need. The snapshot sections give a short summary of the answer to some questions.

This guide was created by,
and with the support of survivors.
Altocumulus clouds are made up of
smaller cloud sections grouped together in beautiful
patterns in the sky. Notice the altocumulus clouds sections
as you move through this guide that was written by people who
have experience navigating the criminal legal system as
survivors of sexual violence.

General Information

You have
the right to be

This section includes:

- What is the criminal legal system?
- What is sexual assault according to the criminal legal system?
- What are my rights?
- How can I make a support plan for navigating the criminal legal system?

Guiding questions to consider for this section:

- What do I already know about the criminal legal system?
- What does justice look like to me?
- How can I practice self-care while navigating the criminal legal system?
- How can I practice self-care while reading this section?

What is the criminal legal system?

The criminal legal system consists of processes that are used to report, investigate, prosecute and sentence crimes based on the Criminal Code of Canada. Although it includes things like reporting, arrests, and trials, it also includes elements we may not be aware of, such as administrative processes and procedures. Survivors' experiences within the criminal legal system include administrative processes like filling out forms or residual legal procedures after a case is complete, for example having one's publication ban lifted. It's important to know that the focus of the criminal legal system is on the person who committed the crime and determining if there is enough evidence to lay charges and/or convict them. The system does not focus on the needs of the person who reported. This may be challenging for survivors who can be left feeling like their needs are not being heard or considered within this system. Throughout this guide, we provide information on some of these processes, as well as tips on where to go to learn more and what resources are available to you when you are navigating this system.

As we mentioned, the criminal legal system is an imperfect one. It is rooted in the same colonial values that established and maintained Canada. Some people, including those who work in the legal system, may believe pervasive myths and stereotypes that exist about sexual violence including but not limited to what an “ideal victim” looks like or acts like.

As a survivor of sexual violence, you get to decide what justice and accountability look like to you even when your vision of justice may or may not align with the criminal legal system’s procedures, practices, and timelines.

A note on legal terms used in this guide:

Victim/complainant

The term complainant is used within the criminal legal system to refer to someone who reported or made a complaint. The term ‘victim’ is the official language that is used within the criminal legal system to refer to someone who has experienced a crime. Know that ultimately you get to decide what language you would like to use in relation to your own experience and that it is okay if neither of these terms fit you.

Accused

Within the criminal legal system, “accused” is the official language that is used to refer to someone who has been reported to have committed a crime, but has not yet been “proven” to have committed that crime according to the criminal legal system. Know that this language is not a reflection of your experience and is related to the “innocent until proven guilty” tenant of the Canadian criminal legal system.

“For me, the most important for survivors to know is that in the early days, they will feel so alone. There is a filter of the world that creeps up and tells you that you are on your own, that it was your fault etc. However, that is the filter imposed by the person who has done this to you. It's not the truth. Reach out as much as you can, do not sit alone with those thoughts. Rely on loved ones to help you shed the filter quickly.”

– Margaret

What is sexual assault according to the criminal legal system?

According to the Criminal Code of Canada, sexual activity is only legal when everyone involved in the interaction gives their consent. In section 273.1(1) of the Criminal Code, consent is defined as a “voluntary agreement to engage in the sexual activity in question” at the time that the sexual activity takes place. Meaning that for all legal sexual activity, there must be an active, voluntary agreement (consent) present from all parties involved. It is the responsibility of the person who initiates sexual activity to ask for consent and make sure that there is ongoing consent throughout a sexual interaction. Under Canadian law, the absence of yes, or silence does not count as consent. The Criminal Code is also clear that consent can be withdrawn, meaning even if someone initially agrees to sexual activity they can change their mind at any point.

Sexual assault then, according to the Criminal Code, is defined as any unwanted sexual activity where at least one person does not agree, including:

- unwanted sexual touching or sex;
- the use of force, threats or intimidation to make someone do something sexual that they do not want to do;
- sexual activity that someone is unable to agree to because they, for example, are unconscious, sleeping, or very intoxicated; and/or
- a sexual activity where someone abuses a position of power or authority

Grounding: Take a moment to check on yourself.

How are your shoulders? Take a deep breath while bringing your shoulders as high as you can, and as you exhale, roll your shoulders down. Repeat. If you'd like, try saying this aloud, “My boundaries deserve respect. I deserve respect”. If that doesn't feel right, try writing it down or just reading it a few times for now. After you've done that. Take another deep breath, raising your shoulders again, and rolling them down as you exhale.

What are my rights within the criminal legal system?

There are rights you are entitled to when engaging with the criminal legal system. The Ontario Victims' Bill of Rights and the Canadian Victims Bill of Rights set out several rights for victims of crime, including the rights to:

Information

You are entitled to information about how the criminal legal system works, your role in it, the status of the investigation, and the court proceedings. You are also entitled to information about services and programs available to you.

Protection

You have the right to be protected. This means that your safety must be considered by the police, the Crown Attorney (the lawyer representing the government) and the court, and they should make efforts to protect you from any intimidation or retaliation. You also have the right to request support to help you testify.

Privacy Safeguards: Publication Ban

You have the right to request a publication ban so your name and other identifying information cannot be published. You also have the right to independent legal counsel if the defense (the accused's lawyer) seeks to access your confidential records or if they already have access to your confidential records and would like to bring them forward during the trial.

Refer to page 37-39 for more information on publication bans.

Privacy Safeguards: Prior Sexual History

While information related to your prior sexual history is also safeguarded through the legal system, there may be specific instances where evidence related to your sexual history can be brought forward (or admitted) in court. However, the Criminal Code has strict requirements that the accused's lawyer must comply with to have this evidence admitted. Some of these requirements include not using your sexual history as evidence to prove your consent, or to question your trustworthiness as a witness. There is also a specific procedure that must be followed to determine if this evidence can be admitted. This procedure includes a written application by the accused's lawyer, a first hearing for a judge to consider whether the evidence is potentially admissible, and a potential second hearing where you have the right to legal counsel and are entitled to make submissions at the hearing. See page 50 for more information.

Participation

You have the right to express your views about decisions that affect your rights and to have your views considered. If the person who sexually assaulted you (the accused) is found guilty, you have the right to present information to the judge about the impact the crime has had on your life before the accused is sentenced.

Request restitution

You can request that the judge order the offender to pay you for some of your financial losses as a result of the crime.

Be treated with sensitivity

You have the right to be treated with courtesy, compassion and respect for your dignity by criminal legal system officials.

File a complaint

You can make a complaint if you feel your rights have not been respected. Depending on which criminal legal system personnel you would like to make a complaint against, the process will look different.

- To make a complaint about a police officer in Ontario, you can do so through the [Office of the Independent Police Review Director](#).
- To make a complaint against a lawyer in Ontario (ie. the Crown Attorney or a defence lawyer), you can do so through the [Law Society of Ontario](#).
- If you feel that any of your rights under the Canadian Victims Bill of Rights have not been respected, you can make a complaint through the [Office of the Federal Ombudsperson for Victims of Crime](#).

These organizations allow you to make complaints in a variety of ways, including in-person, over the phone, or through online forms. The websites have additional information on the complaints process itself and how to file a complaint. For support in making a complaint contact your local [Sexual Assault Centre](#).

That was a lot of information and a lot of “if this, then that” scenarios. Let’s take a moment to get out of our heads and into our bodies a bit. Now is a nice time to take a break and to check in with your body. As we often do, start with a deep breath in. As you exhale, try answering one of these questions. What’s the temperature, do you feel cold, warm, or just right? Are you feeling awake, or tired? Do you have any stiffness? What happens if you bring some movement to that stiffness? Are you hungry or thirsty? Try to take a breath in and out before you answer each question. When in doubt, have a drink of water and move around a bit.

How can I set up a self-care plan for navigating the criminal legal system?

Creating a support plan can feel overwhelming, check out the 'tips for using this guide' on page 3 - 4, there you will find three questions to help you get started.

As sexual assault survivors, part of self-care is recognizing we are coping with trauma that is a result of something outside of our control.

We all have different ways of coping, some are nourishing, some are numbing, and some can cause us harm. Take a harm-reduction approach when creating your self-care plan. This means looking at what we do when we have big feelings and trying to intentionally bring in nourishing ways of coping, self-soothing, and being kind to ourselves. It also means being tender with ourselves when our coping strategies could be harmful to us.

When we have big, painful, or overwhelming feelings it is hard to figure out at the moment what we should do. Having a self-care / support plan in place can help direct you to different people, practices, and spaces when you're feeling overwhelmed or at a low capacity. Remember: this is brave work and you deserve support. Use this self-care planning document to help with creating a plan. This way the strategies that work for you are all in one place. Remember that you can adjust your support plan and the ways you care for yourself as your needs shift and change over time.

Part of your self-care might include taking a substantial amount of time off of work to report, attend court, access resources, and heal. In Ontario, domestic or sexual violence leave is a job-protected leave of absence. It provides up to 10 days and 15 weeks in a calendar year of time off to be taken for specific purposes when an employee or an employee's child has experienced or been threatened with domestic or sexual violence. The first five days of leave taken in a calendar year are paid, and the rest are unpaid. You can learn more about the eligibility and requirement for employers under Ontario's guide to the Employment Standards Act.

Here are some suggestions on what to consider when making your support plan from other survivors who have experience navigating the criminal legal system. As always, take only what feels relevant to you:



“Using all the tools in my toolbox in various forms: breathing, emotion regulation, asking for help, doing my own research.”

– Heather

“Take breaks from focusing on the process.”

- Anonymous

“Always carry a really cold bottle of water. I would freeze half a bottle the night before and fill it in the morning to the top. The cold helped me stay grounded during the most difficult times. I also carried around a smooth rock that I would rub when things made me feel a little disconnected.”

– Margaret

“I always recommend seeking out a trauma-informed therapist. Not all therapists and psychiatric professionals work the same way. Look for someone who self-identifies as trauma-informed or specializes in sexual trauma/childhood sexual trauma (if that applies to you).”

- Anonymous



“When you are able to sleep, sleep. When you are able to eat, eat. When you are able to feel, feel. When you have the capacity for more, pause. When you want to do more, do more. Practice gratitude and support others. If you focus on your suffering, all you will experience is suffering. Remember, you always have a choice.”

- E.SHIPHRA.S

“Connect with a therapist. There are so many stages of grief/shock that they can help you navigate safely and promote self-care at the same time.”

- Kendra

“[My self-care includes] Going for walks while talking on the phone to my friends. Meeting a friend on zoom first thing in the morning to do some stretchy yoga 3 times a week. Lots of journaling. Listening to feminist songs and dancing around. Reading and watching presentations from feminist organizations and authors. Baking cookies. Getting involved in supporting activism to improve the system - and sending encouragement to people who are doing things I support but can't/won't do.”

- Erica

Reporting to the Police

You Choose
What to Do Next

This section includes:

- How do I know if reporting to the police is the right option for me?
- How do I report a sexual assault to the police?
- How do I prepare before reporting to the police?
- What happens if I report a sexual assault to the police?
- What is involved in a police investigation?
- What if I decide I don't want any charges laid after speaking to the police?
- Will the person who sexually assaulted me be arrested?
- Will I be provided with support?

Guiding questions to consider for this section:

- What does reporting to the police mean to me?
- How can I practice self-care while reading this section?

How do I know if reporting to the police is the right option for me?

It is your choice whether or not to report a sexual assault to the police. Your choice depends on what is right for you based on your situation and what your capacity, social location, resources, and wants are.

Regardless of whether you choose to report, your experience of sexual assault is valid

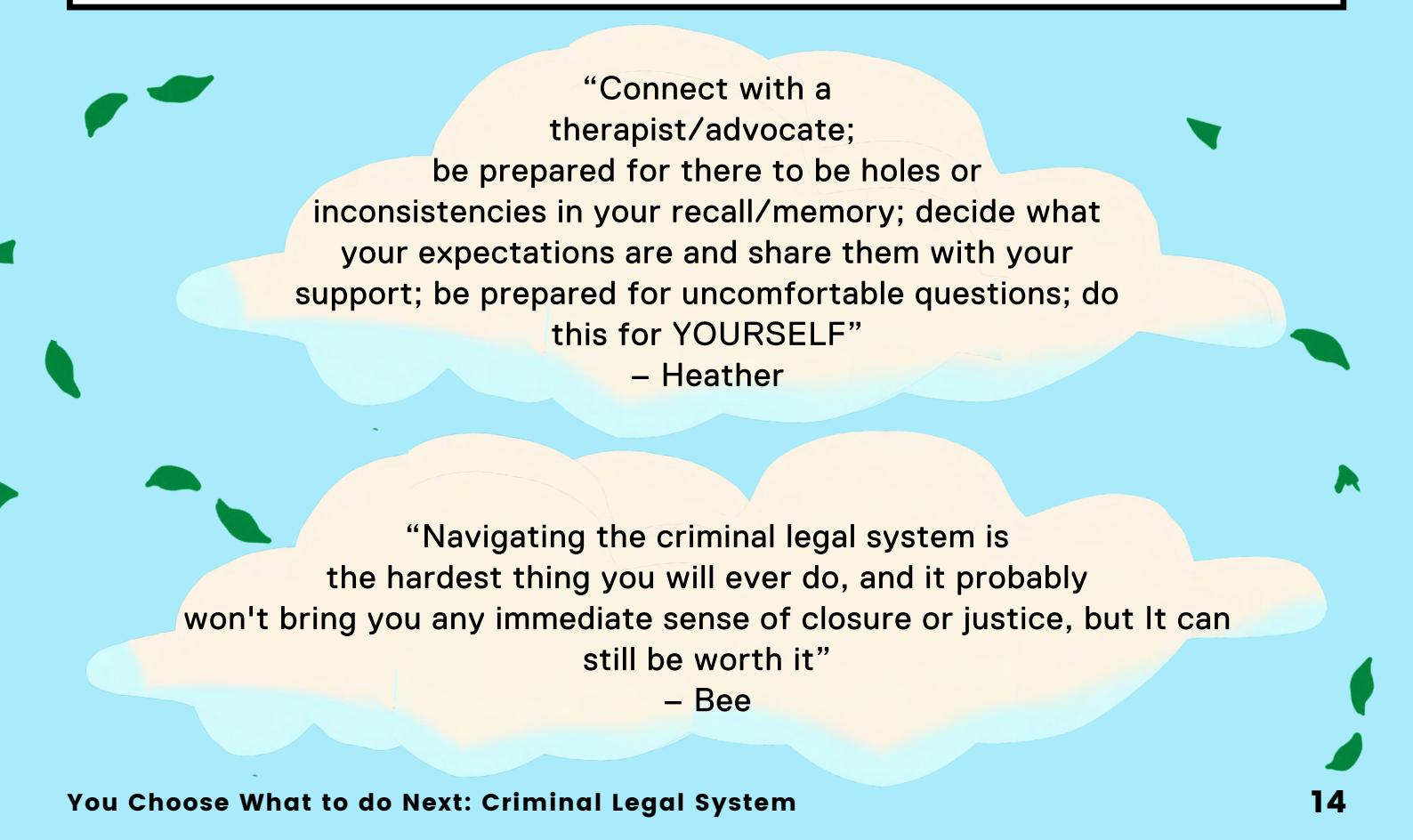
If you choose not to report, you can still seek counselling and access sexual assault support services.

It is your choice whether or not to report a sexual assault to the police. No matter how you choose to seek justice, your experience of sexual assault is valid. Whether or not you report to the police you can still seek counselling and other supports. Some people feel they find justice in the criminal legal system, and many do not.

If you choose not to report to the police, you are not alone. Sexual assault is one of the most underreported crimes in Canada. According to Statistics Canada, only about 5%-12% of sexual assaults are reported to the police. There are many reasons why people do not report, including feeling no one will believe them, fear of retaliation, mistrust of the legal system or poor experiences with institutions. Many people do not feel safe with Police but no matter what we all deserve justice and healing. If you feel unsafe with the Police, but still would like to report, we encourage you to connect with your community or a local sexual assault centre so that you do not 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, which means that even if a sexual assault happened several years ago, you can still report it to the police. It is okay to wait until you feel ready, even if that takes many years. What is right for you might be different for someone else, and it is important to make this decision for yourself. But you can make that decision with support. You do not need to do this alone.

Professional supports, such as those offered through your local sexual assault support centre, can provide emotional support in making this decision, for information on the options you have for reporting to the police, and alternative options to the criminal legal system. It can 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 at no cost.



“Connect with a therapist/advocate; be prepared for there to be holes or inconsistencies in your recall/memory; decide what your expectations are and share them with your support; be prepared for uncomfortable questions; do this for YOURSELF”

– Heather

“Navigating the criminal legal system is the hardest thing you will ever do, and it probably won't bring you any immediate sense of closure or justice, but it can still be worth it”

– Bee



“It's ok to skip it entirely, prioritize your mental health, and live your life if that's what you want to do. You are not responsible for the actions of the person who did this to you. There is no guarantee that even if the person is convicted that would stop them from doing something again, so if you choose to report make sure you have a reason to do it that you care enough about for your own sake. If you're not sure whether to report you may be able to speak with a lawyer who understands the system well first to get their advice on how to go about it and talk about what could happen next. For instance, there is a program available to people in a few cities in Ontario (including Toronto). It's ok to take your time and ask all the questions you need.”

– Erica

“I know I made the right decision [for me] by reporting my assault to the police. The legal process was the hardest thing I have ever done. I am very grateful that the police never second-guessed my story and supported me. The legal process was very long due to covid and that made it difficult as the court hearings were constantly being dragged out. I strongly encourage you to connect with a social worker who specializes in sexual assaults or at least a therapist during the process.”

– Kendra

“It is very difficult, you have few rights and everything is about the accused. Conviction is rare, do so because you need to for you alone”

– Anonymous



"I knew how the system worked when I reported being raped and wasn't expecting a conviction. That's not why I reported it. I reported it because I wanted him to know that what he did was wrong and to hold him accountable in some way. He had to hire a lawyer, tell his family he was accused of rape, show up for court multiple times over several years, and had the possibility of conviction hanging over his head. From the moment they charged him I felt like all the weight that had been on my shoulders shifted to his. Even though it was a very difficult and emotional experience I would do it all over again."

– IJ116

"Life will feel as though it is spiraling out of control. You will have all sorts of pressure from family, friends, law enforcement, even yourself, to rush into action. Take your time. If you are in crisis (which is highly likely) whether you were just assaulted or just became aware of the trauma, now is NOT the time to give an official statement. There is no Statute of Limitation for sexual assault in Canada. Victims of sexual assault need time to process the abuse and cannot be reasonably expected to begin litigation immediately."

- E.SHIPHRA.S

How do I report a sexual assault to the police?

If you have decided that you would like to report a sexual assault to the police, there are a few different ways to do this.

If you are in immediate danger or require emergency medical assistance, you can call 911.

You can also:

- Go in-person to your local police station where you live or the police station in the area where the crime occurred;
- Call your local police non-emergency line; or
- Go to the closest Sexual Assault/Domestic Violence Treatment Centre. If one does not exist at your local hospital/health centre, ask the police investigator or sexual assault centre worker for the location of the closest centre near you. (Note: The centre will not automatically report the sexual assault to the police. You will be given an opportunity to decide whether you want to report it after speaking with a specially trained staff member).

Reporting to the police is not always a straightforward process and can be challenging. If you would like to speak to someone about whether to report to the police, you can contact your local sexual assault centre or campus sexual violence support office – they can answer your questions and may be able to accompany you to the police station to make a report.

When you call the police non-emergency line you can ask if they have any officers who have been trained in responding to sexual assault to take your report. Unfortunately, this is not always possible. You can also ask to speak to a police officer who shares your gender if that makes you more comfortable.

If you feel that a police officer has treated you unfairly you can make a complaint to the Office of the Independent Police Review Director.



“Reporting to the police can be a lengthy process. You can call the non-emergency line in your area to confirm which police station you should be going to. A reminder that you can also request the gender of the police officer you speak to (for example, if you would rather speak to a police officer who is a woman you can make that request).”

- Consent Action Team Member

“Arrange a support person to go with you to file your report- a trusted friend, someone who will have your back and advocate for you if you can’t do it yourself. My friend sat next to me while I sobbed over piles of paper as she ate spaghetti from a plastic bag and it was ridiculous but I remember that before I remember the hills of bulls**t I had to deal with at the police station.”

- Anonymous

How do I prepare before reporting to the police?

Before reporting to the police, here are some things to help you prepare for the process:

- Consider who you want to bring with you as a support person, 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 afterward. It can be a trusted friend or family member or more formal support such as a sexual assault centre worker.
- Write down everything you can remember to help guide what you want to tell the police when you report. It is okay if you can't remember everything, stick to what you can remember. No detail is too small: addresses, dates, how you felt, what you ate, the weather, or if there was a trigger that helped you remember something.
- Start a folder on your computer or phone, or in hard copy that has all of your notes and information together. Include any emails or text messages from the person who assaulted you. If you know the person who assaulted you and has the energy, it can be helpful to gather as much information about them as possible. Don't forget to record the date in your notes.
- Before speaking to the police, write down key points you want to say. Decide how you want to start your statement, what you want to say in the middle, and how you want to end. It helps to create a narrative and keep you on track if you need to take a break or feel overwhelmed. You can also reference it later on in the criminal legal process if needed.
- Be prepared to write down the names and badge numbers of the police officers you talk to. This will help you in knowing you can contact after you've reported. In the case that you feel that an officer has treated you unfairly in any way, you will also have their information to be able to make a complaint.
- Remember that reporting is your decision and you can stop at any point.

“Have a support system in place, and be ready for lots of invasive questions that might catch you off guard, also familiarize yourself with your local police department's protocol for handling sexual assault reports and charges.”

– Bee

“1. Be clear about your own goals for reporting. Know why you are doing it and what your purpose is. Write those goals down and check in on them from time to time. 2. At the station, be sure to record your statement on your phone and get it transcribed so you can have a copy to use to prepare to testify. You may be surprised to know that many complainants have difficulty getting copies of their own statements. 3. Bring a support person, though they won't be able to go inside with you. 4. Breathe and go slowly. Take breaks if you need. 5. Take the rest of the day off if you can”

- Robin

“The process of reporting can be emotional and exhausting. I recommend having water and a snack handy, or even a small item you can hold onto for comfort. In the case you have to wait before speaking to an officer, take something to occupy you, like a book. Set out time on the same day after your visit to the police station to unwind and decompress. If you can, you may go with someone who can accompany you, however, they may not be able to be with you in the same room while the police take your statement.”

- Consent Action Team Member

“Write it all down. Everything you remember. Don't be hard on yourself if details get messy, that's the trauma, but try and focus on clear memories or specific words or things you observed (the time, surroundings, etc). If you can afford it, speak with both a therapist and a lawyer first and bring a friend and snacks/a book when you go to report because it took about 5 hours in my case to even be heard by an investigator. They may tell you to go home and wait but I felt if I did that I would have chickened out.”

- B

What happens if I report a sexual assault to the police?

The way that an initial report of sexual assault is handled by the police depends on several factors including:

- How long ago the incident occurred (although there is no time limit on when sexual assault can be reported);
- Whether anyone is in immediate danger; and
- Whether there is a fresh crime scene that might contain evidence.

In most cases, you will be asked to give a brief description of what happened to uniformed police officers, and a report will be created. You may also be asked to write down what happened. That report and written statement will then usually be sent to a Detective, who will conduct an investigation. The goal of the police investigation is to determine whether they have enough evidence or proof to be able to lay charges. Know that whether or not the police decide to lay charges is determined by how much evidence they can gather, and does not negate what happened.

“I never got a charge.
Many people don’t.

Know that it doesn’t mean it didn’t happen, or
that you weren’t believed, but that they feel
they didn’t have enough “evidence” to put you
through a trial.”

– B

“Set boundaries with your legal
case after reporting. Set boundaries
with your assigned officers on when or how they can
contact you. Having a victim services advocate as your
liaison between the police and yourself is extremely
helpful in setting those boundaries.”

– BD

Affirmation time.

Take a moment to send love to yourself and for all you are going through.

Write down an affirmation such as “I know my own truth” or “My experiences are valid. I am worthy of love and support”. Say this affirmation out loud to yourself, paste it on a wall, or carry it with you.

Know that you are believed.

What is involved in a police investigation?

Before charging someone, the police must conduct an investigation to see whether they have grounds to lay a charge. They can only lay a charge if they determine that there is enough evidence or proof that the crime happened based on reasonable grounds. Meaning they feel they have enough evidence to say that the crime may have happened beyond suspicion or hunch.

Often, the first officer that you speak with will not be the officer conducting the investigation. You may have to wait to talk to the investigator. This could mean waiting on the same day you reported, or you could be contacted a few days later and asked to go to the police station to be interviewed. During your interview, the police will take notes or the interview will be videotaped. Sometimes you will be interviewed by the police more than one time, or they might follow up with questions on the phone or via email.

It is important for you to know that if charges are laid and the case proceeds to court, your interview(s) with the police will be given to the Crown Attorney assigned to your case, disclosed (given) to the accused and their lawyer, and may be referred to in court. The police will guide the interview by asking you questions. In your interview try your best to tell the police all the details you remember about the sexual assault. Know that trauma, such as sexual assault, can impact memory and it is normal not to be able to remember everything about what happened. Answer to the best of your ability and if you can't remember certain details, let them know you don't. It can help to write down or prepare what you would like to say beforehand. If you have been in touch with the person who assaulted you since it happened, let the police know. Take your time and take breaks and deep breaths if you need to. You can talk for as long as you need. Some police departments have emotional support dogs that you can request to be present in the interviews with you.

“Write a note to yourself before any tense meeting that might help reassure you, in a potential moment of doubt, what you wanted before you were in the meeting you’re in now. If you decided to press charges before walking in, write it down to reassure yourself later if you feel intimidated. “I want to press charges. I deserve justice.” And any other affirmations that may help you. At the same time, it is okay to change your mind when presented with new information and if you learn new information that does make you question your resolve, it’s okay to take time to think about it. You can decide later.”

– Anonymous



“I was blackout drunk ...
I told people what happened
but I couldn’t explain everything. I know now that I
was being targeted and was made drunk and taken from safety
and my friends on purpose, but at the time, I thought it was my fault.”

– B

People use drugs or alcohol to facilitate sexual assault. If drugs or alcohol were involved at the time the sexual assault took place, you can let the police know in your interview. Being intoxicated does not mean the assault was your fault.



“ The questions they ask you during the interview felt confusing
in a way I couldn’t exactly describe. Afterwards, while remembering research
on how memory works, I searched google scholar for papers. There was a lot on
memory related to sexual assault, so it seems I’m not the only one who felt the
question styles were odd. Reading this research was validating. Remembering
peripheral details vividly and accurately is not common, and memory works more like
“highlights.” Just like how we don’t remember what every person at a party we
attended was wearing, but we remember everyone was wearing clothes. ”

– Anonymous

The police investigation may also include:

- Photographing any visible injuries such as cuts or bruises;
- Trying to locate and speak with anyone who might have information to give;
- Attempting to gather physical evidence including clothing that you were wearing or sheets/bedding that was used;
- Asking to see any text messages or emails that may be related to the crime;
- Asking to see any photos, videos or social media posts that might be related to the investigation;
- Asking for your consent to have access to a sexual assault evidence kit if it was previously done, or other medical records that might be related to the investigation. You can ask them questions about why they want this information or ask to talk to a lawyer, as these records can then later be used in court.

If the sexual assault happened recently and a sexual assault evidence kit has not been done, the police may ask if you are willing to be examined and have a kit collected. A sexual assault evidence kit is done at a hospital or health clinic by specially trained medical professionals. Even though police officers might ask, this is a voluntary process and the choice of whether to be medically examined and have an evidence kit done is up to you.

“Get help from someone who understands the system. The police and the Crown will evaluate your statement on the basis of how much evidence there is (or isn't) and how credible you are from a legal perspective (or are not). A lot of typical reactions, feelings and thoughts of survivors are seen as detrimental to the case. It helps to tell your story to someone who is caring and supportive first.”

– IJ116



“Opening up to the police and investigators can be scary, especially since they are strangers. Know that they have a responsibility to collect your statement and at times will not respond to you with the same empathy as your friends or supports. If you do decide to report it could be helpful to emotionally prepare yourself. This can look different for everyone and can range from needing extra time, to talking to a friend or seeking professional support; whatever works for you. Whatever you decide, your journey will be unique to you and may change along the way. Remember that your feelings are valid and that your voice matters.”

- Consent Action Team Member

“Everything you say, write or otherwise indicate will be cross-examined by the defence attorney should things go to trial, so really take your time to find the ground again before you act. Therefore take the time you need to feel grounded and safe before you give an official statement. Contact your local victims support services. They can assist you in finding a trauma-informed therapist or at the very least connect you with services that provide crisis counselling. These professionals can help you to create a timeline of events, support you through remembering important details and also help you write your statement. You do not have to do this alone. Further, you do not have to do this at all.”

- E.SHIPHRA.S



Now might be a good time to take a brain break from reading this document. Get back into your body, do three stretches that feel good, go for a walk or roll and feel the fresh air on your face, or try one minute of box-breathing.

Box-breathing exercise:

Inhale on a count of 4
Hold for a count of 4
Exhale for a count of 4
Hold for a count of 4
Repeat for at least 5 breaths.

What if I decide that I don't want charges to be laid after speaking to the police?

Once you have reported a sexual assault, the final decision about whether or not to charge a person with sexual assault is up to the police. Since sexual assault is considered a criminal offence, the police are the ones who officially make the charge and you are considered a witness to the crime. There is a chance they will lay charges with or without your support. While the police should take your wishes into account when making their decision, in some instances it may be difficult to reverse - particularly for situations that involve domestic violence. If you decide you do not want charges to be laid, let them know.

*“At any point, you can walk away.
You don't have to do anything.”*
- E.SHIPHRA.S

What happens if charges are laid? Will the person who sexually assaulted me be arrested?

The police can arrest and charge someone with a criminal offence when they have reasonable grounds, based on an investigation, to believe that an offence has been committed. If the police are called immediately and the accused is still at the scene, they will be arrested right away. Often we report after some time has passed. The police will arrest the accused when they feel they have enough evidence to do so.

If the police have gathered enough evidence through the investigation and they decide to lay charges, then the accused will be arrested. Depending on the circumstances, an investigation can take only a few hours or it can take weeks or in some cases, longer. When the accused is arrested the police will normally contact you to tell you that it has happened and answer any questions.

Notes

Will I be provided with support?

Yes. Support is available to you through many different programs and services in Ontario:

Sexual Assault Centres (SAC)

Offer survivors of sexual assault a variety of services, such as a 24/7 crisis support line, counselling, and assistance with practical needs. SAC service providers can walk you through your options, answer questions about reporting a sexual assault to the police and can advocate on your behalf.

Victim Crisis Assistance Ontario

Offers information, referrals and safety planning. They can also help you to apply to the Victim Quick Response Program+ for financial assistance with counselling and eligible emergency expenses in the immediate aftermath of a crime.

The Victim Services Directory can also direct you to the programs and services in your community.

See the resource section of this guide for information on additional support available to you.

Take a break!

Wiggle your toes and feel the ground beneath your feet. Even if you are laying down, see if you rearrange your feet to touch a surface. What does it feel like? If you are up for it, head to the closest sink and for a brief moment, feel the cold water running across your hands.

You are deserving of
love and support

After Arrest

This section includes:

- What happens after the offender is arrested? Will they be put in jail?
- Will I have my own lawyer?
- Does a case always go to trial?
- How long does the court process take?
- What if I want the charges to be dropped?
- Will everyone know?
- What if the media wants to talk to me? or I want to post on my social media?
- Will I receive support during this time?

Guiding questions to consider for this section:

- Who are my support people to connect with when going through this process?
- How can I practice self-care while reading this section?

What happens after the accused is arrested? Will the accused be put in jail?

It is possible, but depends on the circumstances.

If the police decide to lay charges and arrest the accused, what happens after arrest will depend on many things, including whether:

- The accused has any prior criminal record;
- The accused's ties to the community; and
- The circumstances of the offence committed against you.

The law is that a person accused of a crime is presumed innocent until proven guilty and, therefore, is usually allowed to remain out of custody while awaiting trial. However, if there is a strong risk that they will commit other crimes during this time or they will not show up for court, then they can remain in jail until a bail hearing. At the bail hearing, the court decides if the accused should be held in jail until the trial, or be out of custody. If the accused is out of custody, they will be required to obey certain rules imposed by the court, such as having no contact of any kind with you, and staying a certain distance away from you, your home, your work or school or anywhere else you may normally be. If the accused breaks those conditions they can be re-arrested and put back into custody and have another bail hearing.

Please note that you can get a copy of the court order and undertaking (legal documents) containing any conditions that were imposed on the accused from the Victim/Witness Assistance Program (V/WAP) worker assigned to help you through the court process. Know that people who work for V/WAP may not keep everything you tell them confidential from the police.

“Keep a copy of the conditions handy, such as a digital copy on your phone. You will be able to present it immediately to the officers in the event you have to call 911. If you want, you can also share a copy with others, such as a family member or your employer, who can call the police on your behalf should it be necessary.”

- Consent Action Team member

Will I have my own lawyer?

In Canada, the criminal court system is used to determine whether or not someone who is charged with committing sexual assault is guilty or not guilty according to the Criminal Code of Canada. The lawyer who tries to prove the person is guilty is called the Crown Attorney or prosecutor. Although the Crown Attorney will seek your input on what happens with the case, they are not your lawyer. The Crown represents the government, not you. If the matter goes to trial, your V/WAP worker and the Crown should help prepare you to testify. The Crown Attorney can offer support by explaining the process, talking to you about the importance of telling the truth, explaining the role of Crown and defence, and give you a chance to review your police statement.

You are free to hire a lawyer and seek legal assistance on your own to provide you with advice as the case goes through the criminal legal system, but the Crown Attorney is the one that is in charge of the case.

It is important to note that in a criminal trial, a survivor of sexual assault is considered a witness to the case. Therefore, while a lawyer hired by you can provide you with advice and assistance outside of the courtroom, with very few exceptions, the lawyer will not be able to represent you in court.



“Prioritize yourself and your needs. Everyone (even the people on your side) have an agenda. Carve out space for yourself, and don't be afraid to ask questions and get legal advice from people other than the Crown”

– Bee

Does a case always go to trial?

No

No. After the accused has been arrested there will be preliminary court proceedings where the Crown and the accused's lawyer (known as the defence counsel) meet. You will not normally be asked to attend these court proceedings, but have the right to stay informed of what happens through your V/WAP worker. At the end of these preliminary meetings which can take many months, the accused will enter a plea of either guilty or not guilty. If the accused pleads not guilty then the case will go to trial. However, in some cases, the accused will plead guilty to some or all of the charges. They may also make arrangements with the Crown to plead guilty to a lesser charge, for example, assault. If they do plead guilty, then they will be sentenced and the case will not go to trial. The accused has the right to change their mind up until the court appearance where they enter a plea, even if you have already been informed about their intention to plead guilty. You have a right to be kept informed about whether a case will end up as a guilty plea and give your opinion on any proposed outcome.

There are also times when the Crown may decide that there is no reasonable prospect of conviction and the case cannot go ahead, and there will be no trial. If the Crown decides that the case won't be going ahead you have a right to be told why. The V/WAP worker assigned to your case, in cooperation with the Crown Attorney, should keep you up to date about any important developments. If you have any questions or concerns about what is going on with the case, you can call your V/WAP worker and ask for an update at any time.

"So long as you inform the V/WAP worker, someone can act as a liaison and contact the V/WAP on your behalf, you don't have to go through this alone."

- Consent Action Team member

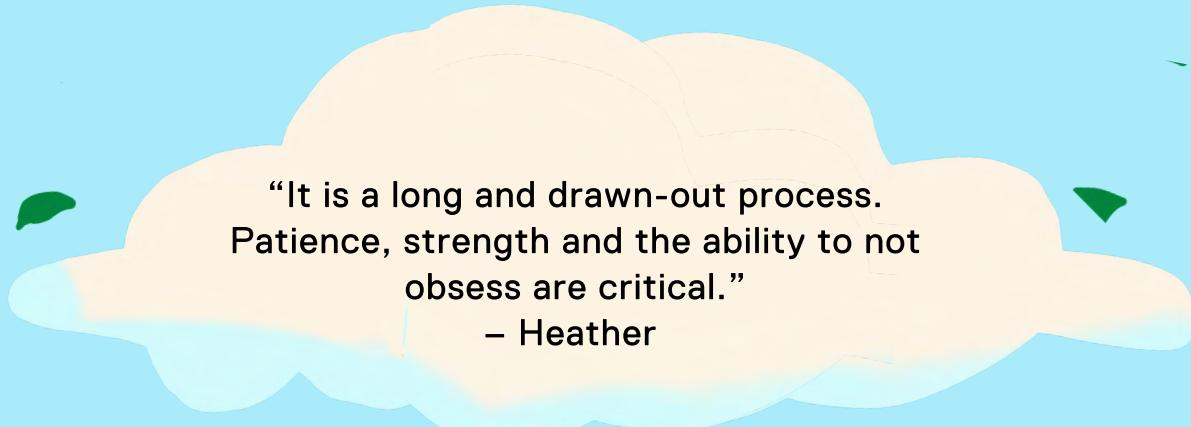
How long does the court process take?

The length of the court process will vary depending on the details of the case

If the case goes to trial, it could take about a year, or even a few years by the time everything is completed. If the case is proceeding in the Superior Court of Justice or the case is appealed, the process tends to be longer. That does not mean that the trial itself will take anywhere near that long, but the courts are very busy so it can take a while to set aside court time for the trial and preliminary meetings. Time is required for the completion of the investigation, and for the Crown and defence to get ready for trial. The Crown also needs time to meet with you to prepare you for trial. If the accused is in jail while awaiting trial, things can move a bit more quickly. Also, if there is a guilty plea or the case ends in some other way or does not go ahead, the process will take less time.

Although the timeline can vary, there are limits set within the criminal legal system for how long a court case should take. According to the Canadian Charter of Rights and Freedoms, the accused has a right to be tried within a reasonable timeframe. For summary conviction cases (cases that are considered less serious offences) that are heard in the provincial court system (such as the Ontario Court of Justice), the timeframe from the date the accused is charged to the date the trial is completed is limited to no longer than 18 months. For indictable (cases that are considered to be more serious) offences, as well as appeals from summary convictions - both heard in the Superior Court of Justice - this timeframe is limited to no longer than 30 months.

In rare cases where there are long delays in the court process due to the Crown, the charges against the accused will be stayed (the case doesn't move forward) unless the Crown can provide an acceptable excuse for the delay. Some delays do not count towards the timeframe limits, including reasonable delays by the accused's lawyer, or institutional delays (delays caused by the nature of the legal process itself).



“It is a long and drawn-out process. Patience, strength and the ability to not obsess are critical.”
– Heather

What if I want the charges to be dropped?

In a criminal process, it is the police and not you who lays the charge. According to the criminal legal system, you reported the incident to the police, and the police made the decision to charge the accused with a crime based on their investigation. Once charges are laid, it is up to the Crown Attorney whether or not to proceed with them – and at this point, it is not a decision that you can make. Throughout this process, you are seen as a witness to the crime.

That said, your wishes will be an important factor in the Crown Attorney's decision. If you want the charges dropped, it is extremely important that you contact your V/WAP worker as soon as possible so they can let the Crown Attorney know that this is what you want, and why. The V/WAP worker assigned to your case can help you make an appointment to speak to the Crown Attorney about this and attend that meeting with you.

You should be aware that the Crown Attorney has to keep other factors in mind such as your safety and the safety of the public. The Crown Attorney will discuss all of this with you but it is important to understand that the Crown Attorney is not your lawyer; the Crown Attorney is the lawyer for the public. The Crown has to keep public safety, as well as your personal interests, in mind when deciding whether to withdraw charges.

Notes

Will everyone know?

At the earliest opportunity, the Crown Attorney can ask a judge or justice to impose a publication ban to protect your identity. This normally takes place during the first appearance of the accused in court, but you also have the right to request a publication ban on your own. A publication ban is not automatic, but in practice, a Crown Attorney will almost always request one, even if you did not explicitly ask for one. Once asked, the judge must order the publication ban. This means that it is a criminal offence for anyone (including you) to publish, broadcast, or transmit (through an email or message) any information that could reveal your identity.

If you do not want there to be a publication ban protecting your identity, you should let your V/WAP worker know as soon as possible. Your V/WAP worker will communicate your wishes to the Crown Attorney, who can then file an application to lift it. Although the publication ban prevents people from sharing your identity in relation to the case publicly, it does not prevent members of the public from coming into the courtroom (virtual or otherwise) to watch the proceedings or ordering transcripts of the court proceedings.

It is also important to know that the accused in a court case has a right to “disclosure”, which means that the Crown Attorney must give them copies of all relevant police reports and witness statements. This means that if a charge is laid, the accused will know that you have made a report to the police and will see your police statement/interview. It also applies to any new relevant information that you might share in your discussions with the Crown. Those discussions are not confidential. If you told the Crown that you had remembered something new or different that was not in your original police statement, the Crown would be required to disclose that information to the accused. The Crown would also have to disclose if you shared any medical, counselling, or personal records (including text messages) you share with the Crown Attorney. Although the accused’s lawyer would have to apply to the court to see them, it makes sense to consult with a lawyer other than the Crown before deciding to share these documents. The accused person will not be given your address or phone number. Refer to page 52 for more information.

In some cases, where there are significant safety concerns, it may be possible for the Crown Attorney to request an order to prevent a victim’s identity from being known to anyone. However, this is rare.



“When I had meetings I needed to attend that had to happen during work hours, I told my boss “I was a witness to a crime.” This was technically true as I was the primary witness, but I didn’t need to divulge any more info. I don’t think anyone is obligated to explain why they need a day off though.”

– Anonymous

“I reported. And the best decision I ever made was to carefully choose who I shared the details contained in the report. In my experience, if you disclose, sometimes people will challenge your memory or your recollection of the events. For me, I was in such a fragile place that even the kindest question could make me doubt my recollection. Once I disclosed to the police and provided them with my written notes (and anything else I had), I only discussed the details with my therapist/counsellor or, at times, my closest friends.”

– Margaret

What if the media wants to talk to me about the case? Or I want to post on my social media?

If there is a publication ban in place for your case (see above section), no one involved in the case is able to publish, broadcast or transmit information that would reveal your identity. This would apply to you as well. If you decide you would like to speak to the media, then you would only be able to do so if you weren't identified in the story. The publication ban also extends to social media. This means that no one, including the accused as well as yourself, would be able to post or message about you concerning the case.

Publication bans in sexual assault cases are intended to create some privacy for survivors of sexual violence. However, you have the right to your own story and who you want to tell it to. If you do not want a publication ban in place for your case then it is important to communicate this with your V/WAP worker as soon as possible. It is common practice for the Crown to request a publication ban in Ontario, and it can happen without consulting the survivor. If you decide that you want to be able to talk about your experiences through the media or on social media, then you have the option of having the publication ban lifted through an application to the court. You can do this by communicating with your V/WAP worker who will tell the Crown Attorney involved in your case. While in court, you can also request the judge lift your publication ban any time before the case has formally concluded. You have the option of making an application to the Superior Court of Justice in writing to have the publication ban lifted after your court case is over.

It is important to know that if you do decide to speak openly about the case, through a reporter, or on your own social media, then what you share can be used in the court case by the accused's lawyer. If there are any differences between your statements made during the investigation and what is said publically, the accused lawyer could try to use this to make you seem less credible.

Remember, the decision whether or not to keep a publication ban in place or have it lifted is your decision to make and only you can know what is best for you. Not everyone feels that speaking out publicly is helpful for their pursuit of healing and accountability - but it is always your choice. For more information on publication bans and what to consider in your decision please check out [Consent Comes First's You Choose What To Do Next: Publication Bans Guide.](#)



“Exercise absolute caution on your communication (online and offline) and absolutely use the Ontario provincial program Independent legal advice for sexual assault victims.”

– A light to be reckoned with

“Accept that you cannot control every aspect of the process but you can control your voice - how little or how much you say. On the days when all seems bleak and you're losing focus, check in that your participation in the legal process is still serving the reasons you chose to be there. Does this serve me? Is this a good/worthy use of my strength, time, energy? If it no longer does, leave the process (and inform your court contacts). For those moments when you doubt your strength and resilience, remember that every step in that marathon takes super-human strength. I am grateful for the efforts of all survivors.”

– A light to be reckoned with

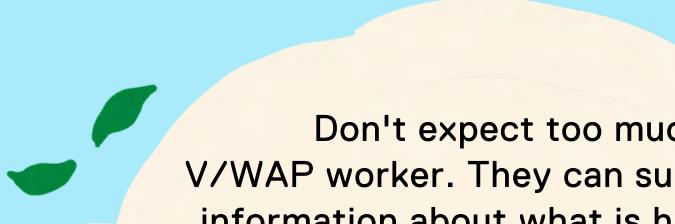
Will I receive support during this time?

Yes. After the accused has been arrested, the V/WAP worker will be notified of the matter. V/WAP offers information, assistance and information to survivors of sexual assault after charges are laid and throughout the criminal court process. This includes arranging for language interpreters if needed, connecting you with the Crown Attorney handling your case, explaining the criminal court process, providing court updates, assisting with court preparation, asking for your views at key times in the process, advocating for your needs, informing you of your rights, assisting you in obtaining copies of court orders, and connecting you with other community support resources. It is important to remember that what you share with the V/WAP worker may also be shared with the police.

In the initial stages of the case, such as the time of the accused's bail hearing, a V/WAP worker will be assigned to the case and will contact you to offer support and update you as the case moves forward. You will often have the same V/WAP worker to support you until the matter is completed in court. Your V/WAP worker should provide you with updates and support throughout the entire court process. You have a right to ask them as many questions as you would like answered and to stay informed of how your case is proceeding through the court. Although they should keep you informed, you may need to reach out to them or have a support person contact them on your behalf. It is their job to keep you informed throughout this process, you aren't bothering them by getting in touch.

Please note

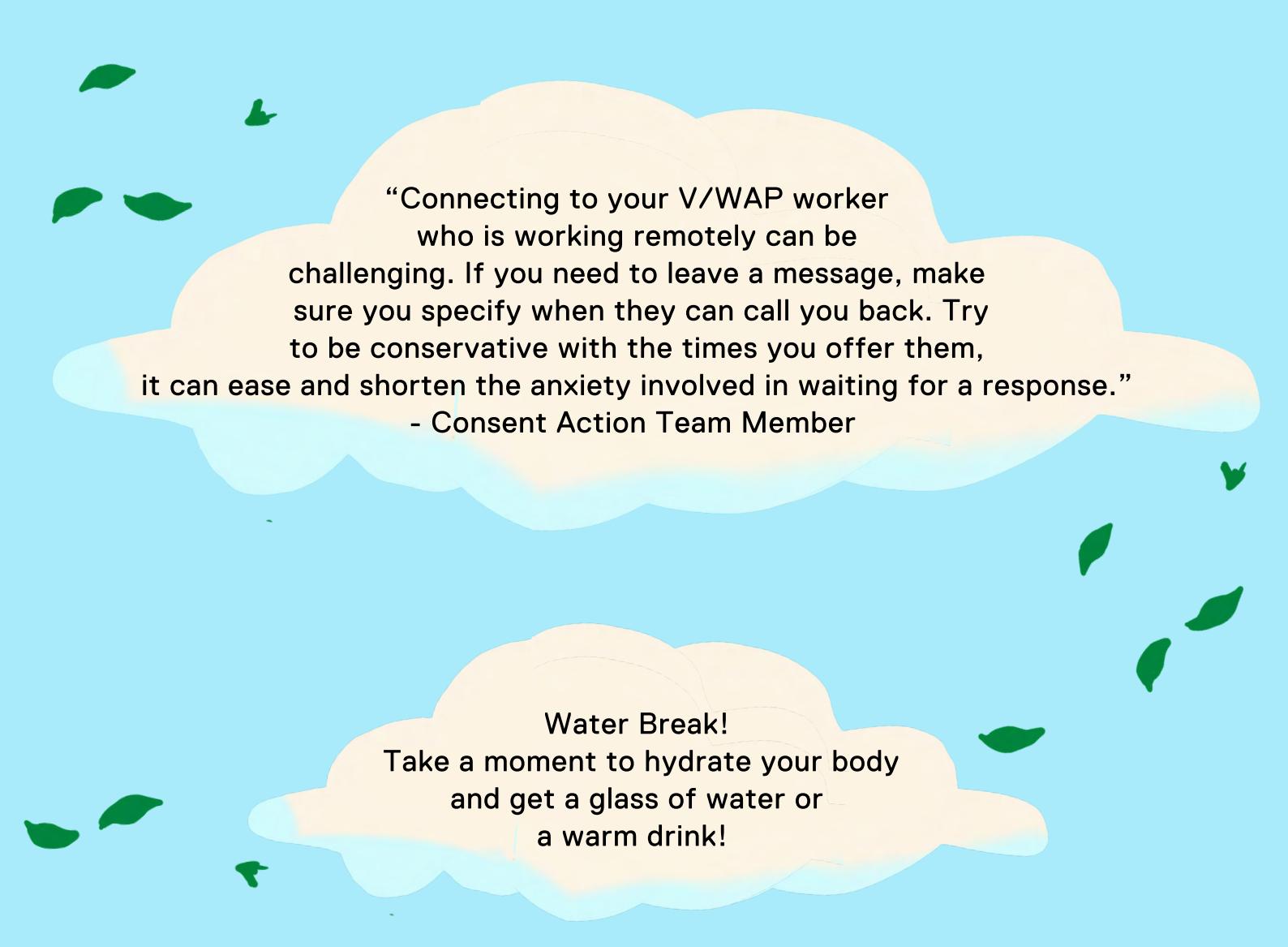
Although your V/WAP worker can support you in providing information about what's happening next and letting you know what supports are available to you within the criminal legal system, they are limited in the information they can provide. For the protection of your privacy and confidentiality, your V/WAP worker is not able to discuss any evidence related to the case with you, this includes details about the allegations. They are also not a lawyer, and cannot provide any legal advice.



Don't expect too much from your V/WAP worker. They can support you by giving information about what is happening next, and explaining things, but they can't really talk with you about what is going on for you emotionally/ physically/ spiritually because they are often wary of being made witnesses.

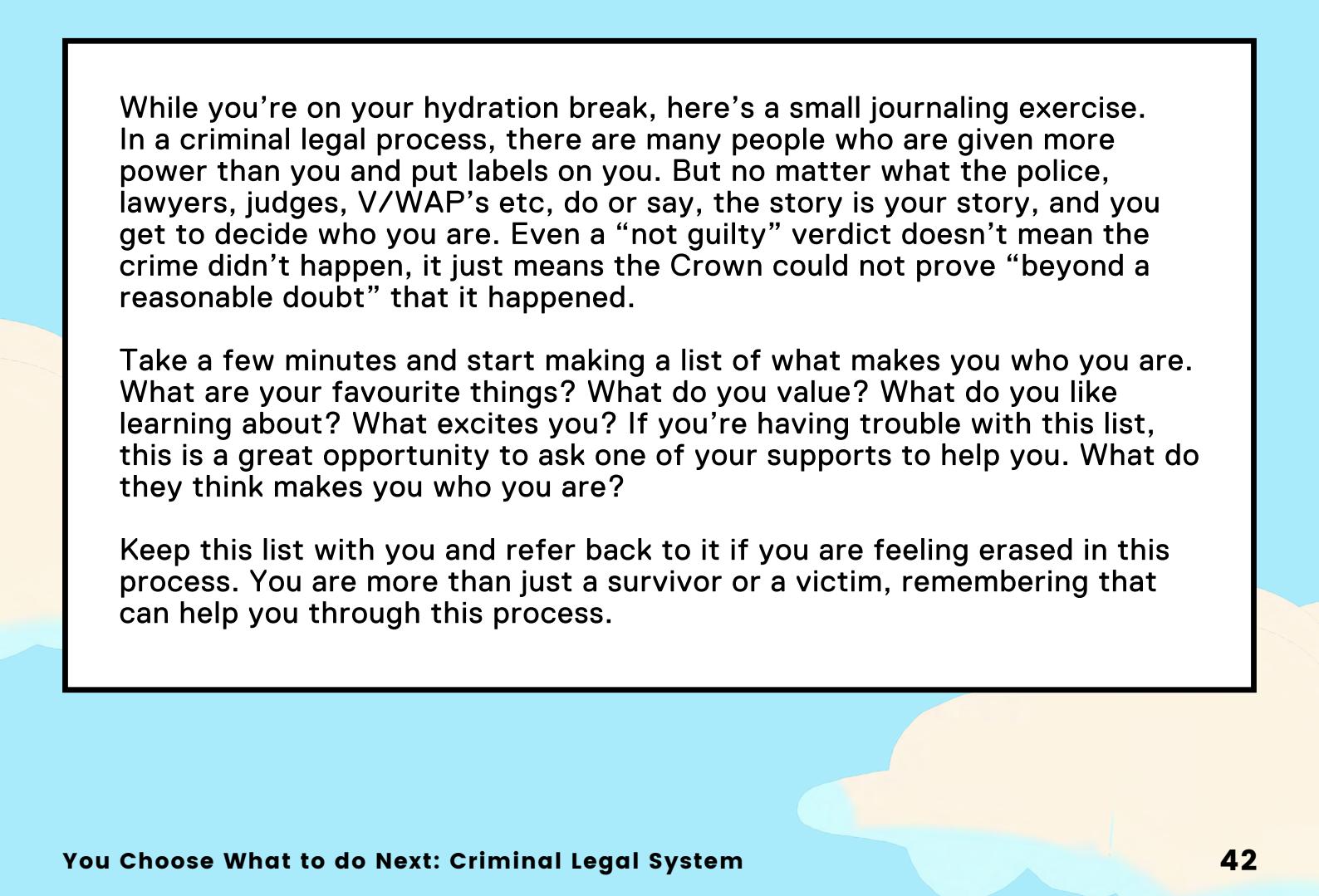
- Robin

Be sure to connect with emotional supports in other ways, such as trusted people in your life, a counsellor or a sexual assault support center staff.



“Connecting to your V/WAP worker who is working remotely can be challenging. If you need to leave a message, make sure you specify when they can call you back. Try to be conservative with the times you offer them, it can ease and shorten the anxiety involved in waiting for a response.”

- Consent Action Team Member



Water Break!
Take a moment to hydrate your body and get a glass of water or a warm drink!

While you’re on your hydration break, here’s a small journaling exercise. In a criminal legal process, there are many people who are given more power than you and put labels on you. But no matter what the police, lawyers, judges, V/WAP’s etc, do or say, the story is your story, and you get to decide who you are. Even a “not guilty” verdict doesn’t mean the crime didn’t happen, it just means the Crown could not prove “beyond a reasonable doubt” that it happened.

Take a few minutes and start making a list of what makes you who you are. What are your favourite things? What do you value? What do you like learning about? What excites you? If you’re having trouble with this list, this is a great opportunity to ask one of your supports to help you. What do they think makes you who you are?

Keep this list with you and refer back to it if you are feeling erased in this process. You are more than just a survivor or a victim, remembering that can help you through this process.

Going to Court

This section includes:

- Will I have to go to court?
- Will there be a jury?
- What if I am anxious about testifying?
- Is there anything to make testifying easier?
- What if I'm not comfortable testifying in English?
- Who will be in the courtroom when I testify?
- Who will ask me questions?
- If the accused does not have a lawyer, will they get to ask me questions?
- Will I be asked personal questions about my sexual history?
- Will my diary, counselling or medical records be used in court?
- Can my emails, texts, Instagram and other social media pages be used in court?
- Will I receive support during this time?

Guiding questions to consider for this section:

- Who are my support people to connect with when going through this process?
- How can I support myself before going to court?
- What support can be put in place for after I go to court? (ie. taking time for rest when possible, having people to debrief with)
- How can I practice self care while reading this section?

Will I have to go to court?

If the case proceeds to a preliminary inquiry (also called a preliminary hearing) or if it goes to trial, you will likely be required to attend court to testify.

A preliminary inquiry is a hearing in front of a judge to determine if the Crown Attorney has enough evidence to move forward with a trial. Due to recent changes in the law, a preliminary hearing happens in very few cases. The decision to have a preliminary hearing depends on the nature of the sexual assault and the maximum possible sentence the accused could be given. Sexual assault cases that include child sexual assault (sexual assault under the age of 16) or sexual assault that includes a weapon would have preliminary hearings.

This is what to expect if your case does have an preliminary hearing. The hearing happens in front of a judge in a courtroom. The Crown can call witnesses and will likely call you to take the stand and answer questions in front of the judge. The Defence (the lawyer for the accused) cannot call any witnesses, but can question the witnesses called by the Crown, including you. The Crown should help you prepare for the hearing. The purpose of the Preliminary Hearing is for the judge to determine if there is enough evidence to go forward with a trial. If the judge rules that a trial should go forward they will schedule a court date for the trial, usually for a few months after the preliminary hearing.

If the case moves directly to trial (which now happens with most sexual assault cases in Ontario) then the Crown will likely call you as one of the first witnesses to the case and you will be required to testify. Testifying could take place over one court date, or over the course of a few days. Before that happens, the Crown Attorney should meet with you to prepare you for court. A V/WAP worker will also meet with you to offer support during your court preparation and testimony. For all other court dates you are generally not required to attend, unless the Crown feels it would benefit the case to hear from you again after the defense has presented their arguments. In some cases witnesses may be excluded from hearing other witnesses speak and you may not be able to attend the court dates.

Please note:

Many sexual assault centres have court support programs where they accompany survivors to hearings and support them throughout the court process. See the resources section of this guide for more information on supports available to you and how to contact them.

“Find a friend who is willing to be there with you through every part of this. Have a back-up person. Anticipate this will take a long time. You may have to testify several times. Find an ally at your work who you can confide in and determine how much information you're willing to share with others and having your ally communicate / advocate on your behalf. Write a victim impact statement. My experience with Victim and Witness Services has not been positive but maybe it has been better for others.”

– IJ116

Will there be a jury?

Whether or not the trial happens in front of a judge or a jury depends on the charges laid against the accused, and if the accused decides they would like to have a jury present.

Sexual Assault is considered a hybrid offence according to the Criminal Code of Canada. This means that the Crown Attorney, depending on the context of the case, can decide to pursue charges against the accused either through a summary conviction or an indictment.

A summary conviction has lower sentencing and is often the route that a Crown Attorney will take for less serious charges and if it is the accused's first offence. Summary convictions are processed in the provincial court in front of a judge (for example, the Ontario Court of Justice), and there is no option to have a jury present.

If the Crown decides to pursue indictment (for more serious offences which have higher sentencing), then the accused will be given an option of how they would like their case to be heard. If the Crown chooses to have the case heard in the provincial court, the case will be heard by a judge. However, if the Crown decides to have the case heard in the Superior Court, the accused has the option to have their case heard by either a judge or a jury. Ultimately the decision whether a jury is present is up to the accused.

This aspect of the court process is centred on the accused, and may feel outside of your control. Know that your experiences are valid outside of this system.

“Community is the cure to assault.

You have a voice. There is more to life than this trauma. You have the choice to be bound by it or not. The trauma is not owned by you, it doesn't have to be your trauma, you are not defined by what happened to you, you are defined by your choices and how you choose to reclaim your life. Do not neglect your spiritual needs.”

- E.SHIPHRA.S

What if I am anxious about testifying?

It is completely normal to feel anxious about testifying in court. Connecting with supports to help navigate difficult feelings is an important step in the process. This could mean connecting to formal emotional supports such as a counsellor or a sexual assault centre support staff, and informal supports such as a trusted friend.

Having all the information about your case and knowing what you can expect in court can help in feeling more prepared for the day. You can connect with the V/WAP worker who is assisting with your case. The Crown Attorney and V/WAP worker on your case will prepare you for your testimony. You will also have the opportunity to review your police statement before you testify. Expressing your feelings about testifying to the Crown Attorney and V/WAP worker will help them to better assist you. However, if you still feel that you do not want to testify, the Crown Attorney should carefully consider your input when making decisions about the case.

“Do liaise with victim and witness services. Inform yourself about what to expect, what kinds of questions will be asked and, if given an opportunity, go visit the courtroom prior to the proceedings starting. This will reduce some of the anxiety from the unknown. Also, be honest about where you are mentally with those involved. Ask a trusted friend/family member to help you draft some of the questions you know you'll want to ask. Your brain will be a little foggy during these times - get some support.”

– Margaret

“The police and lawyers will advise you to not say anything to anyone regarding anything about the assault. This is to help ensure the efficacy of the case. Though they mean well... their goal is Law and Justice. Your goal should be healing. If you need to speak, speak. Though it would be advisable to confide in those not connected to the case.”

- E.SHIPHRA.S

Is there anything to make testifying easier?

Testimonial aids may be available to you for you to use during your testimony. These include:

- The use of a screen so that you do not see the accused as you testify (but they will see you);
- Testifying in a separate room from the accused using closed circuit television; and/or
- Testifying with a support person seated close to you.

The V/WAP worker and Crown Attorney assigned to your case can explain what testimonial aids may be available and how they work in court. Your V/WAP worker may be able to show you how a screen or closed circuit television works during a courtroom tour. Your input on whether you wish to testify using a testimonial aid will be carefully considered by the Crown Attorney. However, it is important to know that there must be an application to the judge to request a testimonial aid and there is no guarantee that it will be allowed by the judge.

You can bring a small grounding object with you, such as a crystal or a stress ball. You can also have water with you to drink while you are testifying.

“Know why you are going ahead.

Remember that throughout. Surround yourself with a few trusted supportive people. If you can afford it, seek legal advice to understand your rights. Just because the police or prosecutor are kind or seen understanding, they still have to do their job without letting feelings get in the way. The judge and the law might still not get it. You have to make your case but the perpetrator doesn't. It is a process that takes a tremendous toll, before, during and after.”

– Anonymous

What if I am not comfortable testifying in English?

If you are more comfortable communicating in a language other than English, you can let your V/WAP worker know this early on so that arrangements can be made for you to testify using an interpreter. You have the right to an official interpreter, not just someone who speaks the language.

Who will be in the courtroom while I testify?

The accused, the accused person's lawyer (if they have one), the judge, the Crown Attorney, and court staff, such as the clerk, the reporter and possibly a court officer, will be in the courtroom when you testify. The investigating officer may also be present during your evidence.

Please note

that except in very limited circumstances, the courtroom is open to the public. While there may be situations when the Crown Attorney can bring an application to close the courtroom (such as a witness not being capable of giving their evidence in public), these applications are granted in rare circumstances, as an open courtroom is one of the central principles of the Canadian court system. However, even though the courtroom is open to the public, practically speaking it is often only persons connected to the case, such as family members, friends or support persons for the accused or victim, who attend court during the trial.

Other witnesses in the trial who have not yet testified are typically excluded from the courtroom. This means that if you have friends or family members who might be on the witness list, that person could not be allowed in the court while you testify.

Who will ask me questions?

The Crown Attorney, the defence, and the judge are the only people who can ask you questions in court.

The Crown Attorney will ask you questions first, which is called an "examination-in-chief." The accused's lawyer then has an opportunity to ask you questions in "cross-examination". During the cross-examination, the accused lawyer will ask questions that try to discredit your version of the events to make the accused seem more believable. They may do this by pointing to minor inconsistencies between the statement you made to the police, any evidence given in the preliminary hearing (if there was one), anything you may have said about the case publicly, and your testimony at trial. Although there are rules about what the accused's lawyer can and can't ask you, having your story questioned can feel uncomfortable. The Crown Attorney should help prep you for the types of questions you will be asked before you testify.

After the cross-examination is complete, the Crown Attorney then has a limited opportunity to ask you some further questions to clarify the evidence that came out in the cross-examination. If the judge has a question, they can ask you at any time, during either the examination-in-chief or the cross-examination.



“Seek legal support for cross-examination prep if things go to trial.

The criminal justice system is so overtaxed they do not have any time to prepare you for trial. You at this point gave statements over 2-3 years ago and you deserve to review what you said at the time. You typically only get one meeting with the Crown Attorney 1-5 days before trial. The law is not in favour of survivors. It's not fair and though the Crown works tirelessly they are at the whims of the system as well.”

- E.SHIPRA.S

“Although the Crown helps to prep you before being cross-examined,

there are also things you can do to feel more supported. This could look like having a support person you know believes you in the courtroom, taking time to pause if you need to, and remembering that you are telling your truth. Bring an object with you like a smooth stone you can hold in your hand for comfort.

Whatever you need for support.”

- Consent Action Team member

If the accused does not have a lawyer, will they get to ask me questions?

If the accused does not have a lawyer, the judge will most likely appoint a lawyer to question you. In very limited circumstances, the judge may allow an accused to question a survivor of sexual assault directly but those situations are very rare.

Will I be asked personal questions about my sexual history?

The defense lawyer can only ask questions about your sexual history when it is relevant to the case, and they must first get permission from the judge.

There are laws that dictate that evidence about your sexual history is never allowed to be used to suggest that you are less believable or that it is more likely that you agreed to the sexual activity – the defence would have to show that it is relevant for some other reason. This process involves the lawyer for the accused applying to court and obtaining an order from the judge. Generally speaking, a person's sexual history does not help the judge decide whether the sexual assault occurred. The lawyer for the accused would have to show the judge that the evidence was somehow relevant to the trial before being allowed by the court to ask those questions. If defence counsel applies to the court for an order to ask you questions about your sexual history, the hearing will be held in private without members of the public present. You are entitled to make arguments or submissions to explain to the judge why that evidence is not relevant. You are also entitled to have a lawyer represent you at the hearing to make those arguments on your behalf. If the judge decides that the accused's lawyer is allowed to ask you these questions, the Crown Attorney should speak to you in advance to prepare you.

While the requirements to have your prior sexual history admitted in court is very strict to help protect you and your privacy, it is important to note that there may be particular instances where the accused's lawyer may succeed in admitting this evidence in court. For further information on this matter, it is recommended that you seek legal advice from a lawyer.

Will my diary, counselling or medical records be used in court?

The accused's lawyer cannot get access to your personal records, such as your diary, counselling or medical records, without first bringing an application before the judge.

If they do make an application, you are allowed to have a lawyer, at no cost to you, to get advice about whether or not you should consent to provide your records. If you do not consent to have your records given to the accused, the defence would have to demonstrate to the judge that they are sufficiently relevant to the case and a court order would have to be made. Your lawyer will have an opportunity to tell the judge why your records should be kept private.

If you tell someone involved in the criminal legal system, such as the Crown Attorney or you V/WAP worker, that you have a diary that contains information about the offence or tell them about medical or counselling information related to the offence, that information (meaning the existence of the diary) will likely have to be disclosed to the defence and could ultimately be used in court (defence would have to bring an application before the judge).

“Be careful sharing that you spoke to a therapist or doctor as the defence can request to see all records through third-party applications. Also, try to not do multiple interviews as if what's said changes there is more for the defense to suggest lack of credibility or test memory”
- Anonymous

Can my emails, texts, Instagram and other social media pages be used in court?

If there are any text messages, emails, or social media posts that are relevant to the incident, they may be used in court as evidence. If a message was sent to the accused person, or a posting is publicly available, the accused's lawyer may not need the court's permission in order to get access to this or use it in court. However, the accused's lawyer will need permission from the court to use the message as evidence if the communication pertains to sexual activity between you and the accused. For instance, if you sent a text message to someone shortly before or after the incident, or the accused sent you an email later and mentioned the incident, those could be considered relevant and used as evidence in court. In some cases, a text message, email or social media post that does not seem to relate directly to the incident could still be used in court. For instance, if a witness said one thing in the courtroom but said something different in a social media post, that post could be used to contradict the witness. Once an email or text message has been sent, or a social media comment posted, it can be difficult to control who sees it or what happens to it.

However, if the communication (i.e. text messages, emails, or social media posts) pertains to any kind of sexual activity between you and the accused, the accused's lawyer will need permission from the court to admit this communication into evidence. If this is the case, you will be granted standing in court (meaning you can have legal counsel represent you in this matter), and your legal counsel can cross-examine the accused.

Remember, you have the right to your own story, and who and when you want to tell it to. Here are some things to consider when sending emails, posting on social media, or sending messages:

- What is my hope in making this post or sending this message? What needs is it meeting for me? (e.g. connecting with others, having community accountability for my abuser, venting, etc.)
- What are my privacy settings? Who can see this post?
- Is there a publication ban in place around my case?

Will I receive support during this time?

Yes

When you come to court, you may bring a family member, friend or another support person (such as a counsellor or a worker from a sexual assault resource centre). Those persons, unless they are a witness in the case, can typically sit in the courtroom during your testimony if you want them to. If you need a support person to sit by you while you are testifying (and the support person is not a witness), the Crown Attorney can ask the judge for a court order to allow that to happen. If the court agrees, then an order can be made for your support person to sit close by you while you testify.

Your V/WAP worker should also be available to provide you with support both before and on the day of trial. Your V/WAP worker will notify you of the trial date, help to coordinate meetings with you, the police, and the Crown Attorney for court preparation, explain the court proceedings, and discuss any possible media presence. Court accompaniment for sexual assault survivors is a priority for V/WAP and may be provided by your V/WAP worker at your request.

“Create a personalized safety plan with sexual assault crisis centre/support staff; establish ongoing therapy/support for yourself (and use the services/professional support that feels right for you/aligns with your values and circumstances); prepare the time you need to take off from other commitments and prepare your communication if asked about your schedule change; remind yourself as often as needed that it's a super-human feat to have made it this far; take care of yourself very moment by establishing whatever routine that you need; ask questions/seek assistance from the above-mentioned support staff with any of this advice.”
– A light to be reckoned with

“Being questioned can be intimidating, be gentle with yourself. If you can, set aside time to recoup and ground yourself by giving yourself a day off or to be in the company of friends, whatever works best for you. Your journey of healing will be different from anyone else’s, your voice and your well-being matter.”

- Consent Action Team Member

Take time to breathe

This could mean going for a walk or roll, stretching your body, or try this mediation on support.

Find a place you can either lie on the floor or ground, or a place you can sit quietly. You may want to roll out a mat or a blanket. If you can do this outside in a park or field, great, if not floors work great as well.

Set a timer for 3-5 minutes and settle into the spot you’ve chosen. Take a deep breath in, and as you breathe out, feel the places you are making contact with the ground or your chair. Going through a criminal legal process is taxing on your mind and body. Focussing on where you or your chair make contact with the ground or floor, try and let go. Let the chair or the ground hold you, it can take it. It holds up trees and buildings. Sometimes it can feel like we have so many things piled up on us that we can’t move. Let your chair or the ground help you hold those many things. Use the remaining time on the timer to let go of what you are holding, just for a few minutes, to let the earth do the work of supporting you. Repeat as often as needed.

After Testifying

This section includes:

- What are the potential outcomes?
- What is a verdict?
- What happens during sentencing?
- Will I have a chance to tell the court how the crime has affected me?
- Will I receive support during this time?

Guiding questions to consider for this section:

- How can I practice self-care during this time? (ie. taking time to grieve, taking time for rest, connecting with people and things that I love, etc.)
- Who are my support people to connect with after testifying?
- How can I practice self-care while reading this section?

Will I have to go to court?

After you have finished testifying, the Crown Attorney may have other witnesses to call. When all the Crown's witnesses have testified, the defence may choose to have the accused or other witnesses testify, although there is no requirement for the defence to do so. You may or may not be allowed to sit in the courtroom to listen to the other witnesses testify once you have given your evidence. This will depend on whether the Crown Attorney thinks it is likely you may have to testify again to respond to some evidence from a defence witness.

Once the trial is over and all witnesses have testified and the Crown Attorney and accused's lawyer have made their final arguments, the judge or jury will present their verdict.



“The hard reality is that the outcome of the criminal case is separate from:

1. what actually happened and
2. your own healing. The criminal case is about how society has decided to deal with the offender. You are considered a "witness" by the system. Nothing that happens in court should be taken personally. This is unfair, and it is easier said than done, but if you can remind yourself of that from time to time, it makes it easier. “

– Robin

“Attend therapy, book some bereavement time for yourself to grieve, reconnect with the self through meditation, delay attending school classes if possible, ask trusted friends and/family for extra support, connect with nature and spend a lot of time outdoors, and take all the time you need to cope!”

– BD

What is a verdict?

The verdict is the decision that the judge or jury makes after hearing from the Crown and the accused's lawyer about whether the accused is "guilty" or "not guilty" of the offence(s) they are charged with.

For the accused to be found "guilty", the Crown Attorney has to prove the case against the accused beyond a "reasonable doubt". As the court system is based on the framework of innocence until proven guilty, the judge/jury has to be able to say with certainty that the most likely explanation for the evidence is that the crime happened.

If the accused is found "guilty" of one or more offences, the trial moves into the sentencing phase.

If the accused is found "not guilty" of the offence(s) then this usually means the trial is over. In very rare cases the Crown will decide to appeal this verdict (try to have it changed) if they feel the judge made a legal error in some way.

"No one can do this alone so find lots of support, the abuser is responsible for your hurt but you are responsible for your healing!"

Remember that the outcome should not define you as although there may be an acquittal do not mean it didn't happen or you are not believed!"

- Anonymous

What happens during sentencing?

Sentencing happens after the accused is found guilty of the charges against them. We know that few cases go to trial and even fewer reach the sentencing stage. During sentencing, the judge listens to arguments from the Crown and defense lawyer and decides what the offender's consequences are for the crime they committed. Sometimes sentencing will proceed immediately after a verdict or plea, but more often than not, the sentencing will be scheduled for a later date to allow the lawyers an opportunity to prepare their sentencing arguments and/or for the preparation of a Pre-Sentence Report (a report written for the judge by a probation officer about the accused).

The Crown and the offender's lawyer may have an resolution meeting to agree on a joint submission where they both agree on a sentence for the accused that they want the judge to consider. However, the judge ultimately makes the final decision on the sentence.

Depending on the circumstances of the trial and the current strain on the court system, the court date for sentencing could happen days, weeks or months after the verdict has been presented.

Once the sentence is delivered by the judge, then the offender has 30 days to appeal, apply for a reversal or change the sentence they received. This will unfortunately make the legal process longer.

The sentence the judge delivers depends on the context of the case, the past criminal history of the offender, and on the way the Crown initially pursued the charges against the accused. In Canada, there are mandatory maximum and minimum sentences for some offences, meaning the absolute highest and the lowest possible number of years a judge can sentence an offender who is found guilty of an offence. If the offender is found guilty of sexual assault as an indictable conviction (for more serious offences), they can be sentenced to up to a maximum of 10 years in prison. If the offender is found guilty of sexual assault as a summary conviction (for less serious offences), they can be sentenced to a maximum of up to 18 months in prison. If the offender is found guilty of sexual assault to a child (under the age of 16), or if there was serious injury to the complainant or if a weapon was involved in the sexual assault, they can be sentenced to a maximum of up to 14 years. There may also be a minimum sentence of 1 year for sexual assault if the complainant was under 16 years old.

There is no guarantee that the accused would serve the entirety of this sentence. Depending on the context of the case, an offender's sentence may include minimal or no jail time, require them to pay a fine or follow probation conditions such as having to go to therapy or "no contact" orders.

There may be instances where the judge finds the offender guilty but declines to enter a conviction. In these instances, the offender will be provided either a conditional or absolute discharge where the offender will not have a criminal record despite being found guilty. However, discharges for sexual offences are rare.

If the accused is convicted of sexual assault, they will be put on the National Sex Offender Registry which requires them to provide personal details to the police such as their contact information, their address, and even the car they drive. While the registry is not available to the public, it is available to the police when they investigate other assault cases.

Know that you have the right to offer input into the sentencing process by letting the judge know how the sexual assault has impacted you through a Victim Impact Statement. You also have the right to request that the accused pay you for some of the financial losses you suffered as a result of the crime through a Statement on Restitution form.

"I can't stress enough how important it is to separate one's own healing and sense of what is just and right from the criminal process.

Sometimes these align. More often than not, they don't.

Many survivors only begin to feel safe enough to truly process the attack after the trial is over. Even if your attacker is convicted, you may feel intense grief and loss, because the trial can't change what happened to you. It is important to create space for this process. If you are able to take time off in a safe environment, I recommend it. If your life does not permit that, even just being sure to leave evenings and weekends unscheduled for a while is important.

Rest. If you have a therapist, it is good to connect with them"

- Robin

Will I have a chance to tell the court how the crime has affected me?

If the accused is found guilty of an offence, you have the right to tell the court how the crime has affected you. That right is provided for by the Criminal Code of Canada and the Canadian Victims Bill of Rights.

You have the right to prepare and submit a Victim Impact Statement that describes the physical or emotional impact the offender's crime has had on you. It can be as long or as short as you like - there is no time limit so take up as much space as you want. In this statement you can also include details of any property damage or economic loss you have experienced because of the assault. When you are ready, your Victim Impact Statement will be filed with the court for the judge to read before deciding on the sentence. You also have the option to read the statement yourself in court or have the Crown read it for you if you would like the statement to be heard in court. The statement will be shared in advance of the sentencing with the Crown, the judge, and the defence attorney.

Whatever way the Victim Impact Statement is presented, the sentencing judge is required to consider it when determining the proper sentence for the offender. The defence counsel can choose to question you on your statement, should they object to its contents. Your V/WAP worker will provide you with a blank Victim Impact Statement form and will explain how to complete it. Your V/WAP worker should also discuss your options as to how the statement can be presented to the sentencing judge.

Things to consider when preparing your victim impact statement:

- How did the person who assaulted you's actions impact your:
 - emotional well being?
 - physical health?
 - financial/economic security?
 - general sense of safety or security?
- In addition to your written statement you can also include any creative way of showing the impacts of the assault such as including a painting, poem, or letter to the accused.
- Although the judge will incorporate your statement into their decision on sentencing, the judge will not take into consideration your recommendations for sentencing if you choose to include one (eg. if you think they should go to prison and for how long).

Here are two examples ([example 1](#), [example 2](#)) of victim impact statements that can help guide what kind of information can be included in them. Please note that survivors describe their experiences of sexual assault and the impacts it has had on them in these statements. Take your time reading them or take breaks if you need to.

"If possible, work on your Victim Impact statement over time. Don't wait until the case is over, because you may end up being rushed. Also, different things come up at different times. Consider including how your experience as a witness made you feel in your Victim Impact Statement. What to disclose to whom is highly personal. Go slowly. People will be more supportive than you think. At the same time, don't feel pressure to be "brave" and tell the world. You are already brave - you survived a sexual assault! Just work on staying in touch with how you are feeling right now, and honouring that."

- Robin

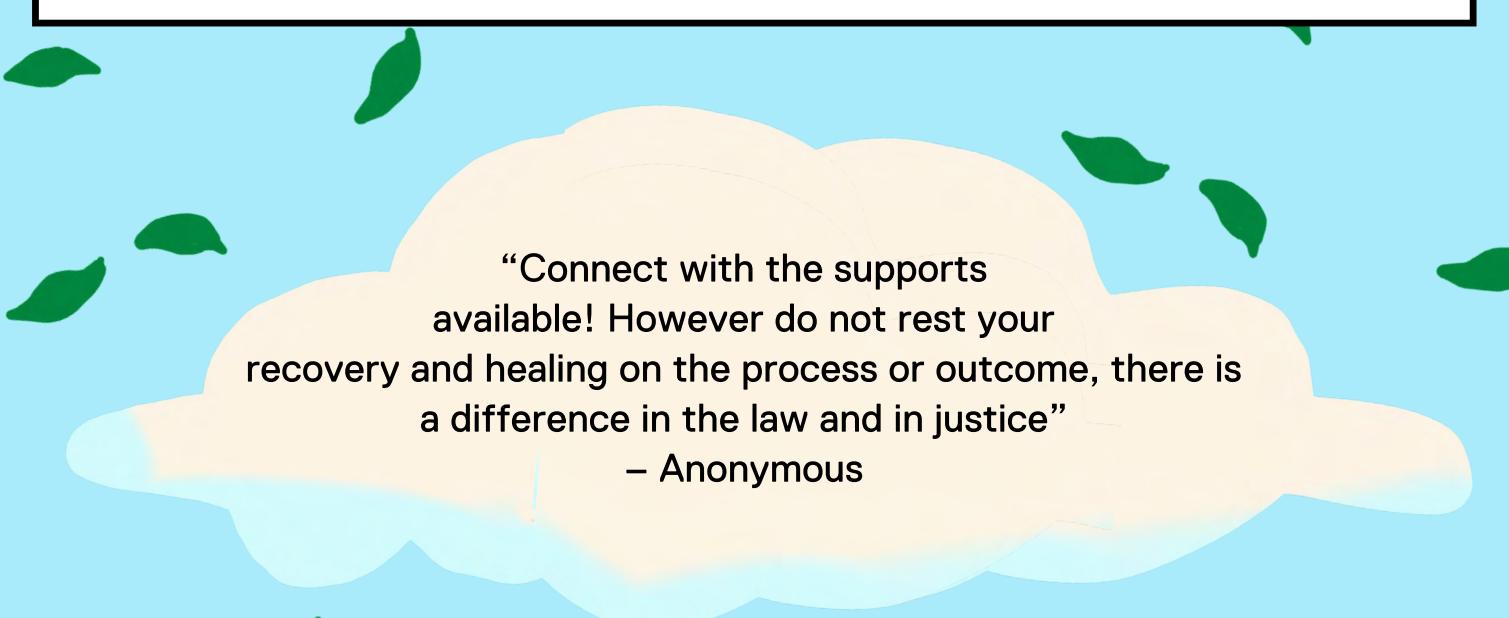
You also have the right to request restitution (ask the judge to order the accused to pay you for some of the financial losses you suffered as a result of the crime). A judge is required to consider whether to order restitution as part of sentencing. If you wish to request restitution, your V/WAP worker can provide you with a Statement on Restitution form. Your V/WAP worker will explain what types of financial losses may be eligible and what documents you need to attach to the form to prove your losses.

Will I receive support during this time?

As during the other phases of the trial, support is available for you after you have testified. If you are excluded from the courtroom during the remainder of the evidence following your testimony, your V/WAP worker should keep you advised of the progress of the trial. You will be permitted to be in the courtroom during the final arguments of the lawyers and when the verdict is handed down by the judge or the jury.

Whether the accused is found guilty or not guilty, your V/WAP worker and the Crown Attorney should discuss the outcome, explain the sentence, provide court documents, and discuss possible next steps. If there is an appeal, you should be updated and provided with information by V/WAP through that process.

Although the supports provided through the criminal legal system are able to provide important information, supports outside of the system itself are also available to you to help fill in some of the gaps in supporting your emotional, physical or spiritual needs. For more information on the types of support available to you and where to access them, see the resources section on page 69.



“Connect with the supports available! However do not rest your recovery and healing on the process or outcome, there is a difference in the law and in justice”

– Anonymous

After The Court Process

This section includes:

- Once the court process is over, is the legal process over for me?
- How can I stay safe if the accused is not found guilty or is released?
- What are ways I can support myself after the court process is over?

Once the court process is over, is the legal process over for me?

Depending on the context and outcome of your court process there may be some residual legal processes for you to be aware of.

If the accused is found guilty and delivered a sentence, they may be required to report to a probation officer within 48 hours. If this is the case, the probation officer should contact you shortly after to discuss the conditions and orders that the court imposed to protect you, and any concerns you might have for your safety. They are there to answer any of your questions related to probation, and should provide you with their phone number and name in case you need to get in touch. They should also arrange a regular check-in call at a time period decided by you to ensure that you remain safe while the offender is being supervised. The probation conditions and orders will only remain in place as long as the offender is serving their sentence, and once the sentence is completed, the conditions will be lifted.

If the accused is found “not guilty” by the court then any bail-conditions that were set at the beginning of the court process will be lifted. This includes any non-contact orders in place that instruct the accused to stay away from you. If for any reason you fear for your safety in having this restriction lifted, the next step may be safety planning.

If you would like a copy of the police investigation conducted in your case, regardless of the outcome in court, you have the right to file a Freedom of Information (FOI) request with the police department that conducted the investigation. Simply call the non-emergency line or search for the FOI department's contact information on the department's website. The cost for this service is typically \$5.00 and only your personal information, or the information of third parties who have consented to release their information, will be provided.

Not all judges are required to issue a written record of their full decision and rationale in sentencing. If you would like to have a record, in part or in full, of the proceedings you can request a transcript by contacting an Authorized Court Transcriptionist for Ontario (ACTO). You will need to know the courthouse location that your sentencing took place in, the proceeding type (Superior Court of Justice or Ontario Court of Justice), and type of business (Criminal). You will also need to complete a Transcript Order Form, which requires the name of the case, the name of the judge, the date of sentencing, the courtroom, and the court information number. You can ask your V/WAP to provide this to you. Simply search for a court transcriptionist on the ACTO website and contact them via email to place an order. This service is not free, and the fee for standard delivery is approximately \$4.30 per page. They will be able to provide you with a quote before ordering.

Things to consider once your court process has ended:

- Would you like to have the publication ban lifted in relation to your court case? (Publication bans stay in place to protect your identity unless an application is made to lift the ban. For more information on publication bans see [this guide](#)).
- If there was a sentence placed on the offender in your case, what self-care practices or supports can you have in place when their parole officer reaches out to you?
- Do you want to order the transcripts from or submit a Freedom of Information Request?
- What supports can you lean on to help process any big feelings that might be coming up for you after going through the court process?

How can I stay safe if the accused is not found guilty or is released?

If the accused is not found guilty, a judge can still order that the accused have no contact with you. This is something to talk to the Crown Attorney or to the Police about setting up.

There are two options for protection orders, a Peace Bond and a Restraining Order.

- Restraining Orders are made by a Family Court and are applicable if you were married, lived with, or have children with the accused. They can last indefinitely and you will need to prove that you and/or your children have reasonable grounds to be fearful of the accused.
- Peace Bonds are made by a Criminal Court and can be requested against anyone you have reasonable grounds to be fearful of. This includes fear of harm to pets and property. You may be asked to sign a Mutual Peace Bond, in which you and the accused agree to stay away from each other. Peace Bonds typically last for 12 months.

Please note, that there is no guarantee that protection orders will be granted, and it would require telling the police and a judge/justice of the peace why you fear for your safety. To learn more about this process click [here](#).

If you are fearful of your safety because the accused has been released or found not guilty, we encourage you to reach out to Consent Comes First or your school's equivalent office. Campus Security may also be able to help with this. Safety planning is very individual and includes considerations of your home, commute, online presence and more.

Notes

What are ways I can support myself after the court process is over?

After the court process is over, whatever the outcome, you're likely to have some big feelings. You may feel a sense of relief, you may feel a sense of anger. Whatever is coming up for you is valid. Here are some questions to consider if you're having trouble processing all of those feelings.

- What have I learned, what are my takeaways from this process?
- Did I get the justice I want, if not how can I make it happen?
- Grief is a part of this process regardless of outcome. At this stage of the process you may feel yourself coming out of a fight mode and different aspects of the impacts of this incident may be coming up, you may be wrestling with the reality of an unwanted verdict. You may want to see a counsellor or talk to a trusted friend or mentor to help you feel those feelings.
- Try a closing practice. Try writing a journal entry about the process and how you are feeling then taking it somewhere to safely burn it. You could go to one of the many beaches in Ontario, write a word or a phrase in the sand and watch the lake wash it away.

Notes

Here are some suggestions on what support after the court process is over could look like from survivors who have experience navigating the criminal legal system

“By the time the legal process is over, you will have a PhD in self-care. I would advise you to start putting that knowledge into action.”

- E.SHIPRA.S

“Live surrounded by positive support, make no apologies for your trauma and healing.”

- Anonymous

“The overall objective is to recalibrate and focus on oneself in the healing process. A survivor would have given so much of themselves to carry through to the end of the legal process. It's now time for holistic refuelling and that can take various forms. Recognize what they are and set boundaries to help get it carried out.”

- A light to be reckoned with

“Rely on your support network, don't push yourself to be better than you are. It took me a year and a half after sentencing to really feel okay again, and that's okay.”

- Bee

“I got a dog, she saved me. Felt safer at home alone and loved unconditionally.” - B



“A local support group was VERY helpful.”
- Anonymous

“Keep doing therapy long after the process. For me, it was the only thing that kept me grounded. Also, accept that therapy for this takes the time that it takes. In the beginning, I was horrified with the idea that I would be in therapy for a while. therapy saved my life after what happened: I was in therapy for 8 years and honestly, it was what I needed to process all of the feelings, the thoughts and, to give me guidance for those days when getting out of bed seemed like climbing the tallest mountain.”

- Margaret

Healing and recovery
are not linear, it is okay
to go at your own pace

Resources

This section includes:

- Where can I learn more about my rights within the criminal legal system?
- Where can I go for help?
- Where can I receive legal advice?
- Where can I apply for financial assistance/compensation?
- How do I receive information about an offender who is in prison?

Where can I learn more about my rights in the criminal legal system?

The following two resources outline what your rights are in the criminal legal system in Ontario. Note that they use formal legal language.

- Ontario Victims' Bill of Rights. This Ontario legislation sets out a number of rights for victims of crime. It requires that victims be treated with courtesy, compassion, and respect for their personal dignity and privacy.
- Canadian Victims Bill of Rights. This Canadian legislation sets out a number of rights for victims of crime. These rights include rights to information, protection, participation, and to seek restitution.

Where Can I Go for Support?

This section includes information on different services you can access for support. We trust that you know what is best for you. Know that there are options available to you including rape crisis centres, campus sexual assault support centres, 2SLGBTQ+ services, Indigenous specific services, etc. When finding support, it's important that you go to services that feel good to you. If something doesn't feel like a good fit, it is okay to find another service that is a better fit.

When connecting with service providers you can ask them:

- Do you have experience working with survivors of sexual assault?
- What kinds of services and supports do you offer?
- Are you providing these services right now?

Community Based Sexual Assault/Rape Crisis Centres

Women who are victims and survivors of sexual assault who are 16 years of age or older are eligible for a variety of counselling, information and referral services from community-based Sexual Assault/Rape Crisis Centres (SACs). These services include:

- 24 hour, 7 days a week crisis line support
- accompanying a victim to court, a hospital or police station
- supportive peer counselling services (both one-to-one and group)
- sexual violence education and training for professionals and members of the public
- information and referral services

There are a number of SACs across the province of Ontario. To find the closest SAC in your area visit the [Ontario Coalition of Rape Crisis Centres](#) or visit the [Victim Services Directory](#).

Campus Sexual Assault Support Centres

On-campus sexual assault support centres are able to offer support to survivors at post-secondary institutions. The services they offer vary depending on the institution, however most support survivors in accessing counselling, academic support, discussing reporting options, and providing emotional support.

Ryerson University staff, faculty and students can access support through Consent Comes First, the Office of Sexual Violence Support and Education at Ryerson University. If you are not a Ryerson Community member but are a post-secondary school student, visit your college or university's website to see what supports may be available to you.

Victim/Witness Assistance Program

The Victim/Witness Assistance Program provides information, assistance and support to victims and witnesses of crime to increase their understanding of, and participation in, the criminal court process. Services are provided on a priority basis to the most vulnerable victims and witnesses of crime, including victims/survivors of sexual assault. Services begin once police have laid charges and continue until the court case is over. Victim/Witness Assistance Program offices are located in all 54 court districts. To find the Victim/Witness Assistance Program office in your area visit the Victim Services Directory.

Sexual Assault / Domestic Violence Treatment Centres

The Ontario Network of Sexual Assault/Domestic Violence Treatment Centres is made up of 35 hospital-based centres that provide 24/7 emergency care to people who have been sexually assaulted or who are victims or survivors of domestic violence (intimate partner) abuse. Services include emergency medical and nursing care, crisis intervention, collection of forensic evidence, medical follow-up and counselling and referral to community resources. To find the centre in your area visit the Victim Services Directory.

Victim Support Line

The Victim Support Line is a province-wide, bilingual, toll-free information line that provides information about a range of services for victims of crime. The Victim Support Line offers:

- Referrals to victim support services in local communities;
- A notification system regarding the release of offenders in provincial prison and information about these offenders

Victim Crisis Assistance Ontario

The Victim Crisis Assistance Ontario (VCAO) Program provides crisis intervention services to victims of crime, including victims/survivors of sexual assault, after an incident 24 hours a day, seven days a week. In addition to on-site crisis intervention, other services offered through the VCAO program include:

- Safety planning
- Needs assessments and customized service plans
- Assistance to apply for emergency financial assistance for services such as emergency counselling and home repairs.
- Referrals to community agencies

Assaulted Women's Helpline

The Assaulted Women's Helpline provides crisis counselling, safety planning, and referrals to appropriate services in local communities. You can talk with one of their counselors over the phone or through online chat. The service is free, anonymous and confidential and is available 24 hours a day, 7 days a week.

Fem'aide

Fem'aide offers French-speaking women who have experienced gender-based violence, support, information and referral to appropriate front-line services within their communities, 24 hours a day, 7 days a week. Fem'aide can also respond to requests for information made by family and friends of women who are victims of violence. The helpline's main focus is to assist women who have experienced violence in an intimate relationship and women who have been sexually assaulted. Fem'aide uses a feminist approach empowering women to identify their own needs and to make their own informed decisions.

Trans Lifeline

Trans Lifeline's hotline is a peer support phone line run by trans people for trans, nonbinary and questioning peers. Trained peers offer emotional support and provide resources over the phone. Their phone line is anonymous and confidential. Visit their website for information on how to access their helpline and on the additional services they offer.

LGBT Youthline

Youthline's helpline is a peer support helpline that offers support to 2SLGBTQ+ people aged 16-29 in Ontario. Their trained peer supporters come from a diversity of 2SLGBTQ+ identities and are able to offer non-crisis emotional support and resources referrals. Their services are confidential and anonymous. For more information on their helpline and additional services they offer, visit their website.

Support Services for Male Survivors of Sexual Abuse

The Support Services for Male Survivors of Sexual Abuse program provides help for male survivors of sexual abuse, both recent and historical. Male survivors of sexual abuse have access to a number of specialized services to help them deal with the impact of abuse, including:

- individual and group counselling
- peer support
- telephone and online counselling
- referrals to other appropriate community support services to meet other long-term needs that service users might have

Where Can I Receive Indigenous Specific Services?

Victim Witness Liaison Program

The Victim Witness Liaison Program is delivered by the Nishnawbe-Ask Legal Services Corporation (NALSC). Victim Witness Liaisons provide a variety of services for all members of the Nishnawbe Aski Nation territory - regardless of age, gender, sexual preference or ability. Services include:

- Assistance in completing legal documents and other forms i.e. Victim Impact Statements
- Helping the victims and witnesses understand the court process
- Obtaining the necessary information in regards to cases, whereabouts of the offender, the resources available to victims and witnesses, etc.
- Supporting victims and witnesses by liaising with Crown Attorneys, Chief and Council, families and service providers in the community, etc.
- Making referrals to appropriate services and agencies.

Mushkegowuk Council Victim Services.

A community response program that provides immediate, short-term crisis intervention services to persons affected by crime. Victim Services Workers provide emotional support, practical assistance, and information about victimization and refer to long-term services. Victim Services is an integral part of a continuum of programs and services that addresses client's needs. Services are available in Cree.

Talk4Healing

Talk4Healing is a free and culturally safe telephone helpline for Indigenous women living in Northern Ontario. Services include culturally sensitive crisis counselling, advice and support; personalized information and referrals; and scheduled telephone counselling sessions. For more information visit their website.

Where can I receive legal advice?

Independent Legal Advice Pilot Program

Through the Independent Legal Advice Pilot Program Sexual assault survivors 16 years and older, living in Ontario, may receive up to four hours of free legal advice any time after the incident happened. To access the pilot program you must fill out and submit a voucher request form which is accessible on their website.

Barbra Schlifer Commemorative Clinic

The Barbra Schlifer Commemorative Clinic offers some free legal services to sexual assault survivors who live in Toronto and identify as a woman or non-binary. For more information on the services, they offer visit their website.

Legal Aid Ontario

Sexual assault survivors are entitled to receive advice and representation when a lawyer requests access to their private records during a criminal court proceeding or applied to have evidence of their prior sexual history admitted at a trial. To apply for a legal aid certificate, which outlines the services legal aid will provide, individuals must contact Legal Aid Ontario.

Community Legal Clinics

Community legal clinics provide free legal services to individuals who meet their financial eligibility requirements. Most community legal clinics are located in specific geographic communities. Individuals should contact a community legal clinic directly to see if their legal problem can be addressed by the clinic and if they qualify financially for their services.

Lawyer Referral Service

The Law Society Referral Service helps individuals find a lawyer to assist them with their particular legal problem. The service can also help find a lawyer who meets specific requirements such as speaking a certain language or accepting Legal Aid certificates. Individuals calling the Lawyer Referral Service will be provided with the name of a lawyer who will provide the individual with a free consultation of up to 30 minutes.

Where can I apply for financial assistance/compensation?

Victim Quick Response Program +

The Victim Quick Response Program + (VQRP+) provides short-term financial assistance to victims of violent crime, including victims/survivors of sexual assault. Through this program, victims who have no other financial means can access the following services:

- Emergency home repairs to secure premises for the immediate safety of victims
- Cell phones to prevent revictimization
- Emergency accommodation and meals where there are no secure housing options available
- Emergency personal care items
- Replacement of eyeglasses/contact lenses damaged or destroyed during the commission of a crime
- Crime scene cleanup requiring specialized services
- Short term counselling/traditional healing to provide short-term, early intervention support to help victims of serious crime

How do I receive information about someone who is in prison?

Victim Notification System (For offenders in a provincial prison)

The Victim Notification System is an automated telephone notification system that provides victims who have registered with the Victim Notification System with information on an offender who is serving their sentence in a provincial prison. Information includes such things as the offender's scheduled release from prison, parole hearing dates and decisions, and similar information.

To register, call the Victim Support Line and select the option for the Victim Notification System. To reach the Victim Support Line call 416 314-2447 (GTA) or 1 888 579 2888 (toll free).

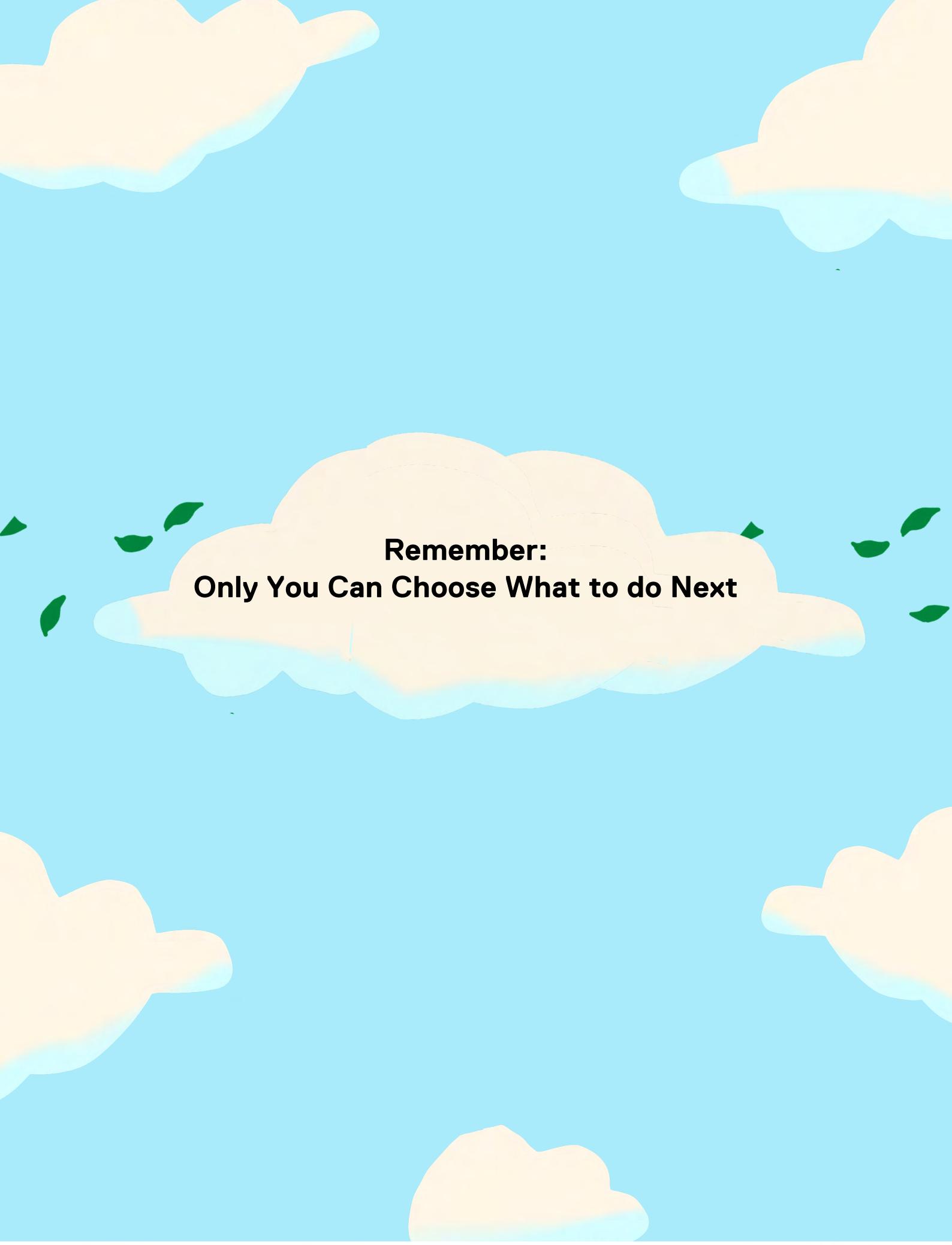
To access this service users will need to leave their name and contact number and a staff person from the Ministry of Public Safety and Correctional Services will call back with information about the offender. Users will also be given the option of registering with the automated Victim Notification System for future updates/notification about when the offender is scheduled for release.

Victim Notification Registry (for offenders in federal prison)

The Victim Notification Registry provides victims who have registered with Parole Board of Canada and Correctional Service of Canada, with information on an offender who is serving their sentence in a federal prison. Information includes such things as: the start date and length of the sentence, dates of parole hearings and dates of release.

To receive information about an offender you can register by calling the Parole Board of Canada OR the Correctional Service of Canada OR through the Victims Portal.

To reach the Correctional Service Canada call 1 866 875 2225 (toll free). To reach the Parole Board of Canada call 1 800 518 8817 (toll free). To access the Victims Portal visit: <https://victimsportal-portailvictimes.csc-scc.gc.ca/Main/Welcome>



Remember:
Only You Can Choose What to do Next