

An information guide for victims/survivors of Sexual Assault

Victim Services of Nipissing District



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WE ARE HERE TO HELP

A GUIDE FOR SEXUAL ASSAULT SURVIVORS

We recognize this is a very difficult time for you. It is important for you to know that the Victim Services of Nipissing District (VSND) are here to provide assistance, resources and referrals.

We believe that everyone impacted by sexual violence should be treated with respect, dignity, fairness and honesty and in a professional and bias-free manner.

The VSND staff and volunteers will be able to discuss your needs and help you find the best service match for your personal needs and situation. They are knowledgeable about all of the community programs, including indigenous and 2SLGBTQ+ support, and financial options. They are available to meet with you in person or over the phone at your convenience.

In this resource guide you will find information on sexual assault investigations, possible outcomes and the criminal court process. We have also included information on financial compensation programs and how to access professional counselling and supports in the Nipissing Region.

If you do not want to make a report to the police, or you need time and support to make that decision, we have partnered with many other agencies that can help you during this difficult time. A list of these agencies and their contact information is located at the back of this booklet.

VSND is a non-profit organization dedicated to providing assistance to individuals who have been victimized as a result of a crime or tragic circumstance. VSND works in partnership with police as well as emergency and other community based services to ensure victims receive the help they need to assist them in the development of their personal path to recovery.

What will I be feeling at this time?

There is no “right” way to feel. Sexual assault can cause trauma. It can result in unpleasant feelings, thoughts, sensations and emotions both during and after the sexual assault. Responses to highly stressful situations vary from person to person and not all people will experience the same reactions at the same level of intensity, nor the same length of time. However, it is important to recognize that whatever the reaction is, it is normal to feel overwhelmed by the process. At the back of this booklet, you will find a list of agencies and their contact information that may assist you during this difficult time.

I’m a partner, parent or friend: What can I do?

People who have been sexually assaulted need the support of their family and friends. Victims/survivors may feel ashamed, embarrassed, depressed and frightened. They may not want to talk about what happened. Be ready to listen when they are ready to talk. Let them know you care about them and do not judge or blame them for what happened. Be there to support them in the choices that they make during the process. They may feel guilty, but what happened is never their fault. You can be a great help by giving them this message.

At the back of this booklet, you will find a list of agencies and their contact information that may assist you and your loved one during this difficult time.

WHAT IS SEXUAL ASSAULT?

Sexual assault is any unwanted sexual touching that occurs in circumstances of a sexual nature and violates the sexual integrity of the victim. It can include many types of touching or activity, from kissing to sexual intercourse. Sexual assault can happen to anyone, or any gender, sexual orientation, race or income level.

Sexual assault can be committed by anyone; a stranger, a friend, a partner, a family member, a co-worker, or a person in a position of authority.

What does it mean to consent to sexual activity?

Consent is the voluntary and active agreement, given equally by participants, to engage in a specific activity. Consent implies that a person understands what they are agreeing to, and possible positive and negative consequences.

Consent is **NOT GIVEN** when:

- You are unconscious
- You are incapacitated by the use of alcohol or drugs
- You fear the consequences of not consenting
- You feel threatened or intimidated
- You are coerced (compelled to submit through intimidation, threats, misuse of authority, manipulation, tricking, or bribing with actions and words);
- You are physically forced to comply;
- You say “no”, either verbally or physically (e.g., crying, kicking, turning away, putting clothes back on, etc.); and or
- You have a disability or mental health problem that prevents you from providing consent

Consent can only be given by the person participating in the sexual activity; it cannot be given by another person on your behalf, for example, by a parent, brother, sister, partner, spouse, or friend.

Consent should not be confused with compliance, where you participate in any sexual act because of pressure, threats, fear or consequence or trickery

Do I have to say “no” to show I do not consent?

No. You can show by your words OR actions that you do not consent. “Flight, Fight or Freeze” are all responses of trauma. Actions, such as struggling, trying to leave, or the fact that you are unable to move may all show that you did not consent.

What if I agree to the sexual activity at first, and then I change my mind?

You can say NO to anything at any time.

Once you no longer agree to the sexual activity, there is no longer consent. Consenting to one kind of sexual activity does not mean that you consent to any other sexual activity.

Someone can be sexually assaulted even if they engaged in consensual activity with an individual in the past – no one should assume that if consensual sexual activity occurred with an individual in the past, that it means there is automatic consent for future sexual contact – consent is needed every time.

What about intoxication?

A person has to have the capacity to consent to sexual activity. A person who is extremely intoxicated by drugs or alcohol may not have the capacity to consent to sexual activity. A court would look at all of the circumstances to determine whether that person had the mental capacity to consent to the sexual activity.

YOUR CHOICES

What are my choices after I have been sexually assaulted?

As a victim/survivor of sexual assault, we support the choices that you make with respect to the process and what is best for you.

The following options are available to all victims/survivors of sexual assault, with the exception of a sexual assault within current or former intimate heterosexual or 2SLGBTQ+ relationships (see page 10).

1. Report

You may choose to report the assault to police and provide a statement. In all non-emergency reports, you will be met by a Police Officer to review your options to ensure that you have an understanding of the process going forward. You will be offered the option of providing a Sexual Assault Evidence Kit. Do not wash your clothing or bedding as it could compromise any available forensic evidence such as bodily fluids that could assist the investigation now or at a future date.

2. Medical Care

You may choose to access the on-call Sexual Assault Nurse Examiner (SANE) nurse through the emergency department for up to 12 days post assault. They can provide a basic head to toe assessment for injuries, photography, testing for sexually transmitted diseases, as well as blood tests for human immunodeficiency virus (HIV) hepatitis or syphilis. They can offer prophylaxis for sexually transmitted diseases, as well as emergency contraception (plan B). The nurses can also provide you with HIV PEP (post exposure prophylaxis) and weekly follow up with the clinical nurse educator while you are taking this medication. They are also trained to collect evidence for the sexual assault evidence kit (SAEK) if you so choose.

3. Kit

You may choose to have a Sexual Assault Evidence Kit completed at the North Bay Regional Health Centre up to 12 days post the assault. You have the choice of requesting police involvement or not. The kit will be held for up to six months and then will be disposed of.

4. No Action

You may choose to refrain from taking any action. It is recommended that you reach out for help through your personal support network, community sexual assault resource centre, trained professional counsellors, elder, your family healthcare practitioner and/or peer support groups.

What is a Sexual Assault Evidence Kit?

The Sexual Assault Evidence Kit (SAEK) is a kit that contains various supplies used to collect evidence from your body, which may be analyzed by the Centre of Forensic Sciences. This evidence can be helpful in the police investigation and potential prosecution of your case. This evidence is collected at the hospital by a specially trained Sexual Assault Nurse Examiner (SANE). They will meet you in the ER where your care will take place. You will be informed of all the samples that are required and you are able to guide the process. A SAEK can be completed within 12 days of the assault. However, it is important to know that as time passes physical evidence will likely be lost as a result of natural bodily processes including the healing process. Therefore, it is highly encouraged to present sooner rather than later. Clothing and related items may still be accepted for forensic analysis after the 12 days.

You may find it beneficial for an emotional support person to accompany you during this time. You can decide to stop at any time.

Do I have choices regarding the SAEK?

The process for the SAEK is voluntary, which means that your consent is required. As a victim/survivor of sexual assault, we support the choices that you make with respect to the process that is best for you.

The following choices are available to victims/survivor of sexual assault regarding the SAEK.

- It is your choice to have a SAEK done and ask for police involvement.
- It is your choice to have a SAEK done, but request no police involvement (the kit can be help up to 6 months at the hospital in case you change your mind and want to involve police at a later date.)
- It is your choice to refuse the SAEK and still ask for police involvement.

What happens after I consent to release the SAEK to police?

The SAEK is retrieved by police from the hospital and immediately turned over to a Forensic Identification Officer. A complete list of the contents of the SAEK is conducted to ensure all exhibits collected are accounted for. When reviewing the details of the case, the Forensic Identification Officer will contact the Center of Forensic Sciences in order to obtain permission for the SAEK to be submitted for analysis. Not all exhibits are submitted for analysis. Based on the details of the case, only the relevant exhibits from SAEK and/or clothing will be submitted.

What other types of evidence may be relevant to my case?

Evidence is very important in any investigation; therefore, the collection of evidence in a timely manner should be considered. Evidence is not just limited to biological specimens, but also includes video, statements, cell phone and social media content and other documentation. Although evidence is not absolutely necessary in conducting an investigation, it greatly assists the police with their investigation.

If I proceed with reporting to police, what happens next?

If the sexual assault just happened, or you are in immediate danger, call 911.

If it did not just happen, then call the main North Bay Police Service's phone number, 705-472-1234 in the city of North Bay or the main OPP phone number, 705-495-3878 for surrounding areas, and a uniformed officer will attend your location.

Once dispatched to a complaint for a sexual assault, the uniformed officer will:

- upon arriving at the location of the victim/survivor, assess their physical and emotional condition, provide support and/or medical services as required or requested and/or transfer to hospital;
- secure the scene to preserve and protect all physical evidence;
- conduct a preliminary investigation with the assistance of the victim/survivor to find out basic details about the incident. This will happen in a private environment, if possible;
- will respectfully work with the victim/survivor identities and social status (sexual orientation, gender, gender identity, faith, culture, ability etc.) (you have the right to request a police officer of the gender you are most comfortable with);
- engage in a trauma informed approach, consistent with the Victim Bill of Rights;
- if the victim/survivor has special needs (e.g., interpretation, sign language, physical and other disabilities) contact the appropriate individual or agency for assistance;
- advise the victim/survivor of the option of having Victim Services of Nipissing District (VSND) respond to the scene to assist in providing support and crisis intervention;
- depending on the nature of the sexual assault, the officer may ask the victim/survivor to go to the hospital to treat injuries and to have a SAEK done;
- if the suspect is present and grounds exist to arrest, the officer will arrest the suspect and transport them to the police station (if the victim wants to proceed with charges).

Can I report a sexual assault years after it occurred?

In Canada, there is no statute of limitation for sexual offences, which means you can report to police no matter how long ago it happened and someone can be charged with sexual assault. The passage of time does, however, impact on the ability of police to gather evidence.

What if I work in the sex trade?

Anyone can be sexually assaulted at anytime, anywhere by anyone. This means a sex trade worker can be sexually assaulted by a client. Any sexual contact that was not consensually agreed to is a sexual assault. Working as a sex trade worker is not an offence, so you will not be arrested for that if you report a sexual assault to police.

Will my immigration status be affected if I report to police?

No. Your immigration status will not be affected by reporting to the police.

Will I be asked about my immigration status?

There may be certain circumstances where an officer may be legally required to ask you about your immigration status.

These circumstances are:

- a victim/survivor or witness who may require or seek admission into the Provincial Witness Protection Program;
- a Crown Attorney is requesting the information for court purposes;
- the information is necessary to prove the essential elements of the offence; and/or
- investigations where the circumstances make it clear that it is essential to the safety and security of the public, or to officer safety, to determine the immigration status of a victim/survivor or witness.

What if I have a disability? How do I call the police?

Both the North Bay Police Service and OPP are accessible in many ways to people with disabilities. Both Services' websites are compliant with the provincial Accessibility for Ontarians with Disabilities Act. When a person calls either service, language translation services are available as well as a TTY service and text with 911 system for those with hearing loss in place.

What if the sexual assault involved my former or current heterosexual, two-spirited, gay, lesbian, transgender intimate partner?

Domestic violence is any use of physical or sexual violence, actual or threatened, in any intimate relationship (current or former). It also may include harassing behaviour. Anyone can be victims/survivors of domestic abuse.

Intimate relationships include those between the opposite sex, same-sex and transgender partners. These relationships vary in duration and legal formality, which can include current and former dating, common-law, polyamorous and married couples.

There is a provincial mandate that directs all police officers in Ontario to proceed with charges specifically related to domestic violence. If, in the course of a domestic violence investigation, it is determined that a sexual assault has been committed and reasonable grounds are established to lay charges, the police **shall** proceed with charges. Police will proceed with the victim/survivor's best interest, safety and wishes in mind before making any decisions and in some cases seek the opinion of Supervisors and the Crown Attorney to assist in the decision making process.

Officers will explain to the victim/survivor and the accused that it is the duty of the police to lay a charge. Only a Crown Attorney can withdraw a charge, but only after careful review of the investigation, including victim input.

SEXUAL ASSAULT INVESTIGATIONS

Who will investigate my case?

All sexual assault cases are investigated by police officers who have specific training, knowledge, skills and ability to investigate sexual assault cases. The training that sexual assault investigators receive is focused on creating a consistent and thorough investigation into sexual assault cases, while respecting the needs of the victims and witnesses. The training is designed to enhance investigation of sexual assault by promoting best practices, in addition to victim sensitivity.

A Sexual Assault Investigator/Detective will be assigned to the investigation and will:

- fully investigate the incident;
- ensure the victim/survivor has access to medical care;
- explain the process for the collection of all evidence including the SAEK, as necessary;
- advise the victim/survivor of a referral to VSND;
- assess and discuss with the victim/survivor where and when an in-depth interview will take place;
- ask if the victim/survivor which gender of officer they prefers to be interviewed by and make all reasonable efforts to respect the victim/survivor's choice;
- Work with victim/survivors in a manner that acknowledges identities such as 2SLGBTQ+ etc.
- keep the victim/survivor informed of the progress of the investigation in a timely manner;
- lay charged when appropriate as per Provincial Policing Standards, and considering the wishes of the victim;
- advise the victim/survivor they have the right to complete a Victim Impact Statement;
- advises the victim/survivor that someone from the Victim Witness Assistance Program will be contacting them to assist with preparation filling out appropriate forms, court preparation and to keep the victim/survivor informed of the court progress of the accused;
- Encourage the collection of all evidence including a SAEK, as necessary
- Advise the victim/survivor that they may have the assistance of a support person of their choice during this process (this could include a person from VSND or a community sexual assault centre)

If required for the investigation, police may need to interview others who were aware of the incident, or in the vicinity, and/or review cell phone and social media records (sometimes even seizing the cell phone).

The majority of evidence (e.g. video interview or medical records) is often disclosable to the defence. The Crown will review all evidence.

* If you wish to proceed and make a statement to the police, but do not wish to participate in the court process there may be two options.

1. The police may have the option to formally caution the suspect for sexual assault. A caution may or may not prevent further incidents in the future but can be used to collect statistical data. The caution is noted in a local police occurrence.

2. You may ask the police to keep your case open pending your approval to move forward at a later date. Police can fully investigate the circumstances reported without notifying the suspect unless there are serious public safety concerns. Or the police can fully investigate including interviewing witnesses and the suspect however, not proceed with charges until the victim/survivor is prepared to do so. Delays in investigations often compromise the ability to gather evidence. In addition the Criminal Code of Canada limits the ability of the Crown to determine the court process if charges are not laid within 6 months of the events.

What happens after the arrest?

At this stage the Crown Attorney's office becomes involved and a Crown is assigned. The police investigation will refer the victim/survivor to the Ministry of Attorney General's Victim Witness Assistance Program who will be contacting them to assist them with an array of services related to the criminal justice process (see court process section for details).

Once a person has been arrested and charged with a crime, they become the 'accused.' Depending on the circumstances, the police can hold the accused in custody for a bail hearing or release them with conditions.

The victim/survivor input into the bail process including possible conditions of release at a bail hearing can be provided to the Crown through the Victim/Witness Assistance Program.

If the police have not released the accused, the accused must go before a Justice of the Peace (JP) or a Judge within 24 hours of the arrest for a bail hearing.

At the bail hearing the JP or Judge will decide if the accused is granted bail or kept in jail. If an accused is granted bail, this means they are released but may be subject to certain conditions while on release, may have to be supervised by a surety and/or may have had to pledge or pay money (either alone or with a surety) to gain their release.

One of the conditions is usually a "No Contact Order". This means the accused cannot have any contact with you - not even through a third party (another person). The accused, or anyone at the request of the accused, cannot contact you by phone, letter, email, text message, social media or in person. Generally, the accused will not be allowed near your home, school and/or work. Contact the police immediately if the accused disobeys any of the bail conditions. Any additional charges for breaching the bail conditions can be laid against the accused.

The accused will make many court appearances throughout the judicial process. Some of these court dates will be referred to as “Set Dates”. You are not required to attend these court dates. These dates are routine preparation dates for the lawyers.

The victim/survivor will only have to attend court if there is a preliminary hearing and/or a trial, if subpoenaed. Although the identity of the victim/survivor is always protected, police may issue a media release in relation to the investigation in certain circumstances.

What if the offender is not located?

Unsolved sexual assault cases are never closed; they remain active. If additional information is received, further investigation will be done, which may lead to an arrest.

Do police always charge the accused?

It is the role of the police to lay charges if there is enough evidence to support the investigation. Sometimes the police will decide not to lay a charge. This does not mean that the police do not believe you or that the sexual assault did not happen. It may mean that there is not enough evidence to prove a criminal charge in court. If this does occur, the investigators can explain why this has happened in your case. The investigators can tell you of other options available to you, some of which are listed in this guide.

Will everyone know what happened to me?

When a sexual assault is reported to the police, a review of all the information is done to determine if a media release is required. Generally a media release is issued if:

- There is a risk to public safety;
- Information from the public may help solve the case;
- It is believed that more victims/survivors might come forward;
- An arrest has been made and/or there is an update to the investigation.

General information about the sexual assault, including the date, time, and location of the assault will be included in the media release. The media release will also include a description of the person alleged to be responsible, if that person is not yet known, or it will include the name and age if the person has been identified.

Your name will never be released to the media by police.

If charges are laid the Crown will seek a publication ban (page16) to protect your identity.

THE COURT PROCESS

If criminal charges have been laid but you feel overwhelmed or that you do not wish to continue, the Crown Attorney will work with you to address your concerns and provide support. While decisions about the prosecution, and whether to discontinue it, are ultimately those of the Crown Attorney, your input is critical and your well-being a foremost consideration.

Disclosure

The Crown is required to disclose most evidence gathered in the police investigation to the defence. Anything you say to the police or other justice officials may be disclosed. You have the right to your own lawyer if any party seeks to gain access to records about you, which are kept by your service provider(s).

How long does the court process take?

In 2016, the Supreme Court of Canada released a decision impacting unreasonable delays in court. This is important as it provides the Crown Attorney a clear mandate to ensure a fair but expedited court process. The length of time a case is tried has significantly been reduced by the Crown Attorney's office, which is also able to provide guidance and support through the legal process.

The length of the court process varies widely, depending on a number of factors. If the accused pleads guilty, the court process will finish more quickly than if there is a trial. Generally speaking, court matters that go directly to trial will be completed within 18 months. Court matters that proceed to a preliminary hearing and a trial will generally be completed within 30 months.

This extended period may be difficult for you. It is important to get support during this time. There are community agencies that can help you through the process. Some of these agencies can be found at the back of this booklet.

What happens in court?

Once charges are laid, your case will be referred to a worker in the Victim Witness Assistance Program (V/WAP) located at:

North Bay Court House
360 Plouffe St,
North Bay, ON P1B 9L5
705-495-8339

V/WAP assistance begins once police have laid charges and continues until the case is over. V/WAP is based in the courthouse for the purpose of guiding you through the court process. The role of your worker will be to inform you of the status of the criminal court case and answer your questions about the criminal justice system, courtroom procedures and your role in court. They will:

- Help you understand what to expect at each court date and keep you informed about case progression
- Provide you with copies of court papers such as bail conditions and probation orders upon request
- Provide referrals to community agencies
- Offer ongoing emotional support throughout the court process
- Act as a liaison on the client's behalf with Crown and police, including providing your input to the Crown
- Help you complete a Victim Impact Statement
- Coordinate with the Crown Attorney's office to have you meet with the Crown Attorney, should you be required to testify
- De-briefing and follow-up service

What happens between the time charges are laid and the trial?

Once charges are laid, the accused attends court for "set date" appearances. During this time, the accused will receive disclosure of the content of the police investigation, they may obtain a lawyer or the assistance of legal aid duty counsel, and they will usually decide whether to plead guilty or set a date for trial, or preliminary hearing and trial. It may take several court appearances for the accused to complete these steps.

The Crown Attorney's office

A Crown Attorney will be assigned as soon as possible to review the police investigation. Once a preliminary hearing or trial date is set, it is their responsibility to meet with you and prepare you for the process. The preparation is usually done with the investigating officer and V/WAP representatives.

If there is a finding of guilt or a firm indication of a guilty plea prior to sentencing, the Crown Attorney, V/WAP or investigating officer will advise you that a Victim Impact Statement may be prepared for consideration at the time of sentencing.

If the accused chooses to plead not guilty, you will most likely be required to testify at the preliminary hearing (if there is one) and at the trial. V/WAP will be available to provide assistance, in addition to community services such as Amelia Rising., etc.

The assigned Crown Attorney is responsible for the case and will make many of the decisions about the conduct of the prosecution. Your input is valuable to the assigned Crown. The Crown Attorney is employed by the government and, unlike the Accused who does have their own lawyer, is not your personal lawyer. As a result, what you say to the Crown is not privileged or confidential and is disclosable to the defence.

What is a publication ban?

At the first court appearance, the Crown, in most cases, will often apply for an Order banning publication of any evidence that may tend to identify the victim/survivor, which includes not publishing your name.

Under section 486 of the Criminal Code, a Judge may prohibit the publication of identifying information about a complainant or witnesses in certain proceedings related to sexual offences (among other things).

If you do not want a publication ban then advise the police and V/WAP as soon as possible who will communicate your wishes to the Crown.

The Criminal Code also includes a passage allowing a Judge to safeguard the interests of witnesses under the age of 18 years in all proceedings. The presiding Judge may order the exclusion of all or any members of the public from the court room for all or part of the proceedings if they believe that such an order is in the interest of public morals, the maintenance of order or the proper administration of justice.

Preliminary Hearing/Trial

A preliminary hearing is a “mini trial” in front of a Judge. It is not required in every case, but is very common when sexual assault charges are laid. In a preliminary hearing, the Judge will decide if the Crown Attorney has enough evidence to proceed to trial. You will most likely have to testify in a preliminary hearing. Other witnesses may have to testify as well. The accused and their lawyer will also attend and testify.

If the accused does not plead guilty, and wishes to have a trial, the matter will either proceed to a preliminary hearing and then a trial, or directly to a trial. If you have questions about this speak to the Crown or your V/WAP Worker.

What is a trial?

A trial is when the Crown attorney and the accused’s lawyer will ask you and other witnesses what happened before, during and after the sexual assault. At the end of the trial, the judge will announce the outcome of the trial, which is called the verdict. Deciding the verdict can take several weeks while the Judge or Jury reviews the evidence.

Finding of Guilt

At the beginning of the trial, the accused will plead “guilty” or “not guilty” to the sexual assault charge(s). A plea of “guilty” means the accused admits to the crime. In these cases, there will not be a trial and you will not have to testify. The Judge will listen to the facts of the case, find the accused guilty, and decide the punishment to be imposed. If the accused is found guilty, the Judge will choose from a range of sentences.

A plea of “not guilty” means the accused does not admit to the crime. The accused will then request a trial before a Judge or before a Judge and Jury. In these cases, you will have to attend court to testify at the trial.

It is important to remember that if the Judge or Jury decide that the accused is not guilty, this does not mean you or the other witnesses were not believed. If the accused is found not guilty, the accused is free to go. This is called an acquittal.

Will I have to testify if court?

If the accused chooses to plead not guilty, you will most likely be required to testify at the preliminary hearing and at the trial. There are several resources that will help you prepare for court. The investigator will offer these resources to you.

What if I am not comfortable communicating in English?

You will be permitted to communicate in the language most comfortable to you. If you require an interpreter, including a sign language interpreter, to help you communicate with the police or to testify in court, one will be provided for you.

What is a victim impact statement?

If the court finds the accused guilty, the Crown Attorney will invite you to complete a Victim Impact Statement. This document is your opportunity to share how the sexual assault has affected your life emotionally and physically. This statement is taken into consideration by the Judge for sentencing. Your V/WAP worker can help you with completing this form. Completion of a Victim Impact Statement is optional. *For more information about Victim Impact Statements, visit canada.ca/victims.*

Completing a Victim Impact Statement is your choice. You are not required to do so in order for the accused to be sentenced. It is also your choice if you want to read your statement to the court. It is very important for the Judge to understand the impact of the sexual assault on you and your life. If you do complete this statement, the Judge is required to consider what you have said when deciding what penalty to be imposed.

Please note that your Victim Impact Statement must be received in a timely fashion ahead of the sentencing date and will be disclosed to defence counsel and shared with the accused. You may read your statement out loud in court or through alternate formats

(discuss with your V/WAP Worker) or it can be filed with the Judge.

What kind of sentencing can a Judge order?

Absolute or Conditional Discharge:

A discharge is a finding of guilt but no formal registration of a conviction. It permits people found guilty to indicate they don't have a criminal record. If the sentence is an Absolute Discharge – there is no other sanction and the “sentence” is at an end. If the Court imposes a Conditional Discharge – the offender is subject to a period of probation.

Fine:

Can be imposed as a standalone or in conjunction with a period of probation.

Custody:

The Canadian criminal justice system has several types of custodial sentences.

Incarceration means that the offender is sent to jail. The judge can also order a “No Contact Order” as part of the sentence. This means the offender cannot contact you from jail.

An intermittent sentence refers to a jail sentence that allows offenders to still work for periods of time – while entering a custodial facility for prescribed short periods. Typically offenders serve their custodial sentence on weekends and work from home during the week. A probation order will run during this timeframe so the offender is always subject to a Court Order – whether or not in custody.

A reformatory sentence is served in a provincial jail within Ontario. The maximum sentence is 2 years less a day. Often there will also be a probation order in effect once someone is finished a custodial sentence.

The Court can order in some circumstances that the offender serve their time in the community rather than attend a custodial facility. During this time the offender will be subject to various restrictions on their liberty. This is called a conditional sentence and cannot exceed 2 years less a day.

A penitentiary sentence is when an offender is ordered to serve 2 years or more in jail. There cannot be any probation order once a custodial sentence exceeds 2 years. There are minimum, medium and maximum-security prisons. It does not mean the sexual assault was more or less serious.

Probation:

Offenders will be supervised by, and in most cases must visit a probation officer. An offender usually has rules to follow that are listed on the Probation Order. These rules, known as conditions, may include: not using alcohol; staying away from certain areas or people; attend counselling; seeking or maintaining employment; obeying curfew. A Probation Order cannot last more than three years.

If the offender violates any one of the conditions of probation, they may be arrested and charged with a new offence “Breach of Probation”.

Suspended Sentence with Probation:

A Judge may choose to delay or “suspend” giving a sentence to the offender. This means that the Judge may release the offender on a Probation Order. The offender does not serve any jail time, but is under the supervision of a probation officer.

Appeals:

The accused or the Crown Attorney can ask for a higher court to review an acquittal, conviction, or sentence given by a judge. This must be done within 30 days of sentencing.

If the higher court agrees to hear the appeal, the judge may change the original court’s decision, sentence, or order a whole new trial. You do not have to testify at an appeal court. You will only be called to testify again if a new trial is ordered.

What is Parole?

Most offenders can apply for early release from prison after serving one third of their sentence or after seven years, whichever comes first. A Parole Board will decide, based on the offender’s behaviour and completed programming or treatment, whether or not to approve the offender’s request for parole. Offenders who are denied parole can reapply every two years.

Some offenders in the federal prison system are not allowed to apply for parole after serving one third of their sentence. In these cases, the Judge will decide during sentencing the date if the offender is allowed to apply for parole.

If parole is approved for an offender, this does not mean the offender is free without supervision. The offender will be released from prison and will serve the remainder of their sentence in the community under specified conditions and under the supervision of a parole officer.

When will the offender be released from prison?

Most offenders will not serve their full sentence in jail. In most cases, an offender will be released from jail on parole after serving a part of the sentence. You can request to be notified of the offender’s release and parole hearing.

If the offender is serving a sentence in a “Provincial Jail” – you may register with the Victim Support Line by calling toll free 1-888-579-2888.

If the offender is serving a sentence in a “Federal Prison” – you may register with the National Parole Board by calling toll free 1-800-518-8817.

To ensure you can be notified of parole hearings, or if the offender is transferred or released, call the Victim Services Unit of Correctional Service Canada by calling toll free 1-866-806-2275.

What is the Canadian Victims Bill of Rights (CVBR)?

The Canadian Victims Bill of Rights (CVBR) is a set of principles that guides how victims of crime should be treated at different stages of the criminal justice process.

A victim, according to this Act, is defined as an individual who has suffered physical or emotional harm, property damage or economic loss as the result of a crime.

The CVBR provides for the following statutory rights for victims of crime.

- The Right to Information
- The Right to Participation
- The Right to Protection
- The Right to Restitution

For more information on the Canadian Victims Bill of Rights you can search “Victims of Crime” at www.canada.ca

FINANCIAL ASSISTANCE

Am I eligible for any financial compensation?

As a victim/survivor of a sexual assault there are financial options available:

Victim Quick Response Program + (VQRP+)
Victim Services Nipissing District
705-472-2649

Made available by the Ministry of the Attorney General and delivered through the Victim Services of Nipissing District, this program provides short-term financial assistance to victims in the immediate aftermath of a violent crime such as sexual assault.

Eligible expenses that can be accessed through the VQRP+ include crime scene clean up expenses, emergency accommodation, meals, personal care items, emergency child or dependent care, cell phones and emergency home safety expenses. There are specific eligibility guidelines for the program. To find out whether this program is right for you, contact the VSND at 705-472-2649

Civil Sexual Assault Lawyer

There are lawyers who focus on victims/survivors of childhood sexual abuse and adult sexual assault. The purpose of obtaining a Civil Sexual Assault lawyer is for financial compensation. You can sue the offender and you can sue an institution if one was involved.

VSND is unable to recommend a specific lawyer. If you would like to contact a lawyer, you can refer to any of the resources listed in this booklet or contact the agencies listed below. If the accused is found not guilty in a criminal process, you can still proceed with a civil lawyer for financial compensation.

The Law Society of Upper Canada

416-947-3330

1-800-268-8326

lso.ca

-The Lawyer Referral Service

lsrs.lso.ca

Ontario Trial Lawyers Association

905-639-6852

1-800-567-3047

Otla.com

COPING MECHANISMS

A traumatic incident falls outside of normal everyday life and you may need some new strategies to cope. For some people, the traumatic event can get stuck in the brain and body, and you may need assistance from a trained professional counsellor to move through this experience. Do not be afraid to ask for support through your family members, friends, 2SLGBTQ+ community, Elders, doctors, clergy and/or counsellor.

Helpful things to do may include:

- Talk to someone you trust
- Give yourself permission to reach out for professional help through community sexual assault centres, trained professional counsellors, the Employment Assistance Program (EAP) and/or your family health practitioner
- Spend time with supportive family and friends
- Try to avoid over use of alcohol, drugs and/or caffeine
- Acknowledge your response to the situation and give yourself permission to have difficult moments
- Try to avoid self-defeating thoughts (e.g. I can't manage or nothing matters, etc.) and use thought-stopping (e.g. say: "stop" to yourself when you find yourself putting yourself down or judging yourself)
- Resist making life changing decisions following a serious incident
- Give yourself time to heal
- Record or journal your experiences, thoughts and feelings
- Try to maintain your regular routine
- Try to eat healthy foods and exercise
- Be aware that traumatic events can sometimes bring back memories of other sad or traumatic events that have happened in your life ,and this is normal
- Practice deep breathing (e.g. take a longer exhale than inhale)
- Don't try to fight dreams or flashbacks. They are normal and usually become less intense and painful over time. If they do not appear to be decreasing over time, you may need to seek assistance as there are many useful strategies to work through these.

HELP & COUNSELLING IN NIPISSING REGION

There are a number of options for counselling in Nipissing Region. There are three publicly-funded services that have a specific mandate to support victims of sexual assault.

In addition to these services, you may find assistance through your family health team (family physicians who have a social worker on staff) or Employment Assistance Program (EAP) through your employer's benefits, if applicable.

Amelia Rising Sexual Assault Center of Nipissing

705-840-2403

24 Hour Crisis/Support Line: 705-476-3355

www.ameliarising.ca

Amelia Rising serves women-identifying survivors of sexual violence ages 16 and up through our counselling program (individual and group) and 24/7 sexual assault helpline (705-476-3355). We have volunteers that can be available for accompaniments to police and/or hospital after a sexual assault. We also have a resource room with clothing, menstrual and personal hygiene products and a food bank for active clients.

Our groups are:

- Seeking Safety (skills based group for trauma and addictions or other self-harming)
- Rooted (open pre-counselling group that teaches grounding and safety strategies and empowers survivors through information/psychoeducation)
- Sleep and Trauma (a group fostering sleep hygiene in the wake of trauma)
- Shame Resilience (A 12 week group based on Brene Brown's work)
- Safe Space (purely social group for peers to connect and have conversations with coffee/tea)

Our individual counselling is 12 weeks (1 session per week).

Community Counselling Centre of Nipissing

705-472-6515

www.cccnip.com

Our sexual assault counsellors are able to guide you to the relief and recovery you can find through a confidential, caring and trusting counsellor. This free service offers education and therapy groups as well as one-on-one counselling to women and men who have experienced any unwanted act of a sexual nature. This may include: kissing, fondling, oral sex, intercourse, or exposure to pornography that occurred during childhood or as an adult.

North Bay Regional Health Centre; Sexual Assault Treatment Centre
705-474-8600 ex. 4478
<http://www.nbrhc.on.ca>

The Sexual Assault/Domestic Violence Program and Treatment Centre at NBRHC is an individualized service available to victims and survivors of sexual assault, intimate partner violence, including sexual violence and domestic violence. The program provides emergency health care and psychosocial support, as well as follow up care, by specially trained nurses. The care provided to all victims and survivors is patient-centered and focuses on choices made by the victim/survivor.

Sexual Assault and Domestic Violence victims who come to North Bay Regional Health Centre for treatment will be provided care 24 hours a day 7 days a week, without delay, by a specially trained nurse (SANE).

RESOURCE AGENCIES

Amelia Rising Sexual Assault Centre

101 Worthington Street East, Suite 215
North Bay, ON P1B 1G5
705-840-2403 (office)
705-476-3355 (24/7 crisis line)
ameliarising.ca

Assaulted Women's Hotline

1-866-863-0511
#SAFE (#7233) on your mobile phone
awhl.org

Boost CYAC

Internet Child Exploitation (ICE) Counselling Program

1-855-424-1100
boostforkids.org

Community Counselling Centre of Nipissing

361 McIntyre street East
North Bay, ON P1B 1C9
705-472-6515
cccnip.com

Crisis Intervention

-North Bay Regional Health Centre
1-800-352-1141
-West Nipissing General Hospital
Alliance Centre
Open 7 days a week
3:30 p.m. – 11:00 p.m.
705-753-3110 ext. 288
-Mattawa Hospital
Nipissing Mental Health Housing Support Services
Open Monday to Friday
9:00 a.m. – 4:00 p.m.
705-744-6014

Egale Canada Human Rights Trust

1-888-204-7777
1-888-44-Egale (youth OUTreach)
egale.ca

Elder Abuse Ontario

416-906-7887
1-866-299-1011 (24/7 senior's safety line)
elderabuseontario.com

Fem'aide - Francophone helpline

1-866-863-0511

femaide.ca

Horizon Women's Shelter

P.O. Box 6228

Sturgeon Falls, ON P2B 3K6

705-753-1154 (shelter)

705-753-5571 (Transitional Housing Program)

705-753-5571 (Outreach Program)

705-753-1154 (Women's Counselling Program)

horizoncentre.ca

Kids Help Phone

1-800-668-6868

kidshelpphone.ca

LGBT Youth Line

1-800-268-9688

youthline.ca

Male Survivor Support Line

1 866 887 0015

Mattawa Hospital

217 Turcotte Park Road

P.O. Box 70

Mattawa, Ontario P0H 1V0

705-744-5511

mattawahealth.ca

Mattawa Women's Resource Centre

P.O. Box 538, 385 Pine Street

Mattawa, ON P0H 1V0

705-744-5567 (shelter)

744-5567 (24/7 crisis line)

mwrc.ca

Nipissing Transition House

547 John Street

North Bay, ON P1B 2M9

705-476-2429 (shelter)

705-476-2429 (24/7 crisis line)

705- 494-9589 (Women's Outreach)

nipissingtransitionhouse.com

North Bay Indigenous Friendship Centre

980 Cassells Street.

North Bay, ON P1B4A6

705-4722811

nbifc.org

North Bay Multicultural Centre

100 Main Street East
North Bay, ON P1B 1A8
705-495-8931
nbdmc.ca

North Bay Police Service

135 Princess Street West
North Bay, ON P1B 6C2
705-497-5555 (general inquires)
705-472-1234 (non-emergency police response)
northbaypolice.ca

North Bay Regional Health Centre

50 College Drive
P.O. Box 2500
North Bay, Ontario P1B 5A4
705-474-8600
nbrhc.on.ca

Ojibway Women's Lodge

131 Commanda Crescent
North Bay, ON P1B 8G5
705-472-3321 (shelter and crisis)
705-472- 0233 (crisis support and counselling)
705 - 472 0233 (Transitional and Housing Support Program)
ojibwaywomenslodge.ca

Ontario Provincial Police

North Bay Detachment
867 Gormanville Road
-North Bay, ON P1B 8G3
705-495-3878
-Powassan
390 Clark Street
Powassan, ON P0H 1Z0
705-724-2016
-Nipissing West
1-888-310-1122.
opp.ca

Talk 4 Healing - Helpline for Aboriginal Women

1 855 554 HEAL (call or text)
talk4healing.com

Victim Services of Nipissing District

135 Princess Street, West
PO Box 1532
North Bay, ON P1B 8K6
705-472-2649
vsnd.ca

Vitim/Witness Assistance Program

360 Plouffe St
North Bay, ON P1B 9L5
705-495-8339
attorneygeneral.jus.gov.on.ca

West Nipissing General Hospital

725 Coursol Road, Sturgeon Falls,
ON P2B 2Y6
705- 753-3110
wngh.ca

SAFETY PLAN

After experiencing a sexual assault your sense of safety can become a concern. Brainstorming ways to stay safe can help you prepare for a future crisis, consider your options and make decisions about your future. Finding ways to stay and feel safe can be helpful in your recovery journey.

- **Talk to others** about your safety – let neighbours, family, friends know your concerns. Share a code word with them to identify when you need help. Have them call police if they see the person near your home.
- **Keep a phone** and important phone numbers close at hand. Have your phone charged at all times and keep extra chargers in your car, at school and/or at work.
- **Plan your exit**– think about how to safely leave your home or place of work. Become familiar with a safe place to go once you have exited. What items do you want to have with you? Keep your phone and purse/personal bag with you.
- **Secure your home** – change your locks, keep doors and windows locked even when you are home. Check to see who is at the door before you answer it. Keep an inside light on and have good outside lighting. Keep a safe room in your home with an exit and a phone.
- **Keep police informed** – notify the police if the person is not leaving you alone. Write down each time they contact you (including phone calls, texting and messaging).
- **Travel with others** and watch for safe places to go if you need help. Change up your routine and travel routes (such as your drive to work or school). Have co-workers walk you to and from your car. Let your employer know your concerns and have them screen your calls.
- **Review privacy settings** on your social media accounts. Change passwords, remove identifying profile pictures, check to ensure your address and phone numbers aren't available online.
- **Call 911** if you feel unsafe and tell them where you are.
- **Plan self-care** – develop healthy sleep and nourishing eating routines. Do something you enjoy, journal, reach out to your network and access community supports.

MY CONTACTS:

Officer in Charge		
Name:		Position:
Business Phone:	Cell Phone:	Email:
Office Location:		Incident Number:

VSND Worker	
Name:	
Business Phone: 705-472-2649	Office Location: 135 Princess Street West North Bay, ON P1B 8K6
Notes:	

Reminder:

Have you provided your updated contact information to the Officer in Charge and your VSND worker?

For more information, please contact:
Victim Services Nipissing District
135 Princess Street West
North Bay, ON P1B 8K6
Telephone 705-472-+2649
Website: www.vsnd.ca