

REPORTING AND THE LEGAL PROCESS¹

The decision to report a sexual assault or sexual abuse can be a difficult one for the person who has experienced sexual violence. As a survivor, you have the right to involve the police or not. It's your decision. If you do decide to report to police, contact your local sexual assault centre for support and to find out how the reporting process and justice system works.² There is no time limit for you to report a sexual assault.

Reporting and the Criminal Justice System

- Before you begin your report, ask the police officer to review with you the entire process you can expect to go through for making a report. Making a police statement will likely involve the police conducting an audio-visual statement at the police station. **YOU CAN TAKE A SUPPORT PERSON WITH YOU.**
- Once you make a statement to the police, the investigation and direction of the case is in the hands of the police. If they decide it is a public safety issue, you will not likely have input about whether or not charges are laid.
- If the police find evidence of a crime, a warrant is obtained and the person is charged.
- Based on the evidence, the Crown Attorney decides to proceed to take the case to court or not. A preliminary hearing may take place where a judge decides if the Crown Attorney has enough evidence for a trial.
- The Crown Attorney is not your lawyer. However, you are considered a key witness for the Crown at these proceedings. The Crown Attorney will schedule meetings to inform you of courtroom procedure and the questions you may be asked.
- In most areas, a Victim/Witness Assistance Program worker may be available to help prepare you for your role as witness.³
- If the case proceeds to court, you will be called as a witness to describe your experience of the sexual assault. Going to court is a very individual experience; some people are empowered by telling their story and to facing their abuser in court, while others can find it to be a difficult experience.
- If the accused is found guilty, they may appeal the sentence.

No matter the outcome, sexual violence is never your fault. Seek support for yourself from friends and family and from sexual assault centre services in your area. There are caring people in every community, reach out and find them.

DUTY TO REPORT

Anyone who has reasonable grounds to suspect that a child under 16 is, or may be in need of protection, must promptly report the suspicion and the information upon which it is based to a Children's Aid Society (CAS). When CAS becomes aware that a sexual assault has been perpetrated against a child, a joint investigation with police will take place.⁴



¹ Toronto Police have written a guide for Survivors that describes the Criminal Justice System process.

² To find sexual assault support services go to: <http://www.sexualassaultsupport.ca/support>.

³ To find Victim/Witness Assistance Programs in your area go to the Ministry of Attorney General website.

⁴ See Ministry of Children and Youth Services: Standard 2 Planning and Conducting a Child Protection Investigation