REPORTING TO THE POLICE:
A GUIDE FOR SURVIVORS
WHAT TO EXPECT
This resource provides information and answers some common questions about reporting sexual violence to the police.

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

Call: 709-722-2805 or 1-833-722-2805  
Text: 1-709-986-2811 or 1-709-986-2801 or 1-709-219-0672  
Email: support@journeypointcnl.com

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

THINGS TO KNOW

- You have options when reporting sexual violence. You can call the police station or 911 and meet with a police officer in the community. You can also make a complaint in person at a police station.

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

- Depending on your location, you may report to the Royal Newfoundland Constabulary (RNC) or the Royal Canadian Mounted Police (RCMP).

WHAT TO EXPECT WHEN YOU REPORT SEXUAL VIOLENCE TO THE POLICE

In Canada, there is no limitation period on when a person can report an incident of sexual violence to the police, or when the police can charge someone with an indictable offense. You can report an assault(s) to the police no matter how long ago it happened.
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Reporting to the police is your choice. It is completely up to you if and/or when you report to the police. However, once you make a report to the police, they will determine much of the process and decision-making that follows.

**IF YOU CALL THE POLICE STATION OR 911**

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

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

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

**IF YOU REPORT IN PERSON**

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

If you are reporting in person at the RNC in St. John’s, you can request to speak with someone in the Child Abuse and Sexual Assault (CASA) Unit.

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

You may be asked to provide a piece of photo I.D.

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

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

**GIVING YOUR STATEMENT**

The police officer may request that you write down your statement, or they might write it for you. If the officer writes your statement, you will have the opportunity to review and sign it.

• Prior to making your statement, mention any accessibility or accommodation requests you may have. A Legal Support Navigator with The Journey Project can also assist you with arranging accommodations. Some examples of accommodations include a service animal, translation or interpretation, or transportation.

The police officer may ask you:

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

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

**SEXUAL ASSAULT NURSE EXAMINER PROGRAM**

The Sexual Assault Nurse Examiner (SANE) Program is only offered at St. Clare’s Hospital in St. John’s to individuals aged 16 and older.
Reporting to the police is your choice. It is completely up to you if and/or when you report to the police. However, once you make a report to the police, they will determine much of the process and decision-making that follows.

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Locations outside of St. John’s may have similar programs or specially trained nursing staff. You can visit the SANE program any time after a sexual assault. However, forensic evidence, which could include blood and urine samples, swabs, clothing, and photos of injuries, is typically collected within five days. Nurses may collect forensic evidence, take photos, and provide medical treatment and interventions (i.e. emergency contraception like the morning after pill or medication for some sexually transmitted infections).

Participation in this program is completely voluntary and requires your consent throughout the process. You may choose to complete only some parts of the exam. It is important to note as well that it is your choice whether or not to include the police in this process or submit any collected evidence to the police.

Forensic evidence can be stored for up to a year at the SANE program in St. John’s, NL. If a criminal charge is laid by the police, this time period can be extended. We suggest bringing a change of clothes in case the clothing you are wearing is kept for evidence.

The entire process from start to finish can last anywhere from two to five hours or more. You can bring a support person to accompany you at any point during this process.

**FOR EVIDENCE COLLECTION, IT IS RECOMMENDED THAT YOU AVOID:**

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

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

**VICTIM SERVICES**

The police will refer you to Victim Services. Even if you are not referred to Victim Services, we highly recommend that you contact them. Victim Services can support you at any point, regardless if charges have been laid or not. The Journey Project staff can also connect you to Victim Services.

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

**Victim Services provides**

- General information about the criminal justice system.
- Information on your specific case.
- Safety planning.
- Court preparation.
- Assistance writing your victim impact statement.
- Referrals to other community organizations and agencies.
- Emotional support and short-term counseling as you prepare to go to court.

**Victim Services does not provide**

- Legal advice.

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

Victim Services has several offices throughout the Newfoundland and Labrador region.
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LIVING IN A DIFFERENT PROVINCE OR COUNTRY FROM WHERE THE ASSAULT HAPPENED

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

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

WHAT TO EXPECT DURING A POLICE INVESTIGATION

If the police have collected enough evidence, your information may be forwarded to an investigating team of police officers who primarily deal with sexual assault. In St. John’s, the Child Abuse and Sexual Assault (CASA) Unit handles sexual assault matters. However, not every part of the province has a special unit. While the matter is under investigation, the police will interview witnesses and continue to collect evidence.

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

THE INVESTIGATING POLICE CAN PROVIDE INFORMATION ON

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

OTHER PEOPLE WHO MAY BE INVOLVED IN THE INVESTIGATION

- Sexual Assault Nurse Examiner
- Child Abuse Sexual Assault (CASA) Unit in St. John’s
- Crown Attorney
- Other medical professionals
- Witnesses (if there are any)

PRIVACY

During a police investigation, the investigating police officers may decide that a media release is required to protect the public. While your name will not be shared, details of the offender and the assault may be released. Generally, a media release may be issued if:

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

RECORDED INTERVIEWS

During a police investigation, you may be asked to give a recorded interview.

- The interview may be videotaped and/or audiotaped for court purposes, as it may be entered as evidence.
- You will be brought to a room with the investigating officer who is responsible for handling your file. What the room looks like will depend on the police station you are reporting in. It may have comfortable furniture or office chairs. The room will likely have very little art on the wall or anything else that might be distracting. The room may or may not have a window. You can call ahead and request a description of the room to help prepare you.
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- You may be allowed to bring along a support person with you. It is best to ask the officer ahead of time if this is possible. You may want to bring water and tissues with you. You can also take along any notes you have made to help jog your memory.

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

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

**WHAT HAPPENS IF A CHARGE IS LAID?**

Laying charges (sometimes called “pressing charges”) is up to the investigating police officer(s). It is not up to you. A charge is laid if the police have completed their investigation and have collected enough evidence to formally accuse a suspect(s) of committing a crime. The police will send the file to the Crown Attorney’s office. The Crown Attorney’s office will then take over and handle the prosecution of the accused.

**WHAT HAPPENS TO THE PERSON(S) CHARGED?**

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

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

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

If the person is released into the community, you have a couple of options. If you fear for your safety, you can apply for a Peace Bond. This is a court order that places specified conditions on an individual’s behaviour. An Emergency Protection Order is a document issued by the Provincial Court that a judge may grant quickly when intimate partner violence has occurred. Your safety is the number one priority. To talk about safety planning, contact The Journey Project, a transition house, safe house, or the police.

For information on the next steps after a charge or charges are laid, please see The Journey Project’s “Sexual Assault Prosecution: A Guide for Survivors.”

**WHAT HAPPENS IF A CHARGE IS NOT LAID?**

If a charge is not laid, it is because the police were not able to collect enough evidence to proceed. It does not mean the sexual assault did not happen or that the investigating police officers did not believe you. This can feel incredibly defeating and for many people it can be re-traumatizing.

The investigating officer can explain why a charge was not laid and connect you with other legal options. The Journey Project staff are also available at any time during this process to provide legal information, emotional support, or a referral to a lawyer for free legal advice.

If a charge is not laid, the survivor may be able to apply for a Peace Bond or an Emergency Protection order if they fear for their safety.
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Crown Attorney: A Crown Attorney, sometimes called a prosecutor, is a lawyer that works for the Government. They represent the best interest of the public and are responsible for making sure that the criminal justice process is fair to everyone involved, including the accused, the complainant and the public. They do not represent or work for the survivor in a criminal matter. A survivor does not get their own lawyer. A survivor can hire a lawyer for support and guidance, but they cannot represent you at most court hearings.

Disclosure: A copy of the evidence that the Crown and police have collected. This package of evidence is given to the accused and their lawyer so that they can see the full evidence being presented against them.

Emergency Protection Order: An emergency document issued by Provincial Court that a judge can grant quickly when family violence has occurred.

Harassment: Stalking, following, or doing certain other things that frighten or intimidate a person and make them fear for their safety. Sexual harassment can include any unwanted conduct, behavior, action, or words of a sexual nature.

Intimate Image: A photo, video, or recording of a person who is nude, semi-nude, or engaged in sexual activity.

Limitation Period: A time period set by law that states how long a person has to start a legal action or exercise a legal right. Except in rare circumstances, if the limitation period has ended, the person will no longer have the right to start a legal action or bring a case to the courts. Depending on the nature of the case, there may be a limit on when a civil lawsuit can be started.

Peace Bond: A court order that places specified conditions on an individual's behavior. Anyone who fears for their safety can make an application.

Physical Evidence: Bodily fluids and other DNA-producing evidence which may be used to prove the identity of the accused. Physical evidence may be used to prove a sexual act took place. The purpose of the physical evidence will depend upon the issue of trial.

DEFINITIONS

Below are some common terms you may hear when you make a police report or during an investigation. If you do not understand something the police officer is saying, ask them to explain it differently. You can also ask a Legal Support Navigator for help understanding legal language.

**Accused**: a person charged with committing a criminal offence.

**Alleged**: An unproven accusation. This includes a criminal charge that has not yet been proved in court. Lawyers and the courts use this term because accused people have the right to be considered innocent until proven guilty in court. Use of this word does not mean that the lawyer doesn’t believe you.

**Assault**: an intentional use of force by one person against another person, or an attempted or threatened use of force. There may or may not be injuries.

**Complainant**: The term often used by police or the courts to refer to a person who has made a complaint about a criminal incident to police, which may or may not lead to criminal charges against an accused person. If you have gone to the police to report a crime, you are the complainant.

**Consent**: To consent to sexual activity means to agree freely. The law requires that a person take reasonable steps to find out whether the other person is consenting. The age of consent to sexual activity in Canada is 16. In some situations, a person must be 18 years old to consent to sexual activity (if the other person has a relationship of trust or authority over them, if it involves exploitive activity, if they are dependent on the other person, etc.).

**Criminal Court**: When the government believes a person has committed a crime, it brings the person to this court for trial. In Newfoundland and Labrador, criminal trials may be held either at the Provincial Court or Supreme Court, General Division.
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**Peace Bond:** A court order that places specified conditions on an individual’s behavior. Anyone who fears for their safety can make an application.

**Physical Evidence:** Bodily fluids and other DNA-producing evidence which may be used to prove the identity of the accused. Physical evidence may be used to prove a sexual act took place. The purpose of the physical evidence will depend upon the issue of trial.
**Sexual Assault:** An assault of a sexual nature (see definition for “assault” above).

**Sexual Assault Nurse Examiner (SANE):** Health care services delivered to people who have experienced a sexual assault. With consent, it may include a physical exam, pelvic exam, specimen collection, medication for pregnancy and STIs and referrals to community resources. The information collected may be used as evidence in court. You do NOT have to report to police to access SANE services, and police officers are not present during evidence collection. You may have a support person in the room with you if you wish.

**Sexual Violence:** Each survivor will interpret sexual violence differently based on their own personal and unique experience. It includes any act that happens without consent of a person, including physical or psychological violence, carried out through sexual means, of a sexual nature, or by targeting sexuality.

**Statement:** An account of the events that occurred. It may be provided in writing, audio or video recording. It may be used as evidence in court.

**Survivor:** The term survivor and victim are both often used when talking about sexual violence. You may or may not identify with this term, depending on the impact of your experience and where you are in your healing process.

**Victim:** The person who suffers from a crime or other wrongdoing. A police officer may refer to you as a victim, even though you may not identify with this term. This is the language used by the court and does not mean the police officer is judging you/your reaction to the incident.

**Video and Photographic Evidence:** The use of this evidence is rare but becoming more common. There have been cases built on video taken by the accused.

**Witness:** Someone who has relevant information about a crime. Their statement may be used as evidence in court, they may have to appear in court to provide testimony.

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**WHO WE ARE**

**THE JOURNEY PROJECT**

The Journey Project is an ongoing partnership between the Public Legal Information Association of NL (PLIAN) and the Newfoundland and Labrador Sexual Assault Crisis and Prevention Centre (NLSACPC) to enhance supports and responses for survivors of sexual violence within Newfoundland and Labrador’s justice system. It is available to any person, aged 16 and older who has experienced any form of sexual violence and (1) is currently living in Newfoundland and Labrador or (2) is living outside the province but experienced an incident of sexual violence in Newfoundland and Labrador.

Persons who meet the eligibility criteria can receive up to four hours of free legal advice from a practicing lawyer in Newfoundland and Labrador.

The Journey Project employs three Legal Support Navigators, who are available by phone, email, text, and in person to provide trauma-informed support, general legal information, referrals for legal advice through the Sexual Violence Legal Support Service, and referrals to other community resources. The Legal Support Navigators will also meet face-to-face with clients, which includes providing court accompaniment and other supports where practicable.

**Contact information:**

Call: 709-722-2805 or 1-833-722-2805  
Text: 1-709-986-2811 or 1-709-986-2801 or 1-709-219-0672  
Email: support@journeyprojectnl.com  
Facebook: www.facebook.com/TheJourneyProjectNL  
Twitter: @Journey_NL
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Twitter: @Journey_NL
**VICTIM SERVICES**

Victim Services is a free program offered through the Department of Justice and Public Safety. Adult victims of crime aged 16 and older are eligible to receive services whether the crime has been reported or not, even if no charge is laid. Victim Services can provide assistance to victims of a variety of crimes, including intimate partner violence (domestic violence), sexual assault, criminal harassment (stalking), assault, assault with a weapon or causing bodily harm, homicide, impaired driving, property crimes, theft and fraud.

Victim Services can provide information about the criminal justice system, information on your case, safety planning, court preparation, assistance writing your victim impact statement, referrals, emotional support and short-term counselling.

Victim Services cannot provide legal advice or services for incidents that are not criminal in nature (i.e. civil, family matters, suicide, sudden death).

**Provincial Office**
4th floor, East Block, Confederation Building
P.O. Box 8700
St. John’s, NL A1B 4J6
Tel: (709) 729-7970
Fax: (709) 729-2129
Email: victimservices@gov.nl.ca

**ADDITIONAL RESOURCES**

**NEWFOUNDLAND AND LABRADOR SEXUAL ASSAULT CRISIS AND PREVENTION CENTER**

The NL Sexual Assault Crisis & Prevention Centre is a non-profit organization that exists to provide support and essential services to adults impacted by sexual violence in this province. They operate a 24/7 Support and Information Line which is accessible to all people in the province.

401 Empire Ave, St. John’s, NL A1E 1W6
(709) 747-7757 or 1-800-726-2743
info@endsexualviolence.com

**PUBLIC LEGAL INFORMATION ASSOCIATION OF NEWFOUNDLAND AND LABRADOR**

The Public Legal Information Association of Newfoundland & Labrador (PLIAN) is an independent non-profit organization and registered charity dedicated to educating Newfoundlanders and Labradorians about the law, with the intent of increasing and improving access to justice.

PLIAN operates a Legal Information Line and Lawyer Referral Service from 8:30 AM – 1:30 PM (Monday to Friday) and from 6:00 PM – 9:00 PM (Wednesdays only). Through the Legal Information Line, clients can receive general legal information and assistance with navigation of the legal system. As part of the Legal Information Line, PLIAN’s Lawyer Referral Service offers clients referrals to participating lawyers. Lawyers who register with this service agree to provide an initial 30-minute consultation at a cost of $40 (taxes included).

To contact the Legal Information Line and Lawyer Referral Service, contact PLIAN at 1-888-660-7788/709-722-2643 or email info@publiclegalinfo.com.

**EASTERN REGION:**

**Clarenville**
Clarenville Public Building
97 Manitoba Drive, Suite 101
Clarenville, NL A5A 1K3
Tel: (709) 466-5808
Fax: (709) 466-4031

**Carbonear**
Carlyle Bldg., Unit 3
80 Powell Drive
Carbonear, NL A1Y 1A5
Tel: (709) 945-3020
Fax: (709) 945-3018
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P.O Box 8700
St. John’s, NL A1B 4J6
Tel: (709) 729-7970
Fax: (709) 729-2129
Email: victimservices@gov.nl.ca

**AVALON REGION:**
St. John’s
3rd Floor, Atlantic Place, Suite 303
P.O. Box 8700
St. John’s, NL A1B 4J6
Tel: (709) 729-0900
Fax: (709) 729-0053

**EASTERN REGION:**
Clarenville
Clarenville Public Building
97 Manitoba Drive, Suite 101
Clarenville, NL A5A 1K3
Tel: (709) 466-5808
Fax: (709) 466-4031

Carbonear
Carlyle Bldg., Unit 3
80 Powell Drive
Carbonear, NL A1Y 1A5
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**Marystown**
Marystown Public Building
61-69 Ville Marie Drive
P.O. Box 1182
Marystown, NL A0E 2M0
Tel: (709) 279-3216
Fax: (709) 279-4256

**Stephenville**
35 Alabama Drive
Stephenville, NL A2N 3K9
Tel: (709) 643-6588 / 643-6618
Fax: (709) 643-9231

**Port Saunders**
90 Route 430
The Dobbin Building
P.O. Box 149
Port Saunders, NL A0K 4H0
Tel: (709) 861-2147 Fax: (709) 861-3302

**CENTRAL REGION:**

**Gander**
2nd Floor, Fraser Mall, 230 Airport Blvd
P.O. Box 2222
Gander, NL A1V 2N9
Tel: (709) 256-1028 / 256-1070
Fax: (709) 256-1024

**Grand Falls-Windsor**
4th Floor, Provincial Building
3 Cromer Avenue
Grand Falls-Windsor, NL A2A 1W9
Tel: (709) 292-4544 / 292-4548 / 292-4508
Fax: (709) 292-4511

**WESTERN REGION:**

**Corner Brook**
84 Mount Bernard Avenue
6th Floor, Sir Richard Squires Building
P.O. Box 2006
Corner Brook, NL A2H 6J8
Tel: (709) 637-2614
Fax: (709) 637-2530

**LABRADOR REGION:**

**Happy Valley – Goose Bay**
171 Hamilton River Road
P.O. Box 3014, Stn. “B”
Happy Valley – Goose Bay, NL A0P 1E0
Tel: (709) 896-0446 / 896-3251 / 896-3825
Fax: (709) 896-2230

**Nain**
General Delivery
P.O Box 2006
Nain, NL A0P 1L0
Tel: (709) 922-2360
Fax: (709) 922-2238

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