

# Reporting Sexual Assault

## A Guide for Victims on PEI



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# Introduction

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This publication gives information about reporting sexual assault to the police on Prince Edward Island.

This publication is for victims over the age of 18. If you are under 18, some of this information won't apply.

This publication is not legal advice, and it does not replace guidance from a lawyer.

This publication is made possible with the generous support of the Prince Edward Island Department of Justice and Public Safety.



## About Us

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RISE offers free legal support for victims of sexual or intimate partner violence, and workplace sexual harassment. RISE is a program of Community Legal Information. Community Legal Information provides understandable and useful information about the law and the justice system in Prince Edward Island.

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### Contact RISE

**Call or Text**

902-218-6143

**Website**

[www.risepei.com](http://www.risepei.com)

**E-mail Address**

[rise@legalinfopei.ca](mailto:rise@legalinfopei.ca)

**Social Media**

[@riseprogrampei](https://www.instagram.com/riseprogrampei)

# Important Notes

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## **What if I am in an emergency?**

Call **911** immediately.

## **What if someone under 18 is a victim of sexual assault?**

By law, you must tell Child Protection Services. Call **1-877-341-3101** during business hours. Call **1-800-341-6868** after business hours.

## **Is reporting a sexual assault my decision?**

Yes. If and when you report is your choice.

## **What are my medical options?**

A medical professional may:

- Treat physical harm, injuries, or infections.
- Give you antibiotics, pain medication, drugs to reduce your risk of contracting HIV, and emergency contraceptives (such as the morning after pill).

You can see a medical professional at the hospital emergency room, a walk-in clinic, or your family doctor's office.

For walk-in locations and hours, call **811** or visit:

**[www.princeedwardisland.ca/en/information/health-pe/walk-in-clinics](http://www.princeedwardisland.ca/en/information/health-pe/walk-in-clinics)**.

You may also go to a hospital emergency room for a sexual assault evidence kit. A **sexual assault evidence kit** collects physical evidence of an assault. More information is on page 10.

### **Is there a time limit for reporting sexual assault?**

No. A **limitation period** is a time period set by law that states how long a person has to start a legal action or exercise a legal right. In Canada, there is no limitation period for when you can report sexual assault to the police. This means you can report no matter how long ago the violence happened.

**The words survivor and victim both mean a person harmed by a crime. You may identify with one word over the other. In this publication, we use victim because it is a legal word used in the criminal justice system.**

**See page 33  
for more  
free support  
services.**

## Getting Support

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You are not alone. Support services are available for you. You can access support services if you report to police or if you don't.

### PEI Rape and Sexual Assault Centre (PEIRSAC)

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PEIRSAC offers free counselling services for people who have experienced recent or past sexual assault and childhood sexual abuse.

PEIRSAC's counselling services are:

- Free of charge and confidential.
- For individuals of all genders (over 16) who have experienced recent or past sexual assault and childhood sexual abuse.
- Provided by professional therapists who are experienced and trained in trauma recovery.
- Not an emergency service. There may be a waiting period. Contact information for crisis supports is on page 33.

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#### **Counselling Request Line**

902-368-8055

1-888-368-8055

# Victim Services

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Victim Services is a free and confidential government program that supports you during the criminal justice process. You can access Victim Services at any time, even if charges are not laid or you don't want to report to police. Victim Services can be a connector between you and other parts of the criminal justice system, including the police and the Crown Attorney.

Victim Services gives:

- General information about the criminal justice system.
- Information about your case.
- Safety planning.
- Court preparation.
- Help writing your victim impact statement.
  - A **victim impact statement** is a document that explains how a crime impacted a victim's life. For more information, see *Sexual Assault Prosecution: A Guide for Victims on PEI*.
- Referrals to other community organizations and agencies.
- Emotional support and short-term counselling throughout the process.

Victim Services does not give legal advice.

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## Charlottetown office

902-368-4582

victimservicescharlottetown@gov.pe.ca

## Summerside office

902-888-8218

victimservicessummerside@gov.pe.ca

# Sexual Assault and Consent

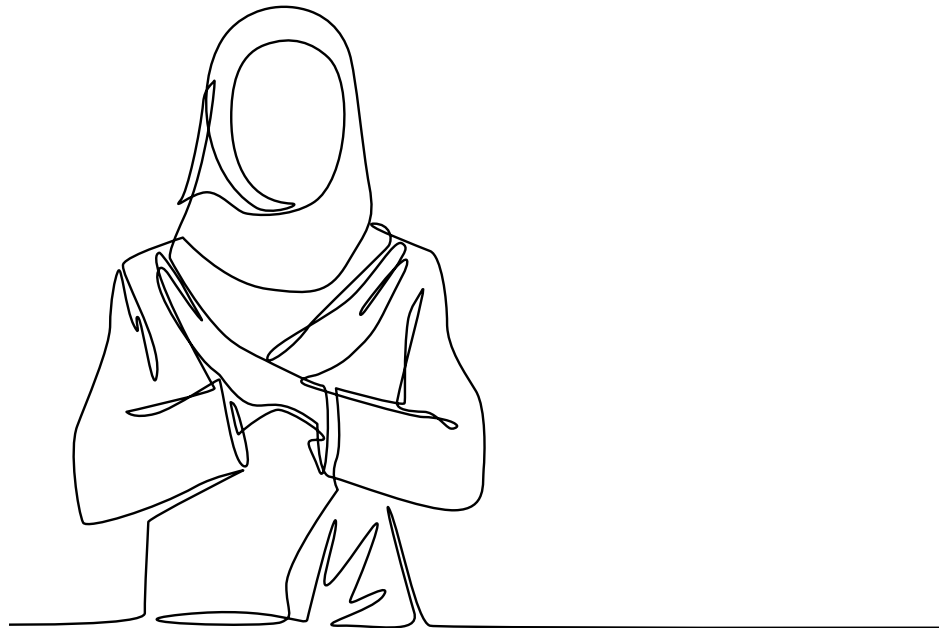
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## What is sexual assault?

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**Sexual assault** is committing a sexual act on another person without their consent. This includes kissing, touching, intercourse, or any other bodily contact of a sexual nature without consent.

Sexual assault is a crime.





# What is consent?

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**Consent** is voluntary, informed, and ongoing agreement to take part in a sexual act. Voluntary means you make the decision for yourself. Informed means you know you are giving consent and understand the consequences and risks of your actions.

Canadian law says there is no implied consent. Consent must be verbal, expressive, and ongoing.

Consent may be withdrawn. You can withdraw consent by expressing that you want to stop a sexual act.

Consenting to one sexual act does not mean that you consent to another. Consenting to a sexual act now does not mean you consent to the same sexual act later.

The law says there is no consent if:

- You are mentally incompetent, unconscious, or impaired by drugs or alcohol, or otherwise incapable of consenting.
- You are forced or compelled to agree to sexual activity by a person in a position of power.
- You agree or submit to sexual activity because of violence or threats.
- You change your mind during sexual activity and ask for it to stop, but it continues.
- You are forced to have sex in a relationship. You are never obligated to have sex in a relationship. Your partner can be charged with a sexual offence if they commit a sexual act on you without your consent.

Contact RISE  
if you have  
questions  
about Sexual  
Assault  
Evidence Kits.  
Call/text  
902-218-6143.

# Sexual Assault Evidence Kits

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A **sexual assault evidence kit** collects physical evidence of an assault. Sexual assault evidence kits are offered at all hospital emergency rooms on PEI.

After a sexual assault, you may need medical treatment. You can go to a hospital emergency room for treatment and a sexual assault evidence kit.

## Can I bring a support person?

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Yes. You can bring a support person in the room with you during the physical examination.

## How can I get a sexual assault evidence kit done?

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Tell the emergency room nurse that you have been recently sexually assaulted and that you want an evidence kit completed. Emergency room staff are trained in the Enhanced Emergency Sexual Assault Services. **Enhanced Emergency Sexual Assault Services (EESAS)** are specialized emergency health care services delivered to people who have experienced a sexual assault.

Health care providers administering EESAS are trained to understand trauma, which includes compassionate and respectful care. A nurse or a doctor will ask you if you'd like them to collect this evidence.

## How does a doctor or nurse collect evidence for the kit?

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With your consent, the nurse or doctor may:

- Collect urine and blood samples.
- Take swabs.
- Collect physical evidence (such as clothing).

The doctor or nurse will ask for your consent throughout the process.

The process may take 2-5 hours. Police officers are not present during evidence collection. If possible, bring a change of clothes to the hospital in case the clothing you are wearing is kept for evidence.

## Can I stop the physical exam after it starts?

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Yes. You may choose to do only some parts of the exam.



## **Can I shower or change clothes before going to the hospital for the kit?**

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Before going to the hospital, try to avoid:

- Showering or bathing.
- Changing or washing your clothes.
- Brushing your teeth.
- Washing your hands or combing your hair.

You can still have a sexual assault kit completed even if you have done some or all of these things.

## **It has been several days since the assault. Can doctors still collect physical evidence?**

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You may visit a hospital any time after a sexual assault. The best evidence is collected as soon as possible after the assault. Some physical evidence may be able to be collected up to five days following the assault.

## Do I have to report the assault to the police after getting a kit?

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No. You decide to report or not. You may:

- Report immediately.
- Take some time to decide if you would like to report or not. The **third option** is deciding to store the evidence anonymously at the hospital for up to 12 months. This means the kit can still be used as evidence if you decide to report later.

If you choose the third option, the kit is stored anonymously. This means your name is not on the kit. Only the hospital has the code that connects the kit to you.

If you decide within 12 months to report to a police officer, the evidence stored anonymously can be used in the investigation. If you don't report to police within 12 months, the evidence (including any personal items that were collected) will be destroyed.

If you choose third option, you can start an investigation by contacting police or Victim Services.

# Reporting a Sexual Assault

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On PEI, you can report sexual assault by:

- Calling **911** (if you are in an emergency).
- Asking to report while at the hospital for treatment or a sexual assault evidence kit.
- Calling police or RCMP.
- Going to a police station in person.

## What is an initial interview?

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When you first contact police, there will be an initial interview. The **initial interview** is when a police officer asks for basic information about what happened.

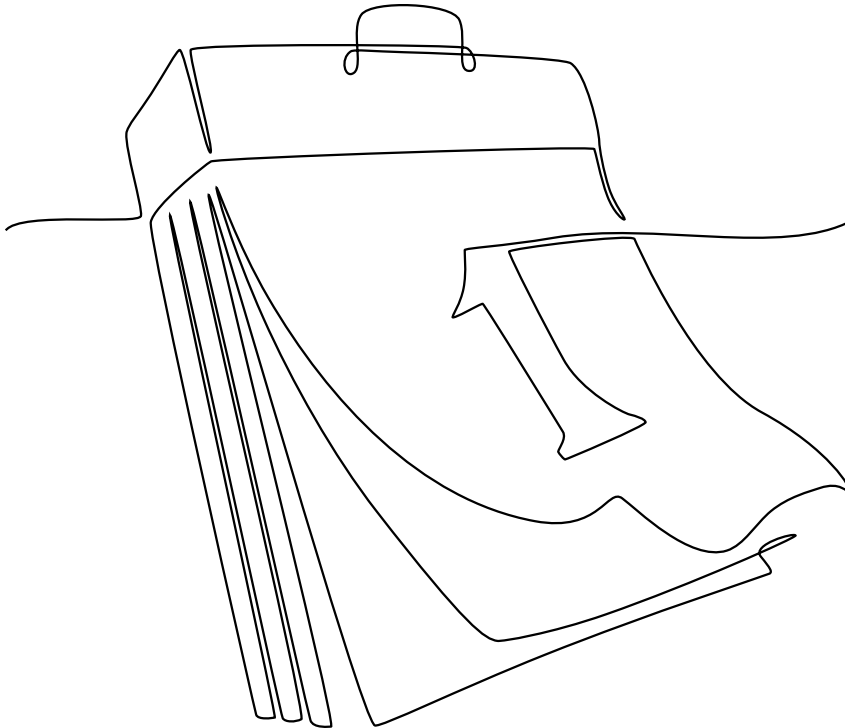
Police will ask for more information when you give a statement. A **statement** is a witness's formal account of what happened. A statement is told to police. More information about statements is on page 20.

**If and when you report sexual assault is your choice. RISE offers support navigating the justice system. Call/text 902-218-6143.**

## How do I report at the hospital?

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- You can report at the hospital if you are there for treatment or a sexual assault evidence kit. Tell the nurse you would like to report the sexual assault to police. The police will come to the hospital to write down basic information about the sexual assault.
- Remember, you decide to report or not. You can also choose the third option and the kit will be stored anonymously for up to 12 months. This gives you 12 months to decide if you would like to report the assault or not.



## How do I report by calling the police or RCMP?

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- You can ask Victim Services to help you make an appointment to meet with police. You can ask a Victim Services worker to come to a police station with you.
- Contact information for police stations is on page 33. Different police departments have different practices and procedures. You may be asked to come to the police station. Sometimes, an officer in uniform may be sent to your location. Different police services may have different procedures.
- The officer may offer to take you to the hospital if you require medical assistance, or if you choose to get a sexual assault evidence kit completed. More information about sexual assault evidence kits is on page 10.

**Different police departments and RCMP units may have different practices and procedures. Your experience may vary depending on where you report.**



## How do I report by going to a police or RCMP station in person?

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- Consider bringing someone you trust to support you. You can ask Victim Services if someone from their office can come with you to the police station.
- You will likely walk up to a window at the police station and state that you want to report a crime to a police officer. You do not need to say what the crime is.
- When you arrive at the police station, there may be other people in the waiting area.
- You may be asked to provide photo identification.
- You may request to give your statement to an officer of a specific gender. If possible, the police will accommodate your request.
- If you go to the police station after business hours, you may have to use the intercom to speak to someone. They may ask your name and other personal information. You do not have to share why you are there. You can simply say you'd like to speak to a police officer. If there is not an officer at the station, an officer will be called to come and speak with you.
- You may have to wait if there isn't a police officer available when you arrive.

## **What if I have a complaint about my experience with the police or RCMP?**

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

You can also make a complaint to the Office of the Police Commissioner of PEI or the Civilian Review and Complaints Commission for the RCMP.

The **Office of the Police Commissioner of PEI** reviews complaints about Charlottetown Police Services, Summerside Police Services, and Kensington Police Services. Complaints must be made within one year of the incident. For more information, visit:

**[www.policecommissioner.pe.ca/making-complaint](http://www.policecommissioner.pe.ca/making-complaint)**.

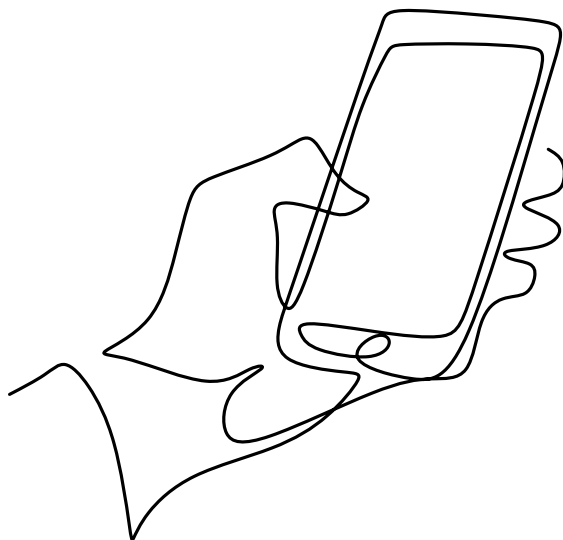
The **Civilian Review and Complaints Commission for the RCMP (CRCC)** reviews complaints about on-duty conduct of RCMP members. Complaints must be made within one year of the incident. For more information, visit:

**[www.crcc-ccetp.gc.ca/en/make-complaint](http://www.crcc-ccetp.gc.ca/en/make-complaint)**.

## **What if I live in another province, territory, or country than where the assault took place?**

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You can report the crime to the police where you currently live. The police will likely take your statement and share it with the police detachment where the assault happened. Contact Victim Services for more information. Victim Services works with similar organizations in other provinces. They can support you.



# Giving a Statement

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A **statement** is a witness's formal account of what happened. A statement is told to police.

The statement may be taken by a different police officer than the one you did the initial interview with. The police officer will ask you questions. They will videotape you while you give your statement. The recording may be entered as evidence in any future court proceedings.

Police may ask you to make a statement on the same day you first contact them. Most of the time, you can arrange to make a statement at another time.

In most cases, you will be asked to make a statement at the police station. You will give a statement in a private room.



**RISE can support you if you decide to make a statement. Call or text 902-218-6143 or email [rise@legalinfopei.ca](mailto:rise@legalinfopei.ca).**

## Before you give a statement:

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- Ask the police any questions you have.
- Ask the police for any accommodations you may need. Some examples include:
  - Interpretation services,
  - Transportation, or
  - A service animal.
- Ask the police if you may bring your notes when you give your statement.

**Remember, you can get advice from a lawyer any time during the legal process. RISE offers up to four hours of free legal advice to people who have experienced sexual violence. Call or text 902-218-6143 or email [rise@legalinfopei.ca](mailto:rise@legalinfopei.ca).**

## What can I include in my statement?

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The information in a statement will depend on the situation. For example, you may include:

- The name and description of the person who assaulted you.
- Details about the assault (for example, time, date, location).
- Details about events before the assault.
- If you used any substance or were experiencing any condition that may have impacted your ability to consent.
- If you were injured.
- If you had medical treatment or evidence collected with a sexual assault evidence kit.
- If there were other witnesses to the incident(s), and who they are. A **witness** is a person who has relevant information about a crime. Their statement may be used as evidence in court, and they may have to appear in court to provide testimony.

The police will likely ask you difficult and personal questions. They may ask you similar questions again and again. You may have to repeat information you already shared. This does not mean they don't believe your answers. It is because they are trying to get as much information as possible.

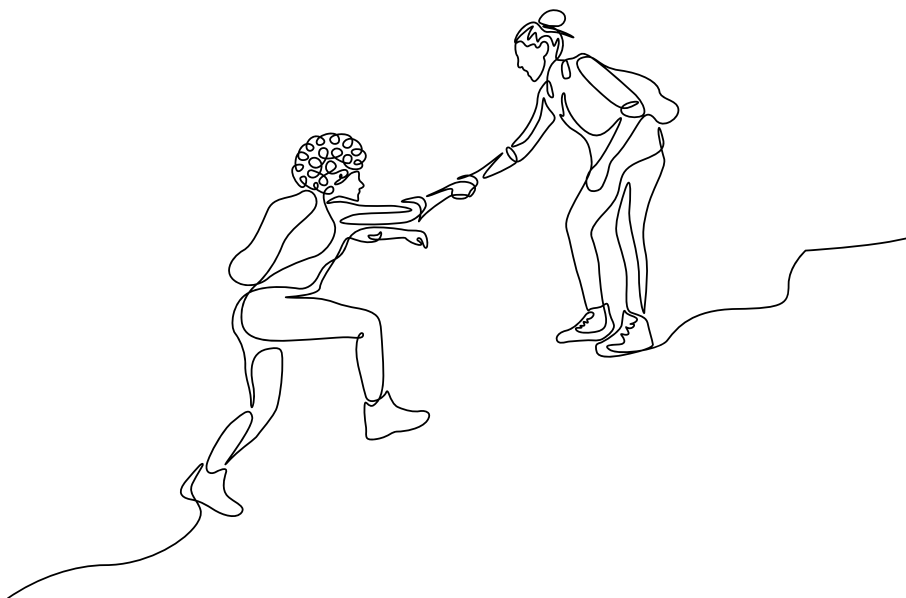
If you don't know the answer to a question, it is okay to say that you don't know. If you don't remember the answer, it is okay to say that you can't remember.

## Can I bring a support person with me when I give my statement?

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You may be allowed to bring a support person with you. This person may become a witness in the case as they will witness your interview. Ask the police officer what this may mean for your support person. Your support person will be asked not to speak during the interview.

If your support person is not allowed in the interview room with you, they may be allowed to stay outside the interview room to be there when you are done.



# Police Investigation

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After you report a sexual assault, police will investigate.

## What happens during a police investigation?

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During the investigation, the police may:

- Take statements from other witnesses.
- Collect evidence (for example, text messages, photos of clothing).
- Ask for your medical report if you have one.
- Ask to photograph your injuries.
- Ask if you want to have a sexual assault evidence kit completed.

Other people or organizations may be involved in the investigation, including medical professionals, witnesses, Family Violence Prevention Services (FVPS), Child Protection Services (CPS), and Justices of the Peace.

Police investigations can take time. Every case is different.



## What if I have questions later?

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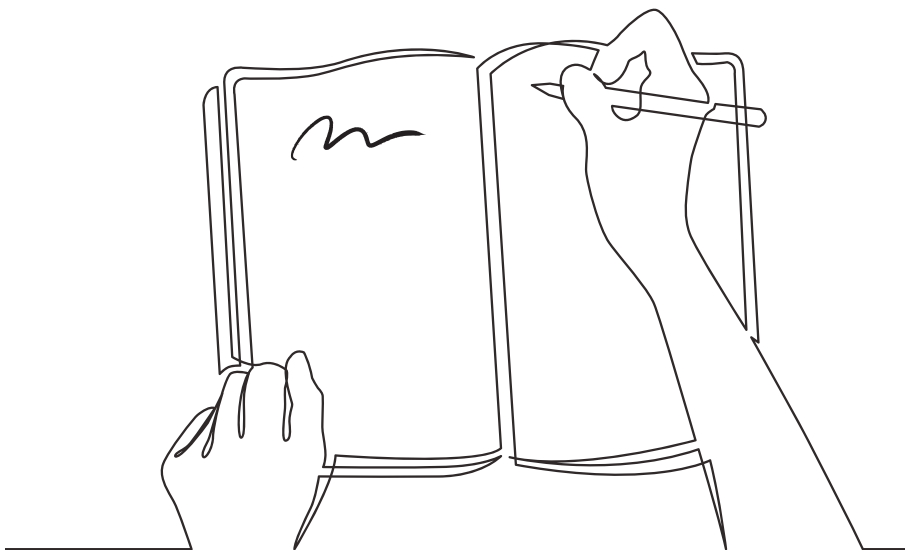
If you have questions about an ongoing investigation, contact:

- The lead police investigator, or
- The supervisor of the investigative unit, or
- Victim Services.

If you do not understand something a police officer is saying, ask them to explain it differently. It is important that you understand what is happening.

Common questions include:

- How long will the investigation take?
- What are the next steps?



## Will information be shared with the public during the investigation?

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Your name won't be shared with the public during a police investigation. But the investigating police officers may decide to share other information about the assault and the name of the person who assaulted you. Information about the assault and the name of the accused may be shared if:

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

Tell the police or Victim Services if you have concerns.

## What is a publication ban?

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A **publication ban** stops your name and identifying information about you and/or others from being published. For example, if there is a publication ban, your name cannot be published on social media, TV, the radio, or in a newspaper.

A publication ban protects your privacy. The Crown Attorney will apply for a publication ban in most sexual assault cases. You can ask the Crown Attorney for more information about publication bans.

# Charges

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**Laying charges** is when the police officially accuse someone of a crime. This is sometimes called “pressing charges”. The **accused** is the person charged with a crime.

## Who decides to lay charges?

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Evidence is collected during the investigation. If the investigator believes there is enough evidence to lay a charge, they will present that evidence to the Crown Attorney. The **Crown Attorney** is the lawyer who presents the legal case against the accused. The Crown Attorney is responsible for proving the accused is guilty beyond a reasonable doubt. The Crown Attorney is not your lawyer. They represent the public or community interest.

The Crown Attorney will examine the evidence. If the Crown Attorney decides there is enough evidence, they will tell police to lay the charge. The Crown Attorney's decision is based on if they think there is enough evidence. It is not based on if they believe the sexual assault happened or not.

## What happens if a charge is laid?

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If a charge is laid, police send the file to the Crown Attorney's office.

The person who assaulted you is called the accused after a charge is laid. The **accused** is the person charged with a crime.

Until the court proceedings are finished, the accused will either:

- Be released back into the community, or
- Stay in jail.

An **undertaking** is a type of court order that lists rules the accused must follow until the end of the legal process. An undertaking is also called a release order. An undertaking usually includes a rule that the accused can't contact you.

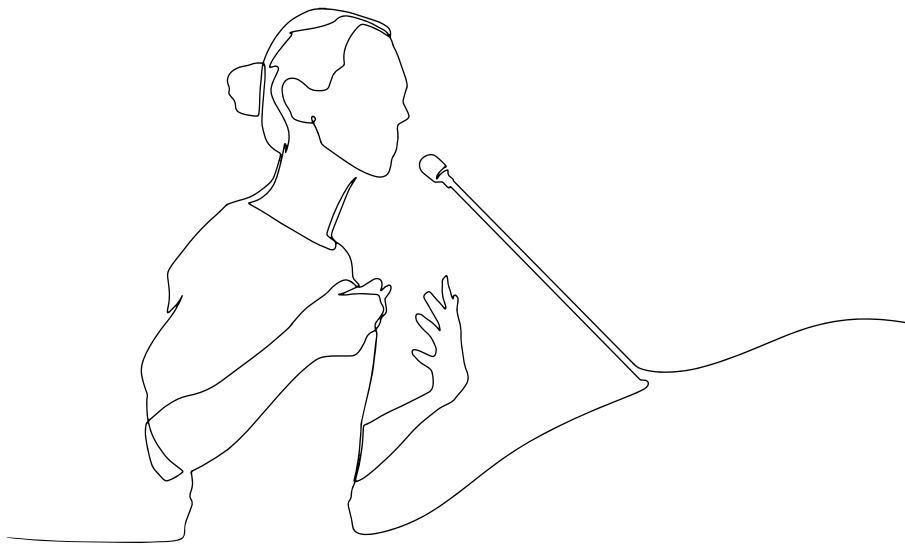
Tell the police immediately if the accused disobeys the undertaking. The accused may be charged with disobeying the undertaking. They may have to stay in jail until the court proceedings are finished.

If conditions include no contact with you, you are also not allowed to contact the accused. You may be charged with a crime if you:

- Contact the accused, or
- Encourage the accused to contact you.

Only the accused or the Crown Attorney can apply for changes to the undertaking. If this happens, you have the right to know about it.

For information about what happens after a charge or charges are laid, read *Sexual Assault Prosecution: A Guide for Victims on PEI*. This publication can be found at [www.risepei.com](http://www.risepei.com). For a free print copy, call or text **902-218-6143** or email [rise@legalinfopei.ca](mailto:rise@legalinfopei.ca).



## What happens if no charge is laid?

---

If no charge is laid, it is because there was not enough evidence to lay a charge. It does not mean the sexual assault did not happen.

You can:

- Ask Victim Services or the investigating officer why a charge was not laid.
- Contact RISE for up to four hours of legal advice from a lawyer. A lawyer can give you advice on other legal options. RISE is available at any time during this process to provide free legal information or a referral to a lawyer for free legal advice. Call or text **902-218-6143** or email **rise@legalinfopei.ca**.

You may be able to apply for a court order if you fear for your safety. For more information, read *Court Orders for Your Protection*. This publication can be found at [legalinfopei.ca](http://legalinfopei.ca). For a free print copy, call or text **902-218-6143** or email **rise@legalinfopei.ca**.



# Glossary

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## **Accused**

A person charged with a crime.

## **Consent**

To give voluntary, informed, and ongoing agreement to take part in a sexual act.

## **Crown Attorney**

The lawyer who presents the legal case against the accused. They represent the public or community interest.

## **Enhanced Emergency Sexual Assault Services (EESAS)**

Specialized emergency health care services delivered to people who have experienced a sexual assault.

## **Initial interview**

The first meeting with police where an officer asks for basic information about what happened.

## **Laying charges**

When the police officially accuse someone of a crime. This is also called “pressing charges”.

## **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.

## **Publication ban**

A court order that stops your name and/or identifying information from being published.

**Sexual assault**

Committing a sexual act on another person without their consent.

**Statement**

A witness's formal account of what happened.

**Survivor**

A person harmed by a crime.

**Third option**

The decision to store a sexual assault evidence kit anonymously at the hospital for up to 12 months.

**Undertaking**

A court order that lists rules the accused must follow until the court process ends. An undertaking is also called a release order.

**Victim**

A person harmed by a crime. This is a legal term.

**Victim impact statement**

A document that explains how a crime impacted a victim's life.

**Witness**

A person who has relevant information about a crime.



# Support Services

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## Victim Services

- Queens and Kings County 902-368-4582
- Prince County 902-888-8218

## PEI Rape and Sexual Assault Centre

- Counselling Request Line 1-888-368-8055 (toll free), 902-368-8055

## Family Violence Prevention Services

- Queen's County Outreach 1-800-240-9894 (toll free), 902-566-1480
- Eastern PEI Outreach 902-838-0795
- East Prince Outreach 902-436-0517
- West Prince Outreach 902-859-8849
- Men's Services 902-314-3312

## Police

- Charlottetown Police 902-629-4172
- Summerside Police 902-432-1201
- Kensington Police 902-836-4499

## RCMP

- Charlottetown RCMP 902-368-9300, 902-566-1112 (after hours)
- Summerside RCMP 902-436-9300
- Alberton RCMP 902-853-9300
- Montague RCMP 902-838-9300
- Souris RCMP 902-687-9300

**Child Protection** 1-877-341-3101, 1-800-341-6868 (after hours)

**Canadian Mental Health Association** 902-566-3034

**The Island Help Line (24/7)** 1-800-218-2885

**PEI Mental Health and Addictions (24/7)** 902-566-3034

### **Mental Health Walk-in Clinic**

- Montague (16 years +) 902-838-0960
- Charlottetown - Richmond Centre 902-368-4430
- Charlottetown - McGill Centre 902-368-4911
- Summerside - Prince County Hospital 902-888-8180
- Lennox Island Health Centre 902-831-2711
- O’Leary Health Centre 902-853-8670

### **Sexual Assault Evidence Kits**

Kits are offered at the four PEI hospital emergency rooms:

- **Kings County Memorial Hospital** 902-838-0777  
409 MacIntyre Avenue, Montague, PE
- **Queen Elizabeth Hospital** 902-894-2111  
60 Riverside Drive, Charlottetown, PE
- **Prince County Hospital** 902-438-4200  
65 Roy Bates Avenue, Summerside, PE
- **Western Hospital** 902-853-8650  
148 Poplar St, Alberton, PE

### **Emergency Shelters**

- Anderson House 902-892-0960  
(Female, non-binary people, trans men and women)
- Bedford-MacDonald House 902-892-9242  
(Male)
- Chief Mary Bernard Memorial Shelter 1-855-297-2332  
(Female and non-binary people)
- Deacon House 902-368-4036  
(Male)



Community Legal Information is a registered charity that receives funding from Justice Canada, the Law Foundation of PEI, the Law Society of PEI, the PEI Department of Justice and Public Safety, and other sources. Community Legal Information provides understandable and useful information about the law and the justice system in Prince Edward Island.

For more information on other legal topics, visit our website at [www.legalinfopei.ca](http://www.legalinfopei.ca), email us at [info@legalinfopei.ca](mailto:info@legalinfopei.ca), or call us at **902-892-0853** or **1-800-240-9798**. You can also find us on social media.

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**Community Legal Information**  
**@legalinfopei**



**RISE Program PEI**  
**@riseprogrampei**



# RISE

Support for Victims of Sexual or Intimate Partner  
Violence and Workplace Sexual Harassment



**4 hours of free legal  
advice from a lawyer**



**Confidential  
legal information**



**Support navigating  
the justice system**



**Referrals to other  
community services**

**Call/text 902-218-6143 | Email [rise@legalinfopei.ca](mailto:rise@legalinfopei.ca)**

**LiveChat [www.risepei.com](http://www.risepei.com)**