

Sexual Assault Centre of Edmonton
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IF YOU HAVE BEEN SEXUALLY ASSAULTED....

Sexual Assault is any forced, unwanted, non-consensual sexual contact or activity including touching, kissing, exhibitionism, and intercourse. Sexual assault is a crime of violence, not an act of passion.

Making Decisions

When experiencing a crisis, a natural inclination is to seek help and advice from those close to us. With our coping resources depleted by the crisis, we seek out understanding, empathy, and support from family and friends. However, when the crisis is a sexual assault, the help, so vitally needed, is often not available. You may be left on your own to deal with the crisis because you feel no one else can really understand or help. You may share the experience with others only to find out that you must now cope with their feelings of anger and helplessness, and possibly, a judgmental reaction which makes you feel you are to blame.

You are physically exhausted, and want to forget the assault completely, but you probably have many questions on your mind. (Should I tell anyone? How do I tell my family? What will their reaction be? Do I have a sexually transmitted disease? How will I be able to cope with everything?) It may seem you are incapable of making any decisions. You have been through an experience which may have undermined your confidence, and shaken your sense of being in control of your environment. It is easy to feel overwhelmed and immobilized.

If you would like to talk to someone while you sort out what to do, call the Sexual Assault Centre. The Centre offers a 24 hour crisis line, and your call remains anonymous and confidential. You can also call local women's shelter or victim services. Volunteers are there to listen and to offer information and emotional support.

Talking to your friends and family

In preparing yourself to tell your family or close friends about the assault, keep in mind that their immediate reaction may be one of shock. It may seem that they have little concern for you or your feelings, but this may be because they are more preoccupied about what they should do. They realize you need help and support, but may feel uncertain about how to give it. Making angry or judgmental comments or demanding action of one sort or another may stem from this feeling of helplessness. In the case of your family, it may be they are blaming themselves for what happened to you by failing in their role of protector. (For example, they may regret they allowed you to go out on your own on that particular occasion, or that they did not offer transportation.)

If it has taken months, or years, for you to tell them about the incident, they may feel angry and hurt that you felt unable to tell them sooner. It may seem unfair that you have to deal with their reaction to the assault at a time when you need all your energy to cope with your own feelings, but like you, they will need time to deal with the initial shock before they are able to offer help.

Getting Medical Attention

You may not have obvious physical injuries as a result of the assault, so you may think it is unnecessary to see a physician. However, having a medical examination is important for the following reasons: you may have internal injuries which are not immediately apparent, and which may require treatment; you may have been exposed to an infection or a sexually transmitted disease; or you may become pregnant. Also, if you are reporting the assault to the police, a medical / legal examination may be necessary.

You may also hesitate to seek medical attention because you think you will be forced to report the assault to the police. It is not the responsibility of the physician to determine whether a sexual assault did occur. The prime concern of the medical personnel is that you receive the medical treatment needed.

When doing a physical examination, the physician will carefully check for obvious signs of trauma, as well as internal injuries. If there are scratches or open wounds a tetanus booster may be necessary because dirt may have contaminated the wound. If there has been penetration, an internal examination is usually performed.

If there is a high risk of pregnancy, the physician may prescribe a "morning after pill" course of treatment. This is a large dose of estrogen given within 72 hours of intercourse. It prevents the fertilized egg from attaching itself to the uterus, thereby preventing any unwanted pregnancy. Before you decide to take such a course of treatment, be sure that the physician has explained all the possible side effects to you, e.g. the possibility of nausea, vomiting, etc., and the possibility of failure to stop pregnancy.

Sexually transmitted diseases (STD's) can go undetected for a long period of time since often there are no outward symptoms of the disease, particularly in women. STD's are transferred from one person to another during vaginal or anal intercourse, or by oral-genital contact. In the case of syphilis, the organism can also enter the body through a break or sore on the skin. The test for gonorrhoea involves collecting secretions from the genital area, anus, and throat, whereas syphilis is detected by a blood test. Even if you have been exposed to a sexually transmitted disease, such as AIDS, the blood test and vaginal culture may not indicate this immediately. Therefore, it is important to make follow-up appointments for further testing.

If you have reported the sexual assault to the police, a medical-legal examination will likely be required. The physician will note any scratches or bruises. A visual check should be repeated in a few days, since some bruises will not be apparent immediately. If oral, vaginal or anal intercourse has occurred, the physician should be told so swabs can be taken. Hair samples may be taken and pubic hair may be combed for traces of hair from the assailant. Questions will be asked which you may consider to be irrelevant or judgmental unless you know why they are being asked. (i.e., "Do you use contraceptives?", or "When was your last act of voluntary intercourse?") These questions are asked to determine the risk of pregnancy and the possibility of trauma and to be aware of the presence of sperm other than the assailant's in the sample submitted to the police. If you do not understand the reason for a particular question, ask the physician or nurse to explain why the information is needed. You have the right to know exactly what is being done and why. If you feel uncomfortable with any procedure, tell the physician. You have the right to refuse any part of the examination if it makes you feel uncomfortable. You can ask for a support person to be present during the examination, a friend or a volunteer from the Sexual Assault Centre, for example, but this person has to be careful not to interfere with the doctor's work.

Calling the Police

When the police are notified of an assault, they dispatch a patrol car. The police constable will make a report on your initial account of what happened, but the detailed investigation may be done by detectives from the Sexual Assault Section. If you are too upset or weary to give much information, tell the police and they may postpone getting a complete statement until the next day. However, they will want to get as much information as you can give them about the assailant so they can locate and apprehend the person as quickly as possible.

It is very common for victims of sexual assault to want to bathe or shower at the first opportunity but, if at all possible, delay taking a bath or shower until after the medical-legal examination has been done. You may want to discard your clothing, or any articles left by the assailant, but they should be kept as evidence. If the assault occurred in your home, refrain from tidying up the room or washing items which may have fingerprints on them. Within a few days of the assault, write down your own account of what happened to refer to later. Inform the police of additional information you may remember; once the initial shock wears off you may think more clearly.

When a sexual assault is reported to the police, they begin an investigation. If a charge is not laid, do not assume the police do not believe you. There may not be enough information to identify the assailant, or there may be insufficient evidence for the police to proceed. However, if you feel you would like to pursue the matter anyway, you can lay a charge yourself by contacting the Crown Prosecutor's Office.

If you have decided you do not want to be involved in the legal process, the police should still be told a crime occurred. You can report the details of the sexual assault and tell the police you do not want to pursue it at this time. This makes it easier if you change your mind in the future and it helps the police learn more about trends, locations, and methods of assault.

Going to Court

After a charge is laid, the suspect will be arrested and taken into custody. A bail hearing will be held within 48 hours. Often the suspect is released on his own recognizance. One of the conditions of bail may be that there be no contact with you. Each case is different, so ask the police or crown prosecutor about this.

There is usually a preliminary hearing, but this depends on the court chosen by the accused and his attorney. The preliminary hearing will likely be held within a few months of the reporting of the assault. The purpose of a preliminary hearing is to determine if there is sufficient evidence to proceed to trial. You will be required to appear as a witness for the Crown. If possible, contact the Crown Prosecutor's Office a week before the date of the hearing to find out which prosecutor has been assigned to the case. The prosecutor may call you to arrange a meeting before the hearing but this is not always the case. The first person you spoke to after the assault and other relevant witnesses may be called to testify. Other expert witnesses, such as the police, or the physician who examined you, may be required to appear. All witnesses wait outside the courtroom until it is their turn to take the stand. Prepare yourself for the possibility of an adjournment, and for the fact the accused will be in the courtroom.

If the judge decides there is sufficient evidence, the case will proceed to trial. The trial may not take place for several months. With adjournments, it may be a year or more from the initial report of the assault before the court proceedings are over. You will be required to testify again at the trial. Questions about your prior sexual activities are not allowed. If the defense wants to bring this up, a special hearing must be held and the judge will decide if these questions are relevant.

A verdict of "not guilty" does not mean the sexual assault did not take place; only that it could not be proven beyond a "reasonable doubt". The

Crown can appeal the decision, but only on a matter of law, for example, if the judge misdirected the jury. The defence can appeal on any grounds. At the appeal, the record of the trial is read, so you do not have to testify.

The legal process may seem overwhelming, but there are good reasons for proceeding with it if you are able. Since few sexual assaults are reported, the sex offender knows there is a good chance he will be able to commit this crime and get away with it. By reporting the assault, you are doing something to change this. Even if the assailant is not convicted, his crime has not gone unnoticed. By reporting the assault, you are fighting back. During the assault, the assailant was totally in control of the situation; by bringing the crime to the attention of the judicial system, you gain some control.

Another legal option to consider is filing a civil suit. In a civil suit, the victim of the crime sues for specific and/or general damages. Punitive damages may also be awarded. It is possible to have both criminal and civil proceedings taking place at the same time. The fact the assault was reported to the police, and that a criminal charge has been laid, may make it easier to proceed with a civil suit.

In the case of a criminal charge, the defendant's guilt must be proven beyond a reasonable doubt; in a civil case, the judgment is based on a determination of whether it is more likely that the assault took place than it did not.

Civil court actions related to sexual assault are still quite rare. This may be due, in part, to people being worried about the cost involved. Usually, some arrangement can be worked out with a lawyer. For example, a contingency plus costs. A contingency is a fixed percentage of what the court awards.

The Crimes Compensation Board is another source of financial compensation to consider. The compensation available from the Board is limited to costs arising directly from the incident, i.e. medical expenses, damaged clothing, or loss of wages, etc. If you applied to the Board, and also initiated a civil suit, you would probably be awarded these specific damages only once. Call the Crimes Compensation Board for more information.

Coping With Your Feelings

We have all experienced fear to some degree. However, few can identify with the terror associated with a sexual assault. For example, unless you've experienced it, it's hard to know what it feels like to have your life in the balance for minutes or possible hours, and to be at the mercy of an individual who is out of control, capable of killing, or hurting you. Most of us are not only unfamiliar with such terror, we try our best to avoid thinking it could ever happen to us. For this reason, when you turn to people for help, whether these people are family, friends, hospital staff, law enforcement personnel, or professional counsellors, you may be disappointed by their inability to understand or help.

Add to this the misinformation which prevails in society about sexual assault - attitudes which suggest that victims "ask for it" by their dress or behaviour; that women fantasize about being raped; and that the crime is one of sexual passion rather than violent aggression. Because these attitudes are so prevalent, you may have grown up believing them and may blame yourself for what happened. You may wonder if you provoked the assault in some way, or if you could have handled the situation differently. In thinking this, you direct your anger at yourself, rather than at the person responsible for hurting you. Remember, you were the victim of a crime, it was **not** your fault.

Some people experience physical "sexual" excitation, perhaps even orgasm, during an assault which adds to their sense of guilt. If your body responds in a manner you usually associate with mutually consensual sexual experiences, remember, the human body responds to physical stimulation regardless of emotions. It certainly does not mean you wanted to be, or enjoyed being,

assaulted. The differences between emotional and physical responses may be confusing and add to your self-blame.

Because you want very much to get on with your life, you may try to shut out the experience and the feelings you have about it. You may tell yourself it could have been a lot worse and you were lucky to have escaped with your life. You may notice your family seems relieved your life is back to normal, and you are no longer talking about the assault. But in spite of your efforts to forget, a particular incident may cause you to relive the experience (perhaps a television program, or seeing someone that reminds you of the assailant). You may experience emotions and physical symptoms similar to those you felt at the time of the assault, and you may also have recurring nightmares. Although distressing, this may be the time you can examine your feelings and attempt to deal with them. Maybe this is the time you can share feelings of fear, anger and self-blame with those close to you. If talking to a Sexual Assault Centre volunteer would help, please call us. We **can** help!