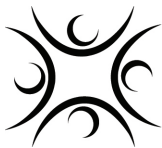


SARNIA LAMBTON COORDINATING COMMITTEE ON VIOLENCE AGAINST WOMEN



Sarnia Lambton Coordinating Committee on
Violence Against Women

Vision

*A Community working together
to end violence against women.*

Mission

*Using our collective voice to provide education and advocacy
towards the achievement of equality in relationships
and zero tolerance of abuse against women.*

*FUNDING FOR THIS HANDBOOK HAS
GENEROUSLY BEEN PROVIDED BY THE
MINISTRY OF COMMUNITY & SOCIAL SERVICES,
GOVERNMENT OF ONTARIO.*

TABLE OF CONTENTS

Page

IMPORTANT ADDRESSES & PHONE NUMBERS IN LAMBTON COUNTY.....	5
WHAT IS WOMAN ABUSE?	8
WHY DOES WOMAN ABUSE OCCUR?	9
FORMS OF ABUSE.....	10
Physical Abuse.....	10
Emotional and Psychological Abuse	10
Verbal Abuse	11
Financial Abuse.....	11
Sexual Abuse	12
Stalking Behaviour	12
Spiritual Abuse	12
WOMAN ABUSE: EFFECT ON WOMEN	15
WHAT THE NUMBERS TELL US	15
WOMAN ABUSE: EFFECT ON CHILDREN.....	16
WHAT THE NUMBERS TELL US	18
RECOGNIZING THE WARNING SIGNS AND RISK FACTORS OF WOMAN ABUSE	19
SIGNS OF HIGH RISK: THE DANGER MAY BE GREATER IF:	20
SAFETY PLANNING	21
DISPELLING THE MYTHS ABOUT SEXUAL ASSULT	23
FOR SURVIVORS OF SEXUAL ASSAULT: COMMON REACTIONS TO SEXUAL ASSAULT	27
SEXUAL HARASSMENT	28
WHAT SHOULD YOU DO IF YOU ARE HARASSED?	29

WHAT IS SEXUAL ASSAULT?	29
WHO IS SEXUALLY ASSAULTED?	29
WHERE DOES IT HAPPEN?	30
WHAT CAN I DO IF I'VE BEEN SEXUALLY ASSAULTED?	30
WHAT TO DO IF SOMEONE YOU KNOW IS SEXUALLY ASSAULTED?	30
HOW DOES THE LAW DEFINE SEXUAL ASSAULT?	31
SERVICES FOR ABUSED WOMEN AND CHILDREN	31
WOMAN'S SHELTER	31
SEXUAL/ DOMESTIC ASSAULT TREATMENT CENTRE	34
SEXUAL ASSAULT SURVIVORS' CENTRE	35
HUMAN TRAFFICKING	36
RÉSEAU DES FEMMES	39
VICTIM SERVICES.....	39
ELDER ABUSE	40
DEFINITIONS FROM THE CRIMINAL CODE	41
PHYSICAL ASSAULT	41
LEVEL I - ASSAULT.....	41
LEVEL II - ASSAULT CAUSING BODILY HARM	41
LEVEL III - AGGRAVATED ASSAULT	41
SEXUAL ASSAULT	42
LEVEL I - SEXUAL ASSAULT	42
LEVEL II - SEXUAL ASSAULT	42
LEVEL III - AGGRAVATED SEXUAL ASSAULT	42
CRIMINAL HARASSMENT	42
EXAMPLES OF CRIMINAL HARASSMENT	43
THE CRIMINAL JUSTICE SYSTEM	45
INTRODUCTION	45
WHEN ARE CHARGES LAID?.....	45
HOW ARE CRIMINAL CHARGES LAID?	45
WHEN ARE THE POLICE INVOLVED?	45

THE POLICE INVESTIGATION	46
THE INTERVIEW	47
WHAT SHOULD I KNOW ABOUT PRESERVING EVIDENCE?	47
WHAT ABOUT MEDICAL ATTENTION?	48
SHOULD I MAKE NOTES OF WHAT HAPPENED?	48
WILL THE POLICE ARREST MY PARTNER?	48
WHAT HAPPENS AFTER HE'S ARRESTED?	48
WHAT IS A NO-CONTACT ORDER?	49
WHEN IS A JUSTICE OF THE PEACE INVOLVED?	50
WHAT IS A PEACE BOND?	50
CAN I DROP THE CHARGES?	50
CAN I BE CHARGED?	50
WHO WILL LET ME KNOW WHAT'S HAPPENING?	51
DO I NEED A LAWYER?	51
WHAT ARE THE COURT APPEARANCES?	51
THE BAIL HEARING	52
WHAT SHOULD I KNOW ABOUT THE TRIAL?	53
WHAT HAPPENS IF THE ACCUSED IS FOUND "NOT GUILTY"?	54
WHAT HAPPENS IF THE ACCUSED IS FOUND "GUILTY"?	54
WHAT IF I REFUSE TO TESTIFY?	56
WHO CAN HELP ME NAVIGATE THE CRIMINAL JUSTICE SYSTEM?	56
VICTIM WITNESS ASSISTANCE PROGRAM	56
OTHER PROGRAMS	58
EARLY INTERVENTION PROGRAM	58
PROBATION AND PAROLE	58
THE SARNIA-LAMBTON COORDINATING COMMITTEE WANTS YOU TO KNOW	60
HELPFUL WEBSITES	61
NOTES	63

Important Addresses and Phone Numbers In Lambton County

POLICE

IN CASE OF EMERGENCY CALL 911

Sarnia Police Services

555 North Christina Street.....(519) 344-8861

Ontario Provincial Police

Point Edward, 102 St. Clair Street (519) 336-8691

Kettle Point Anishinabek First Nation(519) 786-5445

Lambton County, Forest Detachment.....(519) 786-2349

Lambton County, Petrolia Detachment(519) 882-1011

Lambton County, Corunna Detachment(519) 862-4682

OPP Dispatch1(888) 310-1122

Walpole Island First Nation.....(519) 627-6011

Chatham-Kent Police.....(519) 627-2295

Victim Services

555 North Christina Street.....(519) 344-8861 ext. 5238

1(888) 281-3665

Victim Witness(519) 337-1766

SHELTERS

Women's Interval Home

681 Oxford Street, Sarnia.....(519) 336-5200

1(800) 265-1412

Chatham Kent Women's Centre.....(519) 354-6360

Three Fires Women's Shelter(519) 627-3635

FINANCIAL ASSISTANCE

County of Lambton	1-866-879-6750
Ontario Works	519-332-4906
County Office	519-845-0801
Aamjiwnaang Social Services.....	519-336-8410
(Sarnia Reserve)	

HOUSING

County of Lambton	
Housing Services Department	519-344-2062 ext 4

COURT

Provincial Court (Criminal Division)	519-333-2950 ext 2307/2302
	1-888-748-8895
Provincial Court (Family Division).....	519-333-2950 ext 2275/2351
Judicial Secretary (Criminal Division)	519-333-2970 ext.2280
Judicial Secretary (Family Division).....	519-333-2970 ext. 2280
Crown Attorney	519-333-2980
Victim/Witness Assistance Program	519-337-1766

LEGAL SERVICES

Ontario Legal Aid	1-800-668-8258
Community Legal Assistance Sarnia	519-332-8055
Lawyer Referral Service	1-800-268-8326
Law Society of Upper Canada.....	1-800-668-7380
Law Society of Upper Canada	
Complaints Services	1-800-268-7568
Human Rights Commission	1-800-387-9080
Criminal Injuries Compensation Board	1-416-326-2900
	1-800-372-7463

HOSPITALS/MEDICAL SERVICES

Bluewater Health (Sarnia).....	519-464-4500
	519-464-4400
Bluewater Health (Petrolia)	519-882-1170
Sexual Assault/Domestic Assault	519-464-4400 ext. 4522
Lambton Public Health.....	519-383-8331
AIDS & Sexual Health Info Line	1-800-668-2437
North Lambton Community Health Centre	519-786-4545
West Lambton (Sarnia)	519-344-3017
East Lambton (Watford)	519-333-2747
Kettle Point Site.....	519-786-2700
Grand Bend Health Centre	519-238-1556

OTHER IMPORTANT CONTACTS

Sexual Assault Survivors' Centre Sarnia Lambton....(519) 337-3154	
420 East St. Unit 11, Sarnia	1(888) 231-0536
24 hour crisis line	(519) 337-3320
Children's Aid Society of Sarnia-Lambton	(519) 336-0623
161 Kendall Street	
Assaulted Women's Help Line.....	1(866) 863-0511
24 hour crisis line	
Femaidé Ats (service in French).....	1(877) 336-2433
24 hour crisis line	
Réseau-femmes du sud-ouest de l'Ontario.....	1(888) 946-3029
French services	
Canadian Mental Health Association	519-337-5411
Lambton Crisis Pregnancy Centre	519-383-7115
Family Counselling Centre.....	519-336-0120
Sexual Abuse Outreach Program	
Partner Assault Response Program	
(a group of men who have been abusive to their partners)	
Inn of the Good Shephard	519-344-1746
The Haven.....	519-336-5941

WHAT IS WOMAN ABUSE?

Woman abuse is any attempt by a woman's intimate partner to gain power or control over her by using physical, emotional or sexual tactics. These tactics may be actual or threatened and are used to intimidate, humiliate and control her by inducing fear and ultimately to make her feel powerless.

Non-physical forms of abuse are as harmful to women as physical abuse. "Tactics of control may appear gradually as coercive behaviours that are not criminal in nature. This subtle process makes it very difficult for the woman, as well as friends, family and professionals to recognize it as abuse. Many women identify the emotional and psychological consequences of abuse as more damaging than the physical assaults. While emotional abuse can occur in the absence of physical abuse, the two often occur together" (www.neighboursfriendsandfamilies.ca)

Underlying all abuse is a power imbalance between the victim and the abuser. Abuse is not about bruises and broken bones. Abuse is about power and control.

Woman abuse is often referred to as wife abuse, wife assault, wife battering, domestic assault or violence against women.

Woman abuse occurs in all socio-economic, educational, cultural and religious backgrounds. Woman abuse occurs in rural and urban settings. Women in lesbian relationships can also be at risk for abuse.

WHY DOES WOMAN ABUSE OCCUR?

“Woman abuse is rooted in the social, economic, and political inequality of women. Traditional attitudes and their hierarchical structuring of society have supported the dominance of the male and the subservience of the female. Anger and aggressiveness are considered appropriate ways to resolve conflict, particularly for men. Social and legal traditions have also allowed woman abuse to be treated as a private matter within the family home.

Abusive behaviour does not result from individual, personal or moral deficits, diseases, diminished intellect, addiction, mental illness, poverty, the other person’s behaviour or external events. Perpetrators act from a set of beliefs and attitudes about how men and women should relate in intimate relationships. Men who are abusive generally believe that they have the right to enforce their will on their female partners. The abuser’s choice to use any form of abuse is completely independent of the actions of the victim” (www.neighboursfriendsandfamilies.ca)

FORMS OF ABUSE

The literature on violence against women has identified various forms of abuse. Following is a list of the forms of abuse as well as a list of abuse tactics. This list is by no means exhaustive. Women who experience abuse may not separate their experience into categories.

PHYSICAL ABUSE

Any unnecessary or unwanted physical contact caused by another person resulting in bodily harm, discomfort and/or injury. May include the following:

- Slapping
- Kicking
- Punching
- Choking
- Pushing
- Pinching
- Pulling hair
- Biting
- Restraining

EMOTIONAL AND PSYCHOLOGICAL ABUSE

Any act that induces fear diminishes the individual's dignity or self-worth and/or that traumatizes another person may include the following:

- Yelling
- Threatening to hit, punch or kill you
- Silent treatment
- Threatening suicide if you leave him
- Threatening deportation
- Isolating you from family and friends
- Threatening to harm your children or take them away from you
- Harming or destroying family pets
- Destroying personal items of importance to you
- Threatening to withdraw immigration sponsorship or to have you deported

- Controlling your time, what you do, how you dress and how you wear your hair
- Not respecting your privacy
- Putting limits on who you can visit and talk to on the phone

VERBAL ABUSE

The use of negative comments or language that is embarrassing, offensive, threatening and/or degrading to a woman. May include the following:

- Putting you down and calling you names
- False accusations
- Swearing at you
- Calling you stupid, crazy or irrational

FINANCIAL ABUSE

Any behaviour that reduces or eliminates a woman's financial independence and/or financial decision-making. May include the following:

- Taking her money
- Forging her name
- Withholding money
- Keeping family finances a secret
- Preventing you from getting or keeping a job
- Controlling how you spend money, where you work and what property you buy
- Spending all family income including your money or savings
- Using credit cards without your permission; destroying your credit rating

SEXUAL ABUSE

Sexual assault is any unwanted act of a sexual nature that is imposed on another person. Sexual assault may include the following:

- Making her do sexual acts against her will
- Unwanted kissing, fondling
- Forcing you to view pornographic magazines or movies
- Physically attacking the sexual parts of her body
- Treating her like a sexual object
- Forcing her to get pregnant, have an abortion, or have an operation so you can't have children

For sexual harassment, see section on sexual harassment

STALKING BEHAVIOUR

A course of conduct directed at a specific person that would cause a reasonable person to feel fear. May include the following:

- Harassing phone calls
- Following the woman to work, school, social outings, church, etc.
- Interfering with communications by tapping her phone, opening her e-mails etc.

See section on criminal harassment

SPIRITUAL ABUSE

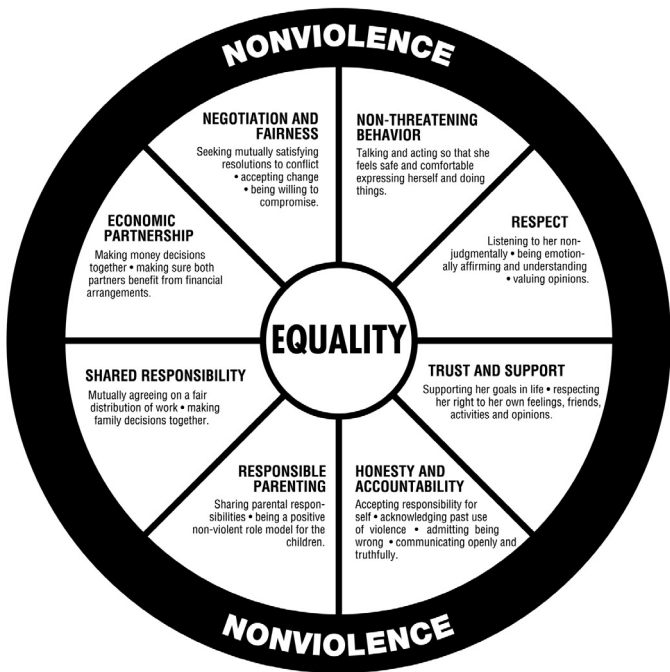
Any tactics that exert power and control over a woman's spirituality and religious orientation. May include the following:

- Preventing her from attending church or practicing her beliefs
- Forcing her to practice a religion she does not believe in
- Using religion to control her
- Insults her or puts her down because of her religious beliefs

POWER & CONTROL WHEEL



EQUITY WHEEL



DOMESTIC ABUSE INTERVENTION PROJECT

202 East Superior Street
Duluth, Minnesota 55802
218-722-2781
www.duluth-model.org

WOMAN ABUSE: EFFECTS ON WOMEN

The effects of abuse don't stop once the hitting, yelling or put-downs stop. Here are some of the results of woman abuse:

- Low self-esteem
- Feelings of helplessness
- Self blame and guilt
- Depression
- Anger
- Self-destructive behaviour
- Anxiety/stress
- Difficulty sleeping or eating

From www.shelternet.ca

WHAT THE NUMBERS TELL US

- One in three women in Canada has experienced physical or sexual abuse from an intimate male partner
- Between 1997 and 2003, more than half of those accused in spousal homicides had a previous criminal record
- Women are at greatest risk of increased violence – or murder – at the hands of their partner during the time just before or after they leave an abusive relationship
- A woman is nine times more likely to be murdered by an intimate partner than by a stranger
- Ontario study found that women were assaulted, on average, 35 times before contacting the police
- Only 37% of women who are victims of spousal violence turn to police for help
- Women under the age of 25 are more likely than those who are older to be victimized by their intimate partner (Stats Canada)
- 921 Domestic calls to the Sarnia Police in 2014 (Sarnia Police Report)
- 8/10 victims of spousal abuse are women
- 25-34 is the age group, among women most likely to be victims of spousal abuse
- Women continue to be more likely than men to be victims of spousal homicide. In 2007 almost 4 times as many women

- were killed by a current or former spouse than men.
- In 1995, the estimated annual health-related costs associated with violence against women were \$1.5 billion (Centre for Research on Violence Against Women and Children)
 - Between April 1, 2003 and March 31, 2004 more than 95,000 women and children were admitted to 473 shelters across Canada
 - Domestic abuse remains an immensely under reported crime: it is estimated that just 25% of domestic violence incidents are reported
 - In 2001, males accounted for 90% of all those accused of criminal harassment involving a spouse
 - More than one in ten, or 1.4 million women (15 years of age and over) were victims of stalking in Canada during the 5 years prior to the 2004 General Social Survey

“Domestic Violence is not accidental. Abusers do not strike their partners because they are out of control. They strike their partners to maintain control over them; humiliate and debase them; isolate them; or punish them for asserting their independence”
(Brian Vallee, The War on Women p. 37)

WOMAN ABUSE: EFFECT ON CHILDREN

A child depends upon adults for physical survival, emotional warmth, and protection from external and internal threats. Abuse in a home creates an atmosphere of fear and pain, and puts a child's growth and emotional well being at risk. Children who witness their mothers being abused are affected on a physical, psychological, emotional, social and spiritual level.

Each child will be affected differently by his/her exposure to woman abuse. Various factors will determine a child's behaviour such as whether or not they have an effective support system, their personality, whether they are experiencing additional stress in their lives and whether there was effective intervention (counselling).

Any child who lives with violence or the threat of violence is a child at risk. The following chart outlines some of the common effects of witnessing abuse as a child:

INFANTS	PRE-SCHOOL CHILDREN	ELEMENTARY SCHOOL AGE 5-12 YEARS	EARLY ADOLESCENCE 12-14 YEARS	LATER ADOLESCENCE 15-18 YEARS
-Disruption in eating and sleeping routines	-Low self-esteem	-Low self-esteem	-Low self-esteem	-Low self-esteem
-Fearful reactions to loud noises	-Frequent illness	-Frequent illness	-Frequent illness	-Frequent illness
-Excessive crying	-Poor concentration	-Poor concentration	-Poor concentration	-Poor concentration
-Physical neglect	-Eating and sleeping disturbances	-Eating and sleeping disturbances	-Eating and sleeping disturbances	-Eating and sleeping disturbances
-Delays in development	-Post traumatic stress *	-Post traumatic stress *	-Post traumatic stress *	-Post traumatic stress *
	-Fear	-Fear	-Fear	-Fear
	-Separation Anxiety	-Anxiety and tension	-Anxiety and tension	-Anxiety and tension
	-Anger and Aggression	-Anger and Aggression	-Anger and Aggression	-Anger and Aggression
	-Clinging	-Withdrawing	-Being abused or becoming abusive	-Being abused or becoming abusive
	-Withdrawing	-Bullying	-Bullying	-Bullying
	-Hitting, biting	-Alcohol/Drug abuse	-Alcohol/Drug abuse	-Alcohol/Drug abuse
	-Cruelty to animals	-Depression	-Depression	-Depression
	-Destruction of Property	-Inappropriate sexual behavior	-Inappropriate sexual behavior	-Inappropriate sexual behavior
	-Problems in pre-school/day care	-Self-harm	-Self-harm	-Self-harm
	-Pleasing behaviour	-Perfectionism	-Perfectionism	-Perfectionism
	-Regressive behaviour (thumb sucking, bed wetting)	-Destruction of Property	-Suicidal behaviour	-Suicidal behaviour
		-Problems in school	-Problems in school	-Problems in school
		-Pleasing behaviour	-Pleasing behaviour	-Pleasing behaviour
		-Peer relationship problems	-Peer relationship problems	-Peer relationship problems
		-Disrespect for females	-Disrespect for females	-Disrespect for females
			-Running away from home	-Running away from home
			-Feeling over-responsible	-Peer relationship problems

***Only a qualified trauma expert is able to make a diagnosis of PTSD**

This chart was adapted from Health Canada: A Handbook for Health and Social Service Providers and Educators on Children Exposed to Woman Abuse/Family Violence, 1999



WHAT THE NUMBERS TELL US

- Approximately 40% of woman assault incidents begin during a woman's first pregnancy
- Children are present and witness the abuse in 80% of domestic violence cases
- Boys who witness domestic violence against their mothers are five times more likely to grow up to be abusers
- Girls who witness violence are five times more likely to grow up to be victims of abuse
- Children and adolescents who see their mother being abused experience emotional and behavioral problems similar to children who are physically abused
- Children who witness woman abuse frequently experience symptoms associated with post traumatic stress disorder

RECOGNIZING THE WARNING SIGNS AND RISK FACTORS OF WOMAN ABUSE

- He puts her down
- He does all the talking and dominates the conversation
- He checks up on her all the time, even at work
- He tries to suggest that he is the victim and acts depressed
- He tries to keep her away from others
- He acts as if he owns her
- He tries to make himself look good or exaggerates his good qualities
- He acts like he's superior and of more value than others in his home
- She may be apologetic and makes excuses for his behaviour or becomes aggressive and angry
- She is nervous about talking when he is there
- She seems to be sick more often and misses work
- She tries to cover her bruises
- She makes excuses at the last minute about why she can't meet you or she tries to avoid you on the street
- She seems sad, lonely, withdrawn and is afraid
- She uses more drugs or alcohol to cope

(www.neighboursfriendsandfamilies.ca)

These warning signs apply equally to gay and lesbian relationships

SIGNS OF HIGH RISK – THE DANGER MAY BE GREATER IF:

- He has access to her and her children
- He has access to weapons
- He has a history of abuse with her or others
- He has threatened to harm or kill her if she leaves him
- He says "If I can't have you, no one will"
- He threatens to harm her children, her pets or her property
- He has threatened to kill himself
- He has hit her, choked her
- He is going through major life changes (job issues, depression, separation)
- He is convinced she is seeing someone else
- He blames her for ruining his life
- He doesn't seek support
- He takes drugs and/or drinks excessively
- He has no respect for the law
- She has just separated or is planning to leave
- She fears for her life and for her children's safety or she cannot see her risk
- She is involved in another relationship
- She has no access to a phone
- She has no friends or family
- She faces other obstacles (e.g. she does not speak English, is not a legal resident of Canada, lives in a remote area)

SAFETY PLANNING

Although you are not responsible and do not have control over your partner's violence, there are many things that you can do to increase your safety as well as that of your children when being subjected to abuse.

Creating a safety plan involves identifying action steps to increase your safety, and to prepare in advance for the possibility of further violence.

Safety planning is a top priority. A woman and her children are most vulnerable just prior to her leaving her abusive partner. Women are at greatest risk of increased violence – or murder – at the hands of their partner during the time just before or after they leave an abusive relationship.

Here are some important things you can do to increase your safety:

- Tell someone you trust about the abuse
- Tell your neighbours that you would like them to call the police if they hear a fight or screaming in your home
- Use a different bank or branch, and take care of your banking at hours different from those you used with your abusive partner
- Do not put your name in your apartment building directory
- Make sure that your children's school/day care is aware of the situation and has copies of all court orders, including restraining orders, custody and access orders, as well as a picture of the abusive partner
- Put together valued pictures, jewellery and objects of sentimental value, as well as toys and comforts for your children
- Gather important documents such as:
 - All cards you normally use e.g. credit cards, bank cards, and phone
 - Social Insurance, passports, birth certificates, immigration papers for all family members
 - School and vaccination records

- o Driver's license and registration
- o Medications prescriptions, medical records for all family members
- o Work permits, divorce papers, custody documentation, court orders, restraining orders, marriage certificate
- o Lease /rental agreement, house deed, mortgage payment book
- o Health cards for yourself and family members
- Carry a photo of your spouse/partner
- Carry a photo of your child/children
- Consult a lawyer
- Keep any evidence of physical abuse (such as photos).
- Keep a journal of all violent incidents, noting dates, events and threats and witnesses.
- If you have physical injuries, seek medical attention (**see section on Domestic Assault Program**)
- Contact the police. Ask for an officer who specializes in woman abuse cases. He/she can help you do further safety planning
- Contact the Women's Interval Home (the local woman's shelter) at 519-336-5200 or 1-800-265-1412. All services are available at no charge and are confidential. Counsellors specialize in woman abuse and they can help you and your children do further safety planning.
- **Do not return to your home, unless accompanied by police**

Dispelling The Myths About Sexual Assault:

Our society's understanding of sexual assault is complicated by myths. Many of these myths blame or shame the survivor of sexual assault, instead of holding the offender responsible for his actions. To dispel these myths we need to ask ourselves:

Do I believe that . . .

1. . . . *women often provoke sexual assault by their behaviour or manner of dress?*

Fact: No behaviour or manner of dress justifies an assault. Such a belief takes the onus off the offender and places it on the survivor. A man should always ask to ensure his advances are wanted. The idea that women "ask for it" is often used by offenders to rationalize their behaviour. Offenders are solely responsible for their own behaviour.

2. . . . *most women lie about sexual assault?*

Fact: Sexual assault is actually one of the most under-reported crimes. A Canadian statistic tells us that victimization surveys show that less than 10% of women who are sexually assaulted report the assault to the police; most women do not report due to humiliation or fear of re-victimization in the legal process. (Federal/Provincial/Territorial Ministers Responsible for the Status of Women, 2002, Assessing Violence Against Women: A Statistical Profile, p.19).

3. . . . *when a woman says "no" she secretly enjoys being forced, teased or coerced into having sex?*

Fact: No one enjoys being assaulted. No one asks to be hurt. "No" means "no". It's the law. If a woman says no, it is the responsibility of the man to accept and respect her "no". Sexual assault can have serious effects on people's health and well being. People who have been sexually assaulted feel fear, depression and anger. Survivors can experience harmful physical and emotional effects.

4. . . . saying “no” is the only way of expressing your desire to not continue?

Fact: Many offenders will rationalize their behaviour by saying that because she didn’t actually say “no”, they thought she was consenting. The law is clear: without consent, it is sexual assault. Consent means saying “Yes” to sexual activity. In addition to saying “No”, there are many ways of communicating non-compliance.

- o ***“I’m not into this right now”***
- o ***“Maybe later”***
- o ***“I’m not sure”***
- o ***silence***
- o ***crying***
- o ***body language (squirming, stiffness, shaking)***
- o ***If a person is too intoxicated to say “No”, there is no consent***
- o ***If a person is too scared to say “No”, there is no consent***
- o ***If a person is asleep or unconscious, there is no consent***

5. . . . sexual assault only occurs when there is a struggle or physical injury?

Fact: Many survivors are too afraid to struggle. They may freeze in terror or realize that the overwhelming size and strength of their attacker makes resistance very dangerous. In cases reported to police, 80% of sexual assault survivors knew their abusers (Statistics Canada, 2003, The Daily, 25 July). Acquaintances, friends or relatives are more likely to use tricks, verbal pressure, threats or mild force like arm twisting or pinning their victim down during an assault. Assaults may also be drug assisted. Lack of obvious physical injury or knowing the attacker doesn’t change the fact that sexual assault is violent and against the law.

6. . . . if it really happened, the survivor would be able to easily recount all the facts in the proper order?

Fact: Shock, fear, embarrassment and distress can all impair memory. In addition to this, many survivors actively attempt to minimize or forget the details of the assault so to help them cope with its memory.

7. . . . a woman who has agreed to sex previously with the offender (for example, her husband, boyfriend or acquaintance) cannot be sexually assaulted by him?

Fact: Sexual assault is any unwanted sexual activity forced on one person by another. Sexual assault occurs whenever a person does not want to have sex but is forced into the act, regardless of previous consensual sexual relations. The Canadian Panel on Violence Against Women found that 38% of sexually assaulted women were assaulted by their husbands, common-law partners or boyfriends. Although illegal in Canada since 1983, few of these assaults are reported to police.

8. . . . some women cannot be sexually assaulted, or will not be targeted for sexual assault: for example, lesbians, women of color, women with disabilities, and sex trade workers?

Fact: Many of the above mentioned groups are at higher risk for any type of violence, including sexual violence.

- o ***Women and young women from marginalized racial, sexual and socioeconomic groups are more vulnerable to being targeted for sexual harassment and sexual assault (Wolfe and Chiodo, CAMH, 2008, p. 3.)***
- o ***Women with low household incomes, low levels of education and/or who are unemployed are at higher risk of being sexually assaulted than women in general. (H. Johnson, 1996, Dangerous Domains: Violence Against Women in Canada, p.108-109)***

- o **83% of women with disabilities will be sexually assaulted during their lifetime. (L. Stimpson and M. Best, 1991, *Courage Above All: Sexual Assault against Women with Disabilities*)**

9. . . . *if a man - for example, a husband, boyfriend or acquaintance - buys a woman dinner or drinks, gives her a present, or does her a favour, she owes him sex?*

Fact: No one owes anyone sex. It cannot be assumed that friendliness and openness are an invitation to sex.

10. . . . *once a sexual assault report has been made, the alleged offender will be prosecuted and found guilty?*

Fact: Sexual assault is a difficult crime to prove as there are rarely witnesses, there is not always physical evidence of the crime, and sexual assault myths affect the efficacy of the criminal justice system. The majority of all reported sexual assault cases are not resolved through the criminal justice system. According to Statistics Canada, only 6% of all sexual assaults are reported to police. Of the 6% of sexual assaults that are reported, only 40% result in charges being laid; and of those cases where charges are laid, just two-thirds result in conviction. www.citizenship.gov.on.ca/owd/ These figures continue to deter women from reporting sexual assault, in particular if their offender is known to them.

11. . . . *There is no such thing as a male survivor of sexual assault?*

Fact: Men and boys can be sexually assaulted too. Women and girls are considerably more likely than men to be targeted; however for males, being under 12 years old heightens their vulnerability to sexual offences (Measuring Violence Against Women: Statistical Trends 2006, Statistics Canada)

For Survivors of Sexual Assault: Common Reactions to Sexual Assault

Have you experienced sexual assault or abuse?

Sexual violence is a traumatic violation of the body, mind and spirit. It profoundly affects a person's health and well-being.

Each person reacts in a unique way to sexual violence. Whether one experiences some or none of these feelings, each reaction is normal for each person. There is no right or wrong way to cope or feel after experiencing sexual violence.

The following responses are experienced by many survivors of sexual assault or abuse:

- **A survivor's self-esteem often diminishes after an assault or abuse. Frequently she feels shamed, humiliated, guilty, angry, and powerless**
- **Her attitude toward her body may be negatively affected. She may feel ugly, ashamed, or embarrassed by her body**
- **She may experience physical symptoms of stress – for example, headaches, stomach problems, eating and sleeping problems**
- **She may feel anxieties, depression, shame, anger/rage or fear**
- **She may feel lowered self-esteem, shock, disbelief**
- **She may feel disconnected from self and others**
- **She may feel frozen or numb**
- **She may feel loss or grief**
- **She may have erratic mood swings**
- **She may feel hyper-alertness**
- **She may use alcohol or drugs to numb or cope with her feelings**
- **She may use alcohol or drugs to numb or cope with her memories**
- **She may cut, burn or scratch herself to numb or cope with her feelings**

- **She may find it difficult to trust others**
- **She may find it difficult to be emotionally close with others**
- **She may not want sexual intimacy for some time**
- **Oppositely, she may engage in risky sexual behaviors**
- **She may feel that sexual activity is meaningless or empty**
- **She may become aggressive, angry or withdrawn**
- **She may experience flashbacks of the incident(s)**
- **She may experience fear of being alone and fear of future attacks**
- **She may experience nightmares or other sleep disturbances**
- **She may not be able to concentrate. This can affect academic or job performance**

Remember that responses to sexual assault vary, and can change over time. Keep in mind that a survivor of sexual assault may experience a variety of different emotions and may cope in a variety of ways. This is normal. Every person is unique.

SEXUAL HARASSMENT

Sexual harassment is any behaviour, comment, gesture, or contact of a sexual nature that could be considered objectionable or offensive.

Under the Ontario Human Rights Code, sexual harassment includes: repeated sexual remarks that are demeaning or physical contact that is degrading; sexual advances or invitations made by a person who is in a position to grant or deny a benefit to another; and threats or reprisals against the person who rejected the sexual advance.

Sexual harassment occurs not only in the workplace, but also on the street, at home and in a classroom. The sexual harasser may be a supervisor, a co-worker, a landlord, a client, a customer, an acquaintance, neighbour, professional or a stranger.

WHAT SHOULD YOU DO IF YOU ARE HARASSED?

Try to make it clear to the harasser that his/her behaviors are not welcome – if the harassment persists report it. Your situation will not improve if no one in authority knows about it. Remember that you do not have to tolerate harassing behaviour. Check the harassment policy at your workplace or school.

You can take your complaint to:

- Your Employer
- Your Union
- Your Public Service Commission
- The Provider of Goods or Services
- The Canadian Human Rights Commission (416) 973-5527, 1 (888) 643-3304 or 1 (800) 387-9080

What is Sexual Assault?

Sexual assault is defined here as any unwanted act of a sexual nature (i.e. kissing, fondling, oral or anal sex, intercourse or other forms of penetration) that is imposed on another person.

Sexual assault of any kind is a crime, even in a marriage or a dating relationship.

Statistics show that nearly all sexual assaults are committed by men against women or girls. A very small percentage of sexual assault victims are men.

The majority are committed by men the victim knows, not by strangers.

Fear of sexual assault affects all women.

Who is sexually assaulted?

All kinds of women are sexually assaulted - women from every walk of life. They can be of every racial and ethnic background; rich or poor; homemakers or women who work outside the home.

Women of all ages and physical types are sexually assaulted, including elderly and disabled women.

It doesn't happen to any certain "type" of woman. Any woman can be sexually assaulted. 1 in 3 Canadian women is sexually assaulted at some point in her life. 1 in 17 women will have forced intercourse (rape). 1 woman in 12 who has endured forced intercourse becomes pregnant as a result of the assault.

Where Does it Happen?

Most people believe that sexual assault happens in "dangerous" places such as dark alleys or parking lots. But more than half of all sexual assaults take place in private homes.

What can I do if I've been sexually assaulted?

Call the police immediately if you are in danger.

Call the Sexual Assault Survivors' Centre crisis line which operates 24-hours a day, seven days a week at 519-337-3320. (County residents call collect).

Preserve all evidence. DO NOT shower, bathe, douche, brush teeth, comb hair, use the toilet or change clothing. Do not clean or disturb crime scene, as all evidence is important.

Seek medical attention immediately. The Sexual Assault Treatment Centre at Bluewater Health provides medical treatment for victims 24 hours a day.

What to do if someone you know is sexually assaulted?

- Believe her
- Let her know your willingness to listen, but do not pressure her to talk about the assault.
- Ask how you may be of most help to her
- Help her to make her own decisions
- Seek medical attention immediately. The Sexual Assault/Domestic Violence Treatment Centre at Bluewater Health provides medical treatment and forensic support 24 hours a day.

How does the law define sexual assault?

Rape is unwanted sexual intercourse.

Under the law, sexual assault is any unwanted act of a sexual nature, including rape and any other unwanted fondling or touching. Under the law, women have the right to say no to any form of sex or sexual touching, even in marriage or when dating. No means no whatever the situation.

SERVICES FOR ABUSED WOMEN AND CHILDREN

WOMEN'S INTERVAL HOME OF SARNIA LAMBTON

There are many shelters for abused women throughout Ontario and across Canada. A shelter is a safe place you and your children can go to while deciding what to do next.

The Women's Interval Home provides 24 hour emergency shelter and confidential counselling services to women and their children caught in the turmoil of family violence in Lambton County.

Women can drop in or telephone the shelter. Residents must be at least 16 years of age to be admitted to the shelter. There are many programs you and your child can access while at the shelter including various support groups, life skills, counselling and many others.

The Women's Interval Home also offers many programs for women and children in Lambton County who are in the process of leaving an abusive relationship. You do not have to be residing at the shelter to access these programs which include Women Support Group, individual counseling for women and children around abuse issues, Transitional Housing Support Worker Program, and W.O.M.E.N. group (Women On The Move Employment Now).

During your stay, the shelter staff will provide you with the information and support you will need while you consider all of your options.

FAMILY COUNSELLING CENTRE
1086 Modeland Road
Building 1030, 2nd Floor
Sarnia, ON N7S 6L2
519-336-0120

The Family Counselling Centre is a not-for-profit, community-based agency that provides a variety of professional counselling, support, prevention and coordination services to the residents of Sarnia-Lambton. The Violence Against Women (VAW) program provides counselling services to women who have experienced physical, emotional or sexual abuse in an intimate relationship and to their children who have witnessed the domestic violence. The abuse may originate with a past or present partner or the family of origin. The highly trained clinicians at Family Counselling Centre provide counselling support and empowerment to women and their children in order to help them:

- gain an in-depth understanding of abuse;
- cope with and heal from the effects of abuse and violence, including the witnessing of violence;
- develop a safety plan in order to confirm immediate safety and avoid further abuse
- understand their rights and self-esteem needs;
- access appropriate local services through a referral process

There is no fee for this service. For more information or to book an assessment appointment, please contact the Intake Department at the Family Counselling Centre at 519-336-0120

What should I take with me?

- Important documents including birth certificates, health cards, social insurance card, passports, custody papers, mortgage papers
- Credit cards, money, bank books
- Medications
- Possessions of sentimental value (yours and your children's)
- Children's favourite toys, blankets, pillows etc
- Some of your clothes and your children's clothes

***For further information please call
519-336-5200 or 1-800-265-1412***

Three Fires Ezhignowenmindwaa Women's Shelter (Walpole Island First Nation)

This facility has accommodation for as many as 16 women and children. Besides temporary emergency shelter for battered women and children, the centre offers crisis intervention counselling, individual counselling, advocacy, children's services and community education. The shelter will provide support services for native and non-native battered women and children in Southwestern Ontario. Three Fires Ezhignowenmindwaa Women's Shelter is committed to working toward the elimination of violence against women and children.

Services Offered: Education, Shelter, Crisis Intervention, Individual Counselling, Group Counselling, Advocacy, Children's services, Community.

**Contact Information Telephone (519)627-3635
www.walpoleislandfirstnation.ca**

SEXUAL ASSULT/ DOMESTIC ASSAULT TREATMENT CENTRE

The Sexual / Domestic Assault Treatment Centre is located at Bluewater Health (via the Emergency Department). Prompt, confidential, individualized care and treatment is available 24 hrs a day, 7 days a week and is provided by specially trained nurses and physicians sensitive to the needs of patients who have experienced a recent sexual or domestic assault. Our services include:

- examination and treatment of your physical injuries as well as preventative treatment for sexually transmitted infections and pregnancy where appropriate
- Forensic evidence collection and documentation if you choose to proceed with legal action. You have the option of having the forensic evidence stored at the hospital for 6 months while you decide whether to be involved with the legal system. Remember, the choice to involve police and collect evidence is yours!
- Psychological care such as crisis support, general information about sexual assault and domestic violence, as well as referrals to community resources for shelter, counselling and safety planning if needed
- Follow-up care.

***For more information, please call 519-464-4522
or come to the Emergency Department at Bluewater Health.***

SEXUAL ASSAULT SURVIVORS' CENTRE SARNIA-LAMBTON

24 Hr. Crisis Line: 519-337-3320

Business Phone: 519-337-3154

Toll free: 1-888-231-0536

Fax: 519-337-0819

e-mail: sascsl@ebtech.net

www.sexualassaultsarnia.on.ca

A non-profit, charitable organization dedicated to assisting survivors of sexual assault and sexual abuse and to ensuring that a comprehensive range of crisis support, counselling, information and advocacy services is available to those who have been sexually assaulted and sexually abused. A 24-hour CRISIS LINE is available 7 days a week. Trained volunteers provide callers with information, emotional support, non-directive counselling and accompaniment to hospitals and police.

COUNSELLING SERVICE - Centre counselors provide individual and/or group counselling to survivors (16 years and over) of sexual assault, sexual abuse, sexual harassment, childhood sexual abuse and incest at the Sarnia Office, Petrolia, Forest and Aboriginal Communities (Aamjiwnaang, Walpole Island and Kettle Point/Stoney Point). Services for men also available.

PUBLIC EDUCATION is offered through workshops, trainings, seminars, presentations on a wide variety of topics designed to empower individuals. Educational Topics include sexual assault information, effect & prevention, healthy vs unhealthy relationships, dating violence, internet safety, elder abuse, human trafficking and youth related topics.

KNOWLEDGE IS POWER - Educational presentations using the risk reduction resource puzzle (2 age groups; 4-12 years and 13 +years); four focus sections; teach healthy self-esteem, boundaries, safety skills; Resource Manual/Parent Guide Booklets.

There is no fee for service, and no waiting list for recent sexual assault or survivors in crisis.

Also runs the website www.bridgingtheservicegap.com

HUMAN TRAFFICKING

Human trafficking is a form of modern-day slavery where people profit from the control and exploitation of others. Victims are forced, defrauded, or coerced into trafficking. Human trafficking may include:

- Sexual Exploitation
- Forced Labour, Servitude
- Forced Marriage
- Organ Removal

There are 2 Types of Human Trafficking:

International Trafficking:

A trafficker transports the person across borders from one country into another country for the purpose of exploitation, using fraudulent or valid documents for entry.

Domestic Trafficking:

The entirety of the crime occurs within a country's borders; the trafficked person may be a citizen, permanent resident, a visitor, a temporary worker, a student, a refugee or a person with no legal immigration status.

Sex Trafficking

- Victims are subjected to sexual exploitation, typically in the sex trade. While sex trafficking can affect men, this form of human trafficking disproportionately affects women and children.
- Human trafficking victims often suffer from emotional trauma, as well as economic, physical and sexual abuse.
- Often traffickers will provide drugs to the trafficked person to develop an addiction or dependency in order to perform their work.
- Trafficked individuals are frequently used for crimes like drug trafficking, identity theft, fraud, theft or recruitment.
- 93% of human sex trafficking victims in Canada are Canadian-born

Labour Trafficking

Men, women, and children have been victims of forced labour in Canada. Some vulnerable populations, like foreign nationals, LGBTQ2S persons and homeless youth are more often targeted by traffickers. In Canada, precarious immigration status, recruitment debt (debt bondage), isolation, language barriers, poverty can create vulnerabilities that traffickers can exploit.

Examples of the types of industries where trafficked persons have been identified:

- Construction
- Agriculture
- Restaurants & Manufacturing
- Food processing
- Nail Salons, etc.

Indicators that a YOUTH may be a victim of Human Trafficking:

- Misses school on a regular basis and/or has unexplained absences
- Frequently runs away from home
- Makes references to frequent travel to other cities or towns
- Exhibits bruises or other signs of physical trauma, withdrawn behavior, depression, anxiety, or fear
- Lacks control over her or his schedule and/or identification or travel documents
- Is hungry, malnourished, or inappropriately dressed (based on weather conditions or surroundings)
- Shows signs of drug addiction
- Has coached/rehearsed responses to questions
- Demonstrates a sudden change in attire, behavior, relationships, or material possessions (e.g., has expensive items)
- Is uncharacteristically promiscuous and/or makes references to sexual situations or terminology that are beyond age-specific norms
- Has a “boyfriend” or a “girlfriend” who is noticeably older
- Attempts to conceal recent scars
- Shows a sudden change in attention to personal hygiene

Indicators that an ADULT may be the victim of human trafficking:

- Be unaware of local surroundings even though they have been in the area for an extended period of time
- Show evidence of control, intimidation or abnormal psychological fear
- Not be able to move or leave job
- Have tattoos that act as “branding” from the trafficker
- Be moved by trafficker, often from strip club to strip club, so that they don’t make friends
- Won’t be allowed to hang out with friends or family
- Show signs of malnourishment
- Be frequently accompanied by their trafficker
- Speak neither English nor French, or may not speak on their own behalf
- Originate from foreign countries, particularly China, India, Indonesia, Namibia, Thailand (top countries for labour trafficking in Canada)

Some prompting questions to identify indicators of Human Trafficking:

- What happens if you refuse to work or do some part of the work?
- Are you scared that your family and/or friends will find out what you’re doing? Or does someone threaten to tell your family/friends what you are doing?
- Where have you been staying?
- If you want to buy a cup of coffee, do you have the money or does someone else hold your money?
- Does someone you know offer you drugs or alcohol to loosen you up?

If you or anyone you know might be at risk call:

Your local police or;

Call crime stoppers 1-800-222-8477

Ontario’s Confidential 24HR Human Trafficking Helpline 1-833-999-9211, TTY 1-888-340-1001 for information and to find services.

Local Services available to assist:

Sexual Assault Survivors’ Centre Sarnia-Lambton

Office 519-337-3154 or 24 HR crisis Line 519-337-3320

Victim Services 519-334-8861 or 1-888-281-3665 ext.5238

RÉSEAU DES FEMMES DU SUD DE L'ONTARIO SARNIA/LAMBTON

Box 514

Sarnia, ON N7T 7J4

1 (888) 946-3029 ou 519-332-8897

519-679-4200 (London)

519-946-3029 (Windsor)

Le Réseau est un organisme sans but lucratif au service des femmes de la communauté francophone des régions du sud-ouest incluant, Sarnia, Windsor, Chatham et London.

Notre mandat est d'aider à améliorer la condition de la femme francophone et de sensibiliser à la non-violence sous toutes ses formes. Notre travail consiste, entre autres, à soutenir les femmes en situation de détresse ou de crise. Nous offrons également un service d'appui transitoire qui aide les femmes à se trouver un logement temporaire ou permanent. Nous offrons un service de counseling, d'accompagnement, et d'interprète.

Le bureau est ouvert du lundi au vendredi, de 8h à 16h.

VICTIM SERVICES

555 Christina St.

Sarnia, ON

519-334-8861 or 1-888-281-3665 ext.5238

Victim Services of Sarnia-Lambton provides immediate crisis intervention, emotional support, assistance, information and referrals to victims of crime and tragic circumstance throughout Lambton County. Victim Services offers a program called Victim Quick Response Program funded by the Ministry of the Attorney General to provide immediate assistance to victims of violent crimes. Trained Crisis Responders attend on-scene, with police, 24 hours a day, 7 days a week. The office is open Monday to Friday 9am-5pm.

These confidential services are offered free of charge

Sarnia Lambton Elder Abuse Awareness Network
www.sleaan.com
SLEAAN Vision

The vision of Sarnia-Lambton Elder Abuse Awareness Network is to create a Sarnia-Lambton that is free from abuse of all older adults through education, training, service coordination and systems advocacy.

ABUSED PERSONS NEED TO KNOW

You are not alone

You are not to blame

You deserve all the time, care, attention and support you need

you have the right to talk about what happened

You deserve a better quality of life

It is never too late to heal

Help is available to you

Being the victim of Abuse does not mean you cannot look after yourself

What is Abuse?

Types of Abuse

Neglect

Physical Abuse

Fraud

Emotional Abuse

Financial Abuse

Seniors and Sexual Violence

SeniorSafety Line -1-866-299-1011

www.Elder Abuse Ontario.com

Canadian Anti-Fraud Centre 1-888-495-8501

DEFINITIONS FROM THE CRIMINAL CODE

The following are examples of charges that may be laid as a result of domestic violence. Additional charges may be laid that are not listed below.

PHYSICAL ASSAULT

LEVEL I - ASSAULT

The intentional use of force on another person against his or her will or perceived threat of assault by act or gesture.

LEVEL II – ASSAULT CAUSING BODILY HARM/ ASSAULT WITH A WEAPON

Every one who, in committing an assault,

- a) carries, uses or threatens to use a weapon or an imitation thereof, or
- b) causes bodily harm to the complainant (267CCC)

LEVEL III – AGGRAVATED ASSAULT

Every one who commits an aggravated assault who wounds, maims, disfigures or endangers the life of the complainant.

Every one who commits an aggravated assault is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years. (268CCC)

SEXUAL ASSAULT

LEVEL I – SEXUAL ASSAULT

Any form of sexual activity (e.g. kissing, fondling, intercourse etc.) forced upon another person without that person's consent (with no physical injury) (271CCC)

LEVEL II – SEXUAL ASSAULT CAUSE BODILY HARM / WITH A WEAPON

Has a weapon, threatens to use a weapon, or imitation of a real weapon

Threatens to cause bodily harm to a third person (family or friend)
Causes bodily harm to that third person

LEVEL III- AGGRAVATED SEXUAL ASSAULT

A person wounds, maims, disfigures or endangers the life of a person during a sexual assault (273CCC)

CRIMINAL HARASSMENT

- Sometimes called "stalking"
- Any form of harassment which causes the person being harassed to have reasonable fear for their safety
- Usually committed by someone whom you know, often is someone whom you have been close to
- Frequently occurs during a breakup or divorce
- Often goes unreported because the person at whom it is directed hopes that it will die down or that she/he can deal with it alone

Under the Criminal Code of Canada, the following behaviours constitute harassment:

- Repeatedly following from place to place another person or anyone known to that person
- Repeatedly communicating, directly or indirectly, with another person or anyone known to them

- Besetting or watching the dwelling-house or place where another person, or anyone known to that person, resides, works, carries on business, or happens to be
- Engaging in threatening conduct directed at another person or any member of their family

Where someone knowingly or recklessly harasses another person and causes that person reasonably to fear for their safety or the safety of anyone known to them, the conduct constitutes a criminal offence, and is punishable by a range of sanctions up to and including imprisonment.

EXAMPLES OF CRIMINAL HARASSMENT –

- If someone repeatedly contacts you
- If someone repeatedly follows you
- If someone repeatedly lies in wait for you
- If someone will not take “no” for an answer and behaves in ways that you find unsettling

If any of the above is true for you, please seek assistance. The unwanted behaviour may escalate; it may become threatening or frightening.

Harassment can escalate into criminal behaviour. You should seek assistance in the following situations:

- Unwanted gifts-you have indicated to the other person that you are not interested in them and do not want any more gifts, however, the person continues to send you gifts. You are feeling uncomfortable and are concerned about the gift bearer’s intentions
- Repeated contact (phone calls, messages, e-mails, letters)

The following are examples of behaviour that should be reported immediately:

- Threats
- Following, watching
- Contacting your family, friends, professors, colleagues, students

If you believe that you are in immediate danger,
or
in case of emergency call 911

THE CRIMINAL JUSTICE SYSTEM

INTRODUCTION

Every woman has the right to peace, safety and protection. You have the right to look to our Criminal Justice System for your security and to ensure that justice is done where a criminal offense has been committed.

Making a false report which results in a police investigation could lead to a criminal charge against you.

WHEN ARE CHARGES LAID?

Criminal charges are laid when there are reasonable and probable grounds to believe you have been:

- Physically assaulted
- Sexually assaulted
- Kidnapped or forcibly confined
- Your personal property is stolen/damaged
- Your safety or life is threatened
- You have been criminally harassed

HOW ARE CRIMINAL CHARGES LAID?

Criminal charges can be laid in two ways. The most common way is for police to lay a charge. The other way is to go to a Justice of the Peace and file a report against your partner.

WHEN ARE THE POLICE INVOLVED?

If you have been assaulted or are in danger, **CALL THE POLICE IMMEDIATELY – 911**. Tell the operator exactly where you are (be as specific as you can) and that you are in danger. Once the police arrive, they will begin to ask you a lot of questions. This is the beginning of an investigation. If your partner is still there, the police will also ask him questions. They will probably speak to you separately.

Police shall lay charges when:

- They witness an offense (e.g. an assault)
- There are “reasonable and probable” grounds to believe an offense has happened – the police decide this by considering such things as injuries, evidence of a fight, a witness or your word.

If the police do not lay criminal charges, ask them to explain why. Sometimes police are not able to lay a charge due to a lack of evidence. If the police cannot lay a charge, going to a Justice of the Peace is another possible means by which a charge can be laid.

If you are unclear or do not understand the investigation process, ask the police questions and have them explain to you what they are doing. Record the officers badge numbers and names – this can be helpful information in the future.

If you feel unsafe or have no where to go, the police will escort you to a women’s shelter.

If you have medical concerns or injuries, ask the police to take you to the hospital.

In addition to your rights, you have one major duty – to tell the truth during the investigation – that is to be honest and straightforward with the police. Tell them what has happened as clearly and as specifically as possible. Every woman has the right to peace, safety and protection. Police are mandated to arrest and lay a charge(s) when they believe a domestic assault has occurred.

THE POLICE INVESTIGATION

The purpose of the police investigation is to gather evidence to determine if a crime has been committed and if so, the identity of the person or people who are responsible. The police have a responsibility to get as much information about the crime as possible.

The police investigation following the report of a crime will follow specific procedures that are set out by the police force involved.

The Interview

Investigator will interview the Complainant (the person reporting the crime) and all other persons who may have knowledge about the incident. Additional witnesses, including children may be interviewed by the police.

Investigator will interview the person accused of committing the crime where possible

Investigator will try to gather as much evidence as possible from the scene of the crime.

Investigator should be made aware of any items or documents that might be of help to the police investigation as soon as possible, such as a weapon.

The police will also gather other items during their investigation such as:

- Relevant medical reports
- All video statement tapes taken by Police
- Statements from witnesses
- Photos of injuries and crime scene
- Weapons that may have been used
- Any other evidence needed to prove the assault
- Before police leave, they should provide you with a safety plan. Victim Services does safety planning with you
- If children are in the home during the assault, police must contact the CAS

At some point during the investigation the police may ask you to provide a sworn statement. Before you sign the statement, READ IT VERY CAREFULLY to ensure it is correct and accurate. Corrections can be made and additional points included at anytime.

WHAT SHOULD I KNOW ABOUT PRESERVING EVIDENCE?

Evidence is extremely important in helping the police determine if an assault has occurred. Any type of evidence should be preserved. Torn or bloodied clothing should not be washed or mended. The location and condition of any weapons should not be tampered with.

Blood on floors, walls, disarray of furniture and so on, should be left for police to view. All of these conditions are important in that they assist in telling a story of what happened. Most importantly, the evidence may support your story. Anything else you think is important should be brought to police attention, including those witnesses that may not be present when the police arrive.

WHAT ABOUT MEDICAL ATTENTION?

If you are injured and require medical assessment and treatment, you should go to the hospital emergency room. The hospital can notify the police for you if you wish. The hospital can also release a copy of your medical documents to the police investigator if you consent to this. Victims can go to the police station or the hospital to have photographs taken of injuries for medical and evidentiary purposes. Arrangements can be made to photograph new bruising that may develop in the future.

SHOULD I MAKE NOTES OF WHAT HAPPENED?

It is a good idea to make detailed notes of what happened prior to, during and after the assault. These may be used to refresh your memory at any court hearing and may be of importance in any divorce or separation hearings.

WILL THE POLICE ARREST MY PARTNER?

When the police lay a charge, they will arrest the man who assaulted you on the spot or they will locate him to arrest him or they may choose to investigate the matter further and arrest him later.

WHAT HAPPENS AFTER HE'S ARRESTED?

If your partner is arrested, the police will take him down to the police station to book him. This means that he is formally charged with an offence. Once the police have booked him, they will:

- Hold him in custody and he will be taken before a Justice of the Peace, usually the next day, for a Bail Hearing. He will be kept in custody until he appears at the Bail Hearing.

OR

- They will release him with a Promise to Appear, which states a time and place where he must present himself to court to set a date for trial and undertakings (things he must do to stay on bail). If not released, the Crown Attorney may consent to release or not and a Bail Hearing may be set before a Justice of the Peace.
- The accused can be released on a recognizance with surety. This may be a cash deposit and it is the highest form of release.

WHAT IS A NO-CONTACT ORDER?

A no-contact order is an order made by police or Justice of the Peace that your partner not communicate with you or contact you in any way. No-contact orders are usually made at the Bail Hearing after the arrest.

If the police have arrested your partner, find out their plans for releasing him from custody. If you believe that you will be in danger if he is released, tell the police your concerns. If he is held overnight for a Bail Hearing, ask the police to tell the Crown Attorney your fears. The Crown Attorney can request certain conditions be placed on the accused such as:

- No contact with you, either directly or indirectly
- No contact with your children, immediate family and witnesses
- He stay a set distance away from your house, place of employment, child's school etc.

You know better than anyone else what he is likely to do after he is released from custody. Make sure the police know your safety concerns. It is absolutely essential that you call the police if /when your partner violates his no-contact order. Keep a personal record of each violation and each time you called the police. You do not have to be assaulted to ask the police to enforce a no-contact order. Any contact is a violation of a no-contact order and your partner could be arrested.

WHEN IS A JUSTICE OF THE PEACE INVOLVED?

Justices of the Peace are located at the Provincial Courthouse. They are court officials, but NOT judges. If the police don't lay charges, go to the Court office and ask for an application. Take it home, complete the application and bring in back to the office before the next Wednesday. You will be given an appointment for Thursday where you will be able to speak with the Justice of the Peace. The JP will review your application, ask you to swear to the information in the complaint and give you a court date for a hearing. You must present evidence at the hearing of why you are swearing a charge. The Crown Attorney can cross examine you to ensure that a charge is justifiable. If the JP decides that a charge is supported by the evidence, charges will be laid. Another court date will be set to summons the accused to court to answer to the charge.

WHAT IS A PEACE BOND?

A peace bond is a court order. In order to get a peace bond, the complainant must reasonably fear for her safety or her family's safety. The complainant must get an application and complete and return it to the court office by Tuesday in order to see a JP on Wednesday. The JP will review the application to see if there are grounds to proceed. If so, another date is given (3rd Wednesday) for both the complainant and accused to attend. The complainant must be there to testify. The JP can issue a peace bond for a period of up to 12 months.

CAN I DROP THE CHARGES?

Once criminal charges have been laid only a Crown Attorney can withdraw the charges.

CAN I BE CHARGED?

Sometimes abusive partners will threaten to lay counter charges if they are charged. While it is possible for counter charges to happen, it does not happen very often. Try not to be intimidated by these threats. If you have a lawyer, let them know about the threats.

If you are charged, it is important to get advice from a lawyer as soon as possible. It is important to take any charges seriously and to have a lawyer advise and represent you.

It is important to note that filing a false report with the police is an offense.

WHO WILL LET ME KNOW WHAT IS HAPPENING?

In Ontario, the Victim Witness Assistance Program (VWAP) keeps the victim informed about the process of the investigation and court case. Do not be afraid to call the police and ask them what is happening as well. Make sure you know the name and badge number of the investigating officer. If you are moving, changing your phone number or job, tell the VWAP program and police right away.

DO I NEED A LAWYER?

Criminal charges in Ontario are prosecuted by the Crown Attorney, who is a lawyer for the province. Although you are the victim of an assault, in the court proceedings you are referred to as the “witness” “victim-witness” or “complainant.” You do not need to get your own lawyer to deal with the charges. Remember to ask the police or Crown Attorney to explain anything you do not understand. You can always seek support and assistance from the Victim Witness Assistance Program.

WHAT ARE THE COURT APPEARANCES?

The criminal process can be complex. There can be many different court dates and appearances for one charge. You have the right to ask questions at any point in the process. It is recommended that you record the court dates so that you can keep track of what is happening. There can be adjournments or delays throughout the court process. These delays can make the court case take much longer. It may be many months between the time of the assault, the start and end of the trial and the sentencing.

THE BAIL HEARING

At the Bail Hearing, the Crown Attorney will explain to the Judge/Justice of the Peace why the accused should stay in jail or why there should be special rules the accused should follow if the accused is allowed to be released.

The defence counsel may explain to the judge or JP why the accused person should be released.

The Judge or JP will make the decision to release the accused person or keep the accused in jail.

When will the judge/JP keep someone in jail?

If the accused is a danger to any victim or witness to the offence

If the accused might not show up for court

If the accused is likely to commit further offences

What do I need to know about bail conditions?

It is important for the victim to know what conditions the accused must follow:

- *victims can get information about the specific conditions that the accused must obey*
- *victims can ask for a copy of the bail conditions from the police or the Victim/Witness Assistance Program*
- *if the victim or anyone learns that an accused is breaking any of the orders, the police should be told as soon as possible*

What happens if the accused does not obey the bail conditions?

The accused may:

- *be charged with another offence*
- *be arrested and held in custody until the trial*
- *be released on new, more restrictive conditions*

WHAT SHOULD I KNOW ABOUT THE TRIAL?

If the accused pleads guilty the judge will take the plea, and listen to the facts of the case

- *the Crown Attorney will read the facts of the case in court*
- *the accused or his/her lawyer will have a chance to speak to the judge*
- *if appropriate the judge will find the accused guilty and decide what the punishment will be. This is called a sentence*
- *there will not be a trial and the victim does not have to testify*

If the accused does not admit responsibility, he/she pleads "not guilty". In this case, a trial date is set or another date will be made for the accused to return to court. If the accused pleads "not guilty" a trial will take place. In some circumstances, the accused can choose to have a trial held before a judge alone or a judge and jury. In Canada, most trials are conducted before a judge alone.

What happens at the trial?

When the trial takes place, the Crown will call witnesses and present evidence to support their case. The defence may call witnesses and present evidence if they wish.

The Crown must prove beyond a reasonable doubt that the accused committed the offence charged. The defence will try to show that the Crown has not proven that the accused is guilty beyond a reasonable doubt,

After all the witnesses have been heard, the Crown prosecutor and the defence counsel will make final statements.

When there is a trial with a jury:

- **The judge tells the jury what laws apply to the case, and how to consider the evidence they have heard. This is called instructing the jury**
- **the members of the jury must decide if the accused is guilty**
- **the members of a jury will meet until they reach a decision**

- if the jury can not reach unanimous decision, the judge will declare a mistrial and a new trial will take place

When there is a trial with a judge alone:

- the judge must review all the evidence and decide whether or not the accused is guilty
- sometimes a judge reaches a decision right away but often a judge may take several days or weeks

What if the accused is found not guilty?

If the accused person is found "not guilty", the judge will acquit the accused, which means they are free to go.

If the accused is found "not guilty", it does not mean that the judge or jury thought that the victim was lying or that they did not believe the other witnesses. It means that they were not convinced beyond a reasonable doubt. This is a very high standard.

Even if the accused is found "not-guilty", reporting the abuse and going through the court process sends the message that you know the abusive behaviours are wrong and not acceptable. If your partner assaults you again, charges can be laid again.

What if the accused is found guilty?

If the accused is found "guilty" the judge will decide the appropriate punishment. This is called sentence. Sentencing may occur at a later date.

Sentencing

If the accused is found "guilty" the judge must choose from a range of sentences set by law and decide on the appropriate sentence.

The judge will consider:

- the circumstances of the crime
- the offender's criminal record
- the offender's personal history

- the impact of the crime on the victim
- the amount of responsibility that is taken by the offender

There are many sentences and combinations of sentences the judge can choose from such as:

- An absolute discharge. This means he or she will not have a criminal record.
- A conditional discharge, which means he or she will have to fulfil certain conditions for a period of time. This is instead of a prison term or other punishment.
- To pay a fine up to many thousand dollars. The government will collect and keep this money, not the victim.
- Pay money or restitution to a victim for any injuries or to replace any property that was taken or damaged.
- Order probation for a period of time. The offender is to be of good behaviour and tell his probation officer any changes of address, school or work. There may be special conditions that he/she needs to follow such as counselling through the Partner Assault Response Program, regular meetings with Probation Officer, and have no association with you. Partner Assault Response is a counselling program provided by the Family Counselling Centre in Sarnia for men who have been abusive to their partners.
- A conditional sentence where the accused serves time (less than two years) under supervision in the community along with certain conditions instead of jail.
- Imprisonment or jail. This is the most serious sentence because it takes away a person's freedom. An offender who is sentenced to jail for less than two years will stay in a provincial correctional institution and may be on probation after that time. The offender may have to follow certain rules and report to a probation officer regularly.
- An offender sentenced to two years or more serves the time in a federal penitentiary. After serving at least one

third of the sentence, an offender can ask for parole. Parole allows the offender out of jail, with strict rules and supervision before the sentence is completed. An offender on parole who does not follow the rules may be returned to jail.

- An intermittent sentence where the offender will go to jail for blocks of time such as every weekend.
- A person who commits a very violent crime against another person may be declared a dangerous offender and sentenced to stay in a federal prison for as long as he or she is considered dangerous. In some cases, this will be indefinitely. A special request and hearing must be held to declare an offender a dangerous offender.
- It is OK for you to provide input to the Crown Attorney as to what sentence you would like the offender to receive.

WHAT IF I REFUSE TO TESTIFY?

If you do not show up after being subpoenaed to court a Warrant may be issued for your arrest. The trial would be postponed until you were located and apprehended. If you lie in court, it is a criminal offence and you may be charged. The court process can be an intimidating process. There are people and programs that are here to help you.

WHO CAN HELP ME NAVIGATE THE CRIMINAL JUSTICE SYSTEM?

VICTIM WITNESS ASSISTANCE PROGRAM (VWAP)

The Victim Witness Assistance Program is available to help you if you are involved in a criminal case either because you are a victim or witness to a crime. They will explain to you what to expect and help you navigate the criminal justice system. VWAP understands that the thought of being involved in the criminal justice system can be both confusing and frightening. Staff will provide information and support while you are going through the process.

Some of our services:

- Information on your case – Staff will answer your questions about what is happening with your case, including keeping you informed of court dates and explaining what happens on the dates. Staff can also provide you with copies of court documents such as bail conditions and probation orders.
- Emotional Support – Staff provide you with ongoing emotional support and assistance throughout the criminal court process. We will provide you with information and referrals to community agencies for counselling and further support services.
- Tour of the Courtroom & Court Preparation Interviews – In order to help you become more comfortable with the courtroom, you will be offered a tour. Staff will prepare you to go to court and discuss any questions or concerns you may have. They can help you understand how the court system works and explain legal terms that you may not understand.
- Court Accompaniment & Safe Waiting Area – VWAP has separate waiting areas available for victims and witnesses. Staff may attend court with you to provide support.
- Assistance with Victim Impact Statements – The purpose of a Victim Impact Statement is to tell the Judge, Crown Attorney, defense lawyer and accused how you were impacted/affected by the crime. Anyone who is a victim of a crime can complete an impact statement. VWAP will explain the statement and provide you with information and support to complete it.

OTHER PROGRAMS

EARLY INTERVENTION PROGRAM

This program was introduced in 2003 and is for first time offenders. In order to qualify for the program, they must be charged by the police & meet the following criteria:

- No record of violence*
- No injuries to the victim*
- No use of weapons*
- The victim must be agreeable*

The accused must enter a guilty plea and then they can enter the Partner Assault Response program offered through the Family Counselling Centre and their sentencing is deferred for 6 months. If they successfully complete the program and receive a positive report, they are eligible for a conditional discharge with no criminal record.

Partner contact and free counselling are available to all victims and current partners of men participating in the PAR program.

Family Counselling Centre offers free counselling to all victim of Domestic Violence regardless of their partner is involved in the PAR Program.

PROBATION AND PAROLE

The main goal of the Ministry of Community Safety and Correctional Services (Probation and Parole services) is public safety. In addressing the safety needs of victims and their families, the Probation officer will:

- Contact the victim directly to discuss safety issues*
- Explain any condition of a Court Order that involves the victim*
- Discuss appropriate victim responses should conditions be violated*
- Try to understand what the victim's short and long term goals are with respect to a relationship with the offender*
- Try to understand the history and extent of abuse in the relationship*

In helping the offender to make changes in their lives to stop their abusive behaviour, the Probation officer will:

- Motivate the offender to take responsibility for his actions*
- Assist the offender to make positive changes*
- Facilitate a referral and assessment with the Partner Abuse Response (PAR) program*

The Sarnia Lambton Coordinating Committee on Violence against Women hopes this information will prove useful to you.

We acknowledge that this is a difficult time in your life, but please remember that you are not alone and that our community cares. You are not to blame. Help is available. The agencies and resources listed below are all willing and able to provide support.

A special thank you goes to the following agencies and organizations for their participation and contribution to the Sarnia Lambton Coordinating Committee on Violence against Women.

Bluewater Health; Sexual/Domestic Assault Treatment Centre
Children's Aid Society of Sarnia-Lambton
Canadian Mental Health Association – Lambton
County of Lambton Shared Services Centre Housing Services Dept.
E" Mino Bmaad-Zijig Gamig (Health Centre)
Family Counselling Center
Kettle and Stoney Point Health Centre
Lambton College
Lambton Public Health
Neighbours, Friends and Families
OPP
Réseau des Femmes
Sarnia Police Services
Sexual Assault Survivors' Centre Sarnia Lambton
Victim Services of Sarnia Lambton Inc.
Victim/Witness Assistance Program
West Lambton Community Health Centre
Women's Interval Home
YMCA

HELPFUL WEBSITES

Neighbours friends and families

www.neighboursfriendsandfamilies.ca

Safe Pet

www.ovma.org

Women's Shelter in Sarnia-Lambton

www.womensintervalhome.com

Ontario Network of Sexual Assault/Domestic Violence Treatment Centres

www.satontario.com

Education Wife Assault

www.womanabuseprevention.com

Ontario Women's Directorate

www.ontariowomensdirectorates.gov.on.ca

National Clearinghouse on Family Violence

www.hc-sc.gc.ca/hppb/familyviolence/

When Love Hurts: A Guide on Abuse, Respect and Relationships

www.dvirc.org.au/shenlove/

Canadian Parents

www.canadianparents.com

Parent Kids Right

www.parentkidsright.com

Court Prep Resource

www.courtprep.ca

Sexual Assault Survivors Centre Sarnia-Lambton

www.sexualassaultsarnia.on.ca

Ontario Coalition of Rape Crisis Centres

www.sexualassaultsupport.ca

**Sexual /Domestic Assault Treatment Centre –
*Bluewater Health***

www.bluewaterhealth.ca

Victim Services

www.victim@ebtech.net

Ontario Association of Interval & Transitional Houses

www.oaith.ca

NOTES

NOTES