

Legal Steps: Sexual Assault

Police or RCMP Report

It is totally up to you if you choose to make a report to police/RCMP. You will be asked to make a statement, which may take awhile to be processed and written up.

They review the case and if they determine it to be strong will choose to lay charges

The survivor becomes a witness to the incident

Crown Attorney

The crown attorney will review the report and ask themselves:

- Is there a reasonable likelihood of conviction?
- Is it in the public interest to proceed?

If yes, they proceed with charges

The Crown Attorney represents the King or Canada and is not the survivor's lawyer.

Plea

The Crown is required to share their evidence with accused and the defense lawyer. This can impact what the plea is and there is often negotiations between lawyers before submitting the plea to a judge.

This is sometimes not agreed upon until shortly before trial

At Any point, if the crown is no longer confident there is reasonable likelihood of conviction they are required to stop pursuing charges

Trial

If the case goes to trial, the survivor will likely be asked to share their statement under oath.

The defense then can cross examine the survivor. They cannot yell, intimidate or behave badly but can suggest alternative explanations and enter in evidence not shared with the crown.

Verdict

After hearing all evidence and closing arguments the judge or jury will share if they find the accused guilty or not guilty, or hung jury.

A not guilty verdict does not mean the judge or jury does not believe the survive, just there is not enough evidence to convict.

Sentencing

If found guilty, the crown and defense make submissions as to what they think the sentence should be. This can be done jointly without involving the survivor.

The Survivor can share a Victim Impact Statement, only sharing the impact of incidents that the accused was found guilty of. This can inform the judge on what the sentence should be.

