



BC Association of
Specialized Victim
Assistance &
Counselling Programs



B.C./Yukon
Society of Transition
Houses



BC Institute
Against Family Violence

CRITICAL ELEMENTS OF AN EFFECTIVE RESPONSE TO VIOLENCE AGAINST WOMEN

BRIEFING DOCUMENT

ISSUE: Addressing Sexual Assault

Given the prevalence of and low reporting rate for sexual assault, its long-term impact on girls, women and families, and its high costs to society and to the economy, it is crucial that the justice, social service and health systems place a high priority on developing effective responses to sexual assault, including policy, increased specialization, support services, training and prevention.

KEY POINTS

- “If you are a sex offender in BC right now, you have a 98.5 % chance of getting away with it” (RCMP member Matt Logan in his presentation on High Risk and Repeat Offenders at the Premier’s Congress on Public Safety). Sexual assault is the most under-reported violent crime in Canada. Despite efforts to improve justice system responses to sexual assault, the reporting rate is declining. Only 8% of sex assaults were reported to police in 2004, a significant drop from 1999 (Gannon and Mihorean 2005). Reporting rates are almost certainly even lower for marginalized women such as immigrant women, aboriginal women, women with disabilities, sex trade workers and women who are street involved. Sex offences are also less likely than other violent offences to result in charges against a suspect and adults charged with sex offences are less likely than other violent offenders to be found guilty (Kong et al 2003).
- Prostitutes are more at risk of violence and homicide than the general population and their cases are less likely to be solved. Sixty-six percent of 50 homicides in the context of prostitution from 1991 to 2001 in Canada were solved, compared to 79% for homicides overall (Kong et al 2003).
- Most of the women killed or seriously injured in the context of sexual violence in recent years have been members of marginalized groups, facing particular barriers that made it harder for them to access critical support systems. The victims of Robert William Pickton were prostitutes and drug users, many of whom were aboriginal women. Most of the women who were murdered or have gone missing on Highway 16 are aboriginal women. The women and girls who were victimized by Donald Bakker were Vancouver area prostitutes and under-age girls in Cambodia.
- The justice system’s Violence Against Women Policy was intended as an over-arching policy to guide police and other justice system responses to domestic and sexual violence. However, despite years of work by an inter-branch committee, and a consultation process that included both government personnel and key community agency personnel working in the area of sexual assault, the sexual assault component of this policy has never been implemented.
- BC is one of the only provinces to allow alternative measures in sexual assault cases. While there is currently no research to show that use of alternative measures (a process that allows an

offender to be provided with an alternative to being prosecuted) in sexual assault cases is safe for victims, if future research indicates that these measures can be safely used in these cases, use should be restricted to those cases where strict safeguards are in place and monitored.

- There are currently no sexual assault counselling services for girls under 18, constituting a serious barrier for young women who are assaulted, particularly given the life-long impacts of sexual assault.
- There are currently only a few hospital-based specialized sexual assault services in BC.
- Experience has demonstrated that risk of sexual assault can increase during major events such as the Olympics. This is a concern throughout the Lower Mainland, but particularly in the Sea to Sky region (Whistler and Squamish), given the region's current lack of victim support services and large transient population, in addition to the anticipated impact of the 2010 Olympics.

THE CONTEXT

- In 2002, 27,094 sexual offences were reported to police in Canada (Kong et al 2003), the vast majority of these involving women as the victims (Gannon and Mihorean 2005).
- In 2002, the majority (61%) of victims of sexual offences reported to police were under age 18. The group with the highest rate of sexual victimization was girls aged 11 to 19 (Kong et al 2003).
- As sexual assault crosses the boundaries of health, criminal justice, social services and counselling, no one system alone can provide an effective response. Therefore, a coordinated, consultative and collaborative approach is particularly crucial in responding to this issue.
- In response to a series of aggravated sexual assaults and deaths relating to Robert William Pickton, Donald Bakker and Highway 16, a coordinated provincial approach to third party reporting in cases of sexual assault is being developed to maximize public safety. This approach allows victims to pass on to police via a victim support service information about sex crimes committed against them, in a way that feels "safe" and may lead to a victim making a formal police report.
- A new study exploring high rates of classification of sexual assault cases as "unfounded" by police has been completed by the Justice Institute of BC, in partnership with the BC Association of Specialized Victim Assistance and Counselling Programs. This study showed a need for more specialized police training on the dynamics of sexual assault, to further improve police responses to sexual assault and address police attitudes that may stereotype sexual assault and its victims.
- Experience and research indicate that specialized responses to sexual assault that include specialized police, Crown Counsel, hospital personnel and victim support and counselling services constitute particularly effective approaches to sexual assault care.

SUGGESTED ACTIONS

- Update and implement the Ministry of Attorney General and Ministry of Public Safety and Solicitor General *Sexual Assault Policy*, taking into account the particular needs of marginalized women, especially aboriginal women and sex trade workers.

- Amend Crown policy to disallow alternative measures in sexual assault cases at the present time.
- Support a provincial approach to third party reporting of sexual offences being developed by police and the BC Association of Specialized Victim Assistance and Counselling Programs.
- Provide funding and other support for enhanced specialization and integrated service provision in the justice system and hospital responses to sexual assault.
- Assess province-wide capacity for emergency response to sexual assault and develop and fund a strategy to respond to any shortcomings determined to exist.
- Expand the mandate for Stopping the Violence Counselling programs to include those aged 14 and over and provide funding so that they can provide service to this age group.
- Fund development of sexual assault services in the Sea to Sky region and review the need for enhanced services in the Lower Mainland to respond to increased demand during the Olympics.
- Provide and enhance specialized training for all justice, health and social service personnel, on the dynamics of sexual assault, normal victim responses to sexual assault, the needs of sexual assault victims, and best practices in terms of investigation, prosecution and intervention.
- Fund victim support services to undertake community-based sexual assault prevention and education initiatives on an ongoing basis.

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