

Survivor of St. John's sexual assault suing police and province for failing to warn public a predator was lurking

'She was completely unaware that there was someone out there who had already attacked five people,' the 23-year-old woman's lawyer said



Sofyan Boalag is shown in provincial court in St. John's on Friday Aug. 26, 2016. Lawyer Allison Conway's client, known only as Jane Doe was the victim of a horrific sex attack at knife point and is now suing the province of Newfoundland and Labrador, alleging police failed to properly warn the public that a predator was stalking young women.



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ST. JOHN'S, N.L. — She was finishing her last college exams, the Christmas season stretching before her, when she went out for a Saturday night in downtown St. John's with friends.

What should have been a celebration ended with a horrific sexual assault at knife point that left the young woman known only as Jane Doe traumatized, bleeding and crying for help.

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Her lawyer, Allison Conway, says her client, then 23, had no idea that four other women and a 15-year-old girl had been assaulted in previous months while walking downtown alone late at night or in early morning.



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“She’s a prudent individual,” Conway said in an interview. “She had arranged a ride home with her mother. She thought ahead. And she was completely unaware that there was someone out there who had already attacked five people.”

Thirty years after a precedent-setting lawsuit in Toronto over the police force’s failure to warn women of the so-called Balcony Rapist, the lawsuit raises some similar issues.

A woman attacked by Paul Callow in the summer of 1986 won \$220,000 in a 1998 court judgment that found investigators were negligent.

Allan Hutchinson, a professor at Osgoode Hall Law School in Toronto, said the Ontario decision could have a “persuasive effect” in Newfoundland.

They could have put notices up, which is not very difficult for the police to do. It set out that, in special circumstances, police may owe a duty to warn a particular group at risk, he said.

“They could have put notices up, which is not very difficult for the police to do. And the police were criticized in this Toronto case because they put capturing the guy ahead of warning women about future assaults.”

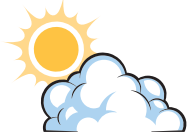
In St. John’s, Jane Doe was the last of six alleged assaults involving Sofyan Boalag, 37, between September and December of 2012. One of the women refused to testify.

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Doe filed a statement of claim in provincial Supreme Court last January that says all of the attacks took place in a similar part of the city, and involved people with similar characteristics — five young women and one teenaged girl.

“The defendant failed to take reasonable steps, or any steps, to perform its duties of care to the plaintiff, including the duty to warn the plaintiff as a member of an identifiable group at risk,” it says.

Doe wants unspecified general and special damages for “irreparable psychological harm” and loss of opportunity, physical pain and “continuous distress caused by memories of the assault.”

Conway said helping ensure better warnings in future is even more important for her client than compensation.

Boalag, an Algerian who faces deportation if released, was convicted last month of three counts of sexual assault with a weapon, robbery and several other counts, including choking Doe until she passed out. He has not yet been sentenced.

According to the judge’s ruling in the criminal case, Boalag was arrested after a struggle with three officers on the evening of Dec. 10, 2012 — the day after Doe was attacked.

Three days earlier on Dec. 7, the Royal Newfoundland Constabulary (RNC) had issued a media release warning of “an unidentified offender who may be responsible for one or more sexual assaults in the downtown and centre city area.” It cautioned women walking alone after dark may be at greater risk and should take precautions. They also asked anyone with information to contact Crime Stoppers.

The force issued another media release on Dec. 9 with details of the attack on Doe.

At issue is whether police adequately notified potential victims at the time, Conway said.

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“The question for us is whether or not these warnings, if they existed, were sufficient to discharge the duty that’s established as per the Jane Doe Metropolitan Toronto case.”

Hutchinson said the Jane Doe in that case has since spoken publicly about how the cash settlement was secondary. What she really wanted was for the public and police to change attitudes and step up response around sexual assaults, including more support for survivors.

“And that’s very hard to do through this kind of civil action.”

Laura Winters, co-ordinator of the Safe Harbour Outreach Project for sex workers in St. John’s, said she has seen some change since the program started in 2013. Many of the women have outstanding warrants or other reasons for not wanting to tell police if they’re hurt on the job.

“We work with police, we do training and try to make that relationship so people do want to report,” she said in an interview. She has noticed what she says is a positive shift to more community-based policing, along with more public warnings of sexual assault threats.

“I think they’re trying to be more sensitive.”

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