



Community
Coordination
For Women's Safety

BACKGROUND

ISSUE: Third Party Reporting: Access to the Criminal Justice System for Marginalized¹ Victims of Sexual Assault

Rural Sex Trade *The Vancouver Sun*, Fri 03 Nov 2006

“The victims in the cases had specific histories of trauma, addictions, oppression, racism and a fear of not being believed...It was extremely time-consuming and challenging to find one victim who was willing to give a statement to the police.”

BACKGROUND:

For many years, communities throughout BC have attempted to address the fact that very few victims of sexual assault report to the police, particularly those from communities such as Aboriginal women, new immigrants and women in the sex trade.

For the general population, sexual assault is among the most under-reported crime in Canada, with only 8% of sexual assaults reported to police (Stats Canada 2003). For some groups of women, particularly those with fears and concerns about the justice system, the numbers are even lower. These victims are least likely to report to police.

WHAT IS A THIRD-PARTY REPORT?

Some communities in BC have attempted to address the problem of low police reporting by creating a process whereby a victim can report to police anonymously, through a third party. In collaboration with police, a process is developed whereby a community agency that specializes in responding to sexual assault accepts information from a victim about a sexual assault and

¹ For the purpose of this document the term “marginalized” is used to refer to any person or group that is hesitant to engage with the justice system. This can include, but is not limited to, groups such as Aboriginal women, new immigrants to Canada, women in the sex trade, lesbian, gay and transgendered people as well as others.

passes that information on to the police without disclosing the identity of the victim.

This “Third Party Report” can be an option for victims who would not otherwise provide information to the police. Once the report is made, it enables the police to review the information, look for and evaluate trends, create a profile of the assailant, and/or take other actions such as instituting patrols in the area. Third Party Reporting can also set up a process whereby police can contact the agency if they would like to follow up with the victim. For example, if other victims have come forward with similar reports that suggest a serial offender, the police may ask the agency to find out whether the victim who made the Third Party Report might be willing to talk to an investigator.

Like other physical attacks, sexual assault is an act of violence. But sexual assault is a unique crime. It is an act of aggression committed by those who are more powerful against those who are less powerful, most often women, children and people who are particularly discriminated against.

The majority of adult sexual assaults are committed by males against females. 2003 Stats Canada data states that males accounted for 97% of accused sex offenders, while the majority of victims were female (85%). Offenders are generally motivated by a desire to exercise control over or direct aggression towards women. In some cases men are the victims of sexual assault and women the assailants. However, current statistics indicate that only a small percentage of adult victims are male (8%), and a smaller percentage of perpetrators in cases of adult sexual assaults are female (3% of accused).

Regardless, sexual violence is all too prevalent in our society. Current literature indicates that such violence is part of a continuum, which includes acts such as unwanted sexual touching of buttocks or breasts and rape, physical mutilation and murder.

Few solutions have come forward over the years that encourage victims to report. Minimal intervention in these cases by the criminal justice system has unfortunately contributed to a social environment in which sexual assaults continue unchallenged.

BARRIERS TO REPORTING:

Victims report being reluctant to come forward because of fear of retaliation by the assailant, fear that they will not be believed or that they will be judged, and feelings of humiliation and shame.

In the case of immigrant/refugee/visitor women, fear of police authorities because of the system in their country of origin, language barriers and cultural taboos can play a part in fear of reporting.

For women in the sex trade, or who are street involved, the chance of the victim reporting to police is even lower. This, along with other factors, makes this segment of the population even more vulnerable to sexual assault. A survey of sex trade workers in Vancouver's Downtown Eastside revealed that 62% had been sexually assaulted on the job during the previous six months (Currie et al 1995).

Studies also show that sexual assault of sex trade workers is more likely to involve physical violence requiring hospitalization and more likely to involve more than one assailant (Miller and Schwartz 1995).

Women in the sex trade may be reluctant to report because of:

- Perception by the public that assault is part of the risk of their lifestyle,
- Mistrust of the system; belief that the system will not respond,
- Fear that they will not be believed,
- Fear that they will be arrested if they have outstanding warrants or
- Fear of retaliation by the assailant.

THE CASES OF DONALD BAKKER, ROBERT PICKTON AND THE HIGHWAY OF TEARS:

The need for Third Party Reporting was highlighted after the 2003 arrest of Donald Bakker in Vancouver. In December 2003 screams were heard coming from an area at Crab Park in East Vancouver. Police attended and arrested Bakker, who had been attacking a sex worker. It was later discovered that the gym bag he was carrying contained a video camera and tapes depicting images of extreme and degrading violence against women believed to be Downtown Eastside sex-workers. The tapes showed 60 victims, some of whom were sex trade workers and some who were child victims in Cambodia. The resulting investigation identified 44 victims and charges were laid in 16 of the cases; this was extraordinary considering there were no complaints to police at the time of the assaults]. Bakker was convicted and sentenced to ten years in jail.

The question that has been posed is, "If police had had information about this predator earlier on, could some of these attacks have been prevented?" The same question can be asked in the case of Robert Pickton and the case of the murdered and missing women along Highway 16 in Northern BC.

THIRD PARTY REPORTING; THE PROCESS:

In communities such as Vancouver, Victoria and Prince George, agreements have been developed between local police detachments and Community-Based Victim Service programs or Sexual Assault Services whereby the local community-based program provides third party information from victims to police. The process generally proceeds as follows:

- A victim reports a sexual assault to a program such as a Community-Based Victim Service program, using a questionnaire that the program has developed in collaboration with local police.
- The information gathered is passed on to police without information that would identify the victim.
- Police review the report. The information is used to evaluate trends and look for commonalities between this sexual assault and other reports. Based on the amount and quality of information gathered, a preliminary investigation will be undertaken. This will be followed by an assessment of whether there is interest in interviewing the victim to gather more information.
- If there is a need/interest to interview the victim further, the police will contact the third-party agency to follow up.
- The third party agency will contact the victim and forward the police request to meet with her. If permission is given, the worker will give the victim's contact information to the investigating officer, or arrange a meeting. The decision to give a full report rests with the victim. For many women who would not otherwise be willing to talk to the police, having a third party involved and a sense that the police believe them can greatly increase the chance that they will provide information.

THE CASE FOR STANDARDIZATION:

"...Around the Highway of Tears, frontline workers have had information disclosed and...it's forwarded, but it's not done in a coordinated way. We're all keepers of really important information that's not getting out there in a coordinated way."

- Support worker in a northern BC community, October 2005

While RCMP E Division does have a policy regarding Third Party Reporting, as do some municipal police services, there is no standardized model available for accepting and processing the reports. This means that each community has had to develop their own questionnaire and protocol pertaining to Third Party Reports.

At the moment, it appears that only the Vancouver Police are collecting Third-Party information and entering it on the provincial information system, PRIME.

This means that in other jurisdictions this information is not being shared. The identification of trends or transient predators is greatly hampered by the lack of a province wide system to capture this information. A standardized method of gathering the information (standard questionnaire), entering this information into the system, and ensuring that the information is accessible to all police jurisdictions is vital to the success of the police in their efforts to crack down on sexual predators. We believe having a provincial protocol agreement for Third Party Reporting will enhance intelligence gathering for the police.

As well as the consistency of the information gathered and the consistency of its use, there is a need for a centralized person or department that receives the information regularly. This is because of the relatively low numbers of reports that are received. Vancouver Police Sexual Offense Squad receives only approximately 30 Third Party Reports per year. Other jurisdictions report one to two per year. This means it would not be feasible to train members in each detachment to process these infrequent reports. A standardized method of processing the reports and a centralized person to accept them would overcome some of the problems associated with the low numbers received.

KEY FACTORS:

Making a police report is a traumatic experience where the victim may experience a “reliving” of the experience as she completes a statement. It is vital that victims receive support and follow up during this time. This need is built into the proposed process when an agency looks at engaging in these reports.

It is vital that the community agency not be located at the police station, but is at arm’s length from the system.

The following principles will be important to the successful implementation of this new protocol:

- That Third Party Reports be used only as a last resort for victims who otherwise would not report to the police;
- That the program be integrated at the provincial level to maximize information access by all police organizations, large and small;
- That the community agencies ensure that the Third Party Report option is known in their community, in particular, with sex trade workers, and with women who are Aboriginal and immigrant;
- That the community agency have emotional and other supports in place for victims while making the Third Party Report and as follow up;

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- That the community agency is not directly connected with police or any government ministry. Ideally, a Community-Based Victim Assistance Program would assist the victims with these reports. CBVA practitioners are trained in trauma support and working with the justice system and have relationships in place with local police;
 - That the reports are received by one consistent, central person or department within the police system to ensure consistent use of the data;
 - That the data is entered onto a province-wide information system such as PRIME to ensure consistent use of, and access to, the data.

THE VALUE OF THIRD PARTY REPORTING:

To the Victim:

For the victim, Third Party Reporting is an invaluable tool to provide an opportunity to give the information to the authorities without the undue stress of worrying about being arrested, deported, not believed or judged. Third Party Reporting gives an otherwise reluctant person, who may be mistrustful of the system, a way to engage with that system and a positive experience of reporting crime. This in turn may open up other doors down the road should other crimes be perpetrated.

Third Party Reporting also:

- Provides an opportunity for victims to disclose in a safe way
- Provides a way to engage with the system that may lead to making a formal report

To the Police:

RCMP E Division already has policy in place and several detachments including Prince George have been taking Third Party Reports for some time. In response to the Bakker case, the Vancouver Police Department has increased their efforts in this area. They have developed a very thorough Third Party Report protocol and a set of processes including testing the entering of this data onto PRIME.

- Expanding the Vancouver initiative province-wide would allow predator information to be shared among rural and urban communities across the province.
- Predators travel, as do victims, and having an integrated system allows all police to track the suspect's movements.

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- There is no cost involved. Any time spent collecting predator information or entering it onto PRIME will result in information that was not available previously.
 - There is potential for some of these cases to result in solid leads about violent predators. This in turn could result in a Third Party Report becoming a statement and then a solid case. This would all result from information that would not have come forward otherwise.
 - Third Party Reporting gives another option to those who face particular discrimination or barriers to providing information to the police. This then builds potential connections among the police, community agencies and the victims they serve. This relationship has often been cited as a missing link that leads to under-reporting.
 - Sexual assault is the most under-reported crime and as such, when violent sexual predators are operating in any given area, police often have little or no information to assist in protecting citizens. Third Party Reporting has the potential to increase leads on predators.
 - As well as increased access to intelligence about sexual predators, the receipt of a Third Party Report may prevent other sexual assaults by the same perpetrator through identifying trends earlier. It provides an additional tool for police to identify trends or predators.

THE BENEFITS OF A COORDINATED PROVINCIAL RESPONSE:

A coordinated provincial response can increase the benefits of Third Party Reporting exponentially. Integrated responses can ensure that data is compared on a provincial scale so that predators that move from one jurisdiction to another can be identified. Other benefits include:

- Allowing someone who has been sexually assaulted in one jurisdiction to report in another;
- Supporting local efforts to establish protocols;
- Facilitating the tracking of transient predators;
- Facilitating broad-based interagency cooperation and learning;
- Heightening awareness and
- Facilitating a consistent, effective response.

Existing RCMP policies support Third Party Reporting, as do some municipal policies. Developing a provincial template, rather than each detachment or municipal department working in isolation, will ensure a consistent response to victims of sexual assault, improve reporting statistics, potentially identify serial

predators earlier on and increase the safety and wellbeing of women around the province.

WHO HAS BEEN CONSULTED SO FAR:

The committee behind this project is a sub-committee of the BC Association of Specialized Victim Assistance and Counselling Program's (BCASVACP) Community Coordination for Women's Safety Program (CCWS). Committee members include: Deputy Chief Mike Chadwick, Saanich Police, BC Association of Chiefs of Police; Sgt. Peter Jadis, RCMP E Division; Sgt. Darcy Taylor, Vancouver Police Department (VPD); Det./Cst. Kathleen Tchang, VPD; Jane Coombe, Policy Analyst, Ministry of Public Safety and Solicitor General; Tracy Porteous, ED, BCASVACP; Michelle Novakowski, Regional Coordinator, CCWS; Insp. Richard Konarski, Langley RCMP; Gloria Morgan, Spallumcheen (Splats'in) First Nation.

In addition to this committee of experts, our CCWS Program has consulted extensively across BC with community service providers and police. In 2006, we facilitated two cross-regional teleconference calls on the subject, each with approximately 20 people attending. In addition, we hosted a provincial round table discussion at our province wide training in 2005, with another 20 people attending a discussion with a panel of experts, many of whom who are on this committee.

Finally, we followed up with the jurisdictions that are farthest along in this area and worked closely with them to bring forward this model for consideration.

REFERENCES:

Community Coordination for Women's Safety Program. 2006. Summary of Cross-Regional Intersectoral Discussions on Third Party Reporting October 18 & 19, 2005. Vancouver: BC Association of Specialized Victim Assistance and Counselling Programs

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Miller, J. and Schwartz, M.D. (1995) "Rape Myths and Violence Against Street Prostitutes." *Deviant Behavior: An Interdisciplinary Journal*. 16:1, 1-23.

RCMP "E" Division. *Policy Manual*. 2000.

Statistics Canada. "Sexual Offences in Canada." *Juristat* 85-002, Vol. 23, no. 6. 2003

Vancouver Women Against Violence Against Women Sexual Assault Centre. *Third Party Reporting Form* 2006

CONTACT US

Call 604-633-2506 ext. 15 or go to www.endingviolence.org and click on Community Coordination for Women's Safety.

APPENDIX “A”

RCMP Policy:

Section K: Sexual Assault Policy:

4. Sexual Assault Centre
 - a. General
 - i. Sexual Assault Centres are located in major centres throughout the province. They provide immediate crisis assistance, counselling and follow-up support to victims of sexual assault.
 - ii. Many sexual assault victims will report the sexual assault directly to a Sexual Assault Centre and with assistance from a centre employee that victim will then report the offence to the police
 - iii. In situations where the victim wishes to remain anonymous or does not wish to report the sexual assault to police, a Sexual Assault Centre will provide the details of the offence to the police on a Third Party Report.
 - b. Detachment Commander
 - i. Prepare unit supplements that identify the location of Sexual Assault Centres in or near the detachment area.
 1. Ensure the local Sexual Assault Centre is included in the appropriate initiatives in your community policing program.
 - ii. Ensure that a criminal investigation is conducted when a complaint is received through a Sexual Assault Centre and the victim's identity is known.
 - iii. Ensure that an operational file is created when a third party complaint is received from the Sexual Assault Centre.
 1. Ensure that an operational file is created when a third party complaint is received from the Sexual Assault Centre.
 2. When adding the file to PIRS indicate on the details portion of the occurrence screen - **THIRD PARTY RULE applies**. This will prevent an inadvertent use of the third party information.

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