



Community
Coordination
For Women's Safety



BC Association of
Specialized Victim
Assistance &
Counselling Programs

Third Party Reporting Information Sheet For Stopping the Violence Counsellors

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.”

We are pleased to announce that a Provincial Third Party Reporting Protocol for cases of sexual related offences has been developed in partnership with:

- The BC Association of Chiefs of Police
- The BC Association of Specialized Victim Assistance and Counselling Programs
- The Community Coordination for Women's Safety Program
- RCMP "E" Division
- Saanich Police Department
- Vancouver Police Department Sex Crimes Unit
- The Ministry of Public Safety and Solicitor General

This protocol includes both RCMP and municipal police and is intended as an option for survivors who are 19 years of age and older. The protocol will be rolled out in September of 2008 and will make Third Party Reporting accessible through Community-Based Victim Assistance Programs throughout BC.

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 women in the sex trade, Aboriginal women and Immigrant women.

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 survivors are least likely to report to police.

WHAT IS A THIRD-PARTY REPORT?

In collaboration with police, a process has been developed whereby a community agency that specializes in responding to sexual assault accepts information from a victim about a sexual assault and passes that information on to the police without disclosing the identity of the survivor.

This “Third Party Report” can be an option for victims of sexual assault 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 (if known), and/or take other actions such as instituting patrols in the area. The new Third Party Report process also establishes that police are able to contact the agency if they would like to follow up with the survivor. The decision whether to further engage in any process with the police rests with the survivor.

BARRIERS TO REPORTING:

Survivors of sexual assault often articulate being reluctant to come forward because of fear of retaliation by the assailant, as well as fear that they will not be believed or that they will be judged. Feelings of humiliation and shame are also very common.

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 survivors 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(s).

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.

THE BENEFITS OF A COORDINATED PROVINCIAL RESPONSE:

The newly created provincial response will ensure that the data gathered is reviewed provincially so that predators that move from one jurisdiction to another may be tracked and possibility identified. Other benefits include:

- Providing survivors with access to report what happened without having to approach the justice system;
- 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.

THIRD PARTY REPORTING (TPR); ROLES AND RESPONSIBILITIES:

As of June 2008 only Community-Based Victim Assistance Program Workers have the mandate and the necessary paper work to facilitate clients to fill out TPR's. A client who fits the criteria for a TPR should be referred to the nearest CBVA program. Unfortunately, at this time we are unable to provide this service locally to communities without CBVA programs, however we hope that Stopping the Violence Counsellors may be able to play an important role in helping survivors access their closest CBVA program.

Contact information for the closest CBVA program is available on the Victim Service Division website below. Be sure to ascertain that the program you are looking for is a Community Based Victim Assistance and not a Police Based Victim Assistance program.

http://www.pssg.gov.bc.ca/victim_services/directory/index.htm

TPR Criteria:

- The Third Party Reporting option is available to survivors of sexual assault, either recent or historical.
- Survivor must be 19 years of age or older in order to complete the report. (If the survivor was under 19 at the time of the assault, they would still be able to report via a TPR as an adult).
- All other options regarding reporting need to be explored with the survivor, as well as the reasons for reluctance to engage in a full report prior to considering a TPR as an option. With enough information and the knowledge that she could have support through the entire process, some survivors may choose to make a full report to police.
- The survivor must be informed that TPR is not the optimal way to make a police report. Because of the third party/anonymous nature of the information, and likely time delay before any police personnel will review the TPR report, valuable evidence can be lost. If there is an expectation of an investigation and/or charges being laid, the survivor should be supported in making a full police report through regular channels .
- Outreach workers should refer to their agency's policies and guidelines in determining whether the client's situation requires the need for immediate intervention; examples include when someone is a danger to self or others or a child is at risk. Third party reporting should not be used when anyone is in immediate danger.

Role of STV Outreach and Transition House Outreach Programs:

- The Third Party Report is the option of last resort. It is intended to be used with survivors who would otherwise not report to police. It is also intended for survivors 19 years of age or older.
- If an adult victim of a sexual offence attends or contacts your program, and requests to complete a TPR, provide the survivor with information about the TPR process, and refer the survivor to the nearest community-based victim assistance agency. Your referral may involve you assisting her to get there or accompanying her throughout the process.
- If there is no Community-Based Victim Assistance program in your community, the survivor should also be referred to the Stopping the Violence Counsellor, where they exist, for ongoing counselling.

Role of Community-Based Victim Service Program:

When a survivor discloses a sexual assault to a Community-Based Victim Service program;

- The community-based victim service worker will meet with the survivor with a focus on providing information and support. The process for making a police report will be discussed and options for reporting outlined.
- Once TPR has been assessed as appropriate; the client will be given the TPR form to fill out with the information that s/he is comfortable in providing.
- Once completed, the coversheet with the survivor's identifying information is removed and stored by the community based victim service program. The TPR form (with the file number and community agency contact information) is forwarded to the nearest designated police agency without information that would identify the survivor.

Role of Police:

- Once received, police will 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 may be undertaken, ensuring that the identity of the survivor is not jeopardized through any inquiries conducted.
- If there is a need/interest to interview the survivor, the police will contact the community-based victim service worker to follow up.
- The community-based victim assistance worker will then contact the victim to speak with her/him about the police request to meet. If permission is given by the survivor, the worker will arrange a meeting with the officer or give the victim's contact information to the investigating officer. The decision to give a full report will rest with the survivor.

After the Third Party Report has been made, the community-based victim assistance worker will ensure that support continues and that the survivor is connected with a Stopping the Violence Counselling Program and/or other appropriate resources.

REFERENCES:

Currie, Sue et al. *Assessing the Violence Against Street Involved Women in the Downtown Eastside/Strathcona Community*. Vancouver, BC: Ministry of Women's Equality, Downtown Eastside Youth Activities Society (DEYAS), and Watari Research Society, 1995.

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

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*

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