

Information Sheet for Transition House Workers: Third Party Reporting

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 protocol has been developed regarding third party reporting in sexual offence cases. This protocol includes both RCMP and municipal police and is intended for survivors who are 19 years of age and older.

This protocol will be rolled out in September of 2008 and will make third party reporting accessible through Community-Based Victim Assistance Programs throughout B.C.

BACKGROUND:

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

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. In communities such as Vancouver, Victoria, Kamloops 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.

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 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. 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 victim. The decision whether to engage in the process further rests with the victim.

BARRIERS TO REPORTING:

Survivors of sexual assault 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.

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 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.

The development of a provincial template, will ensure a consistent response to victims of sexual assault, improve reporting statistics, potentially identify serial predators earlier on to increase the safety and wellbeing of women around the province.

THIRD PARTY REPORTING (TPR); ROLES AND RESPONSIBILITIES:

As of June 2008 only Community-Based Victim Assistance Program Workers have been trained and 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.

Contact information for the closest CBVA program is available on the Victim Service Division website at:

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 TPR as an adult).
- The worker 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 a victim, or anyone else, is in immediate danger.

Role of Referring Agency:

- 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 victim with information about the TPR process, and refer the victim to the nearest community-based victim assistance agency.
- If there is no Community-Based Victim Assistance program in your community, the survivor should be referred to the Stopping the Violence Counsellor, where they exist, for ongoing counselling.

Role of Community-Based Victim Service Program:

When a victim 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.
- One 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 agency. 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 victim.
- 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.

Role of Police:

- 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 ensuring that the identity of the victim is not jeopardized through any inquiries conducted.
- If there is a need/interest to interview the victim further, the police will contact the community-based victim service worker to follow up.
- The community-based victim assistance worker will contact the victim and forward the police request to meet with her/him. If permission is given, 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 rests with the victim.

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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Website

www.endingviolence.org, click on Community Coordination for Women's Safety