



## **SUMMARY OF CROSS-REGIONAL INTERSECTORAL DISCUSSIONS ON THIRD PARTY REPORTING OCTOBER 18 & 19, 2005**

### **1. Background**

#### **1.1. Purpose of the Cross-Regional Intersectoral Discussion Groups**

Third party reporting for sexual assault has been an interest of many communities we have worked with across the province, and will be the focus of more upcoming CCWS work. In October 2005, CCWS facilitated two cross-regional discussion groups to begin discussions about the benefits and challenges of third party reporting, particularly for rural and isolated women, and women who face particular discrimination.

The cross-regional discussion groups included 21 service providers from 15 B.C. communities (not including the outlying communities that many of these service providers work with; for example, one participant works with ten Aboriginal communities). Participants represented Aboriginal organizations, Police-Based and Community-Based Victim Assistance Programs, Stopping the Violence Counselling Programs, Outreach Programs, addictions programs, children's programs, municipal police, transition houses and women's centres. See list of participants in the appendices for more information.

CCWS has begun to explore the viability of a provincial protocol template to support the option of third party reporting in local communities. Input provided by service providers as part of these discussion groups will inform the protocol development process. In addition, CCWS has consulted with local communities that have implemented third party reporting processes. We have also facilitated a provincial roundtable discussion on third party reporting as part of the 2005 Annual Training Forum of the BC Association of Specialized Victim Assistance and Counselling Programs (BCASVACP)—“Without Consent: Working to End Sexual Violence in BC.”

CCWS began facilitating cross-regional intersectoral discussion groups in 2002 (summaries of previous groups are available on our website). Part of our work has been to identify and track key issues such as policies and practices that impede or enhance victim safety. We have been working with rural and isolated communities for the past five years and have heard from communities that many of the same issues require addressing. The challenge to communities is in

having the capacity to address these issues, as policy changes, and the elimination of some services have greatly impacted programs and the clients they serve. We hope to assist by providing opportunities for cross-disciplinary sharing of information on ways communities are coordinating and collaborating to ensure victim safety.

This document summarizes the input from discussion group participants, and includes context and analysis by CCWS and the BCASVACP. The input does not necessarily reflect the views of CCWS or the BCASVACP. Discussion group participants were given the opportunity to review and provide input on the first draft of this summary.

## **1.2. The CCWS Program**

Community Coordination for Women's Safety (CCWS) works to enhance local intersectoral responses to violence against women, with an emphasis on rural and isolated communities and the needs of women who face particular discrimination within those communities. CCWS uses various tools to identify and resolve local issues of interest or concern, primarily by assisting all responders to work as an active coordinated team. The program also assists communities to connect within and across regions, to share their knowledge and experience on common issues.

In addition to supporting identification and resolution of local issues, CCWS seeks to generate dialogue between decision makers at the provincial level, and community leaders situated in more remote areas. Key issues identified by communities are brought forward to the CCWS Provincial Working Group, an active group of service providers, community leaders and decision makers at the provincial level. Members of the group provide technical expertise on issues and take action in their own sectors when appropriate. A list of Working Group members can be found in the appendices.

Through supporting dialogue between key stakeholders in communities and at the provincial level, CCWS works to support and strengthen evolving work across British Columbia to end violence against women.

CCWS is managed by the BC Association of Specialized Victim Assistance and Counselling Programs (BCASVACP) and funded by the Ministry of Community Services. For more information, visit [www.endingviolence.org](http://www.endingviolence.org), the website of the BCASVACP, and click on Community Coordination for Women's Safety.

## **1.3. Third Party Reporting**

For a variety of reasons, many women who are sexually assaulted will not make a formal report to the police. These reasons might include the fear of being judged or of experiencing further violence, the fear of being deported

(immigrant, refugee or visitor women) or the fear of being arrested (women with criminal histories). In some cases the survivors do not wish to report but want to pass on a description of what occurred.

Third party reporting can be an option for survivors to report the details of a sexual assault to the police anonymously. The report is made to a program such as a Community-Based Victim Assistance Program, referred to as a “third party.” This third party passes on information about the report to the police without identifying the survivor. This enables the police to look for and evaluate trends, create a profile of the assailant, and/or take other actions such as instituting patrols in the area. It also sets up a process for police to contact the third party agency to follow up. For example, if other victims come forward with similar reports that suggest a repeat offender, the police may ask the agency to find out whether the victim who made the third party report might be willing to make a formal report that could be used in the police investigation. Third party reports have been used for sexual assaults since the 1980s.

A third party report can be an important tool that encourages women from communities that face particular discrimination such as Aboriginal women, sex trade workers and homeless women, to report sexual assault.

*In the Pickton case front-line workers did have that information and were putting it forward, just not in a coordinated way. Around the Highway of Tears, front-line workers have had information disclosed and again 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

## **2. Themes Identified from the Cross-Regional Discussion Groups**

### **2.1. The Use of Third Party Reports in BC**

*2.1.1. WAVAW Rape Crisis Centre and Vancouver Police Department*  
Women Against Violence Against Women Rape Crisis Centre(WAVAW) was established in Vancouver in 1982, and developing a system for third party reporting was part of its mandate. The organization worked closely with the Vancouver Police Department and about five nearby RCMP detachments to develop written protocol for third party reporting. This was a part of general relationship building between WAVAW and police meant to improve women's access to the justice system. More recently, WAVAW and the VPD are working together to develop and improve third party reporting in Vancouver. They have developed different types of forms (e.g. shorter forms, forms designed specifically for multiple assailants or same sex assailants). WAVAW and the VPD are also training staff in other agencies, particularly in the Downtown Eastside, where many sex trade workers and other marginalized women are victimized

yet less likely to report. The idea is that these other agencies will help women do third party reports and pass the information on to municipal police and RCMP without identifying the complainant, just as WAVAW does. For each third party report that WAVAW submits, WAVAW creates three copies: one stays with the agency, one goes to the local RCMP detachment or police department where the crime occurred, and the third goes to RCMP E Division headquarters. The woman who makes the report signs a confidentiality agreement with WAVAW, where the agency confirms that her identity will not be revealed outside of the agency unless she gives permission. WAVAW and the VPD have ongoing dialogue about how to improve the process. WAVAW has been working to build trust with sex trade worker organizations, which has led to more third party reports being filed.

#### *2.1.2. Prince George Sexual Assault Centre and RCMP*

The Prince George Sexual Assault Centre (PGSAC) has been involved with third party reporting for 21 years, ever since the centre opened. Third party reporting was done on an informal basis at that time, and reports concerned sexual assault and historical sexual abuse. Some reports were mishandled by the RCMP—i.e. women and support workers were pressured to come forward and make official reports. This resulted from lack of proper training and protocols. In about 2000 the RCMP approached the Violence Against Women in Relationships Coordination Committee's Sexual Assault Subcommittee about developing a third party report process again. A group that included PGSAC, Aids Connection/Needle Exchange, Public Health Unit and others worked together to build a third-party reporting process and form. The VAWIR committee identified that many sexual assaults occurring in the community were going unreported and a coordinated best practice protocol for all disciplines and professions did not exist. At this point, PGSAC has a leadership role in this process and is the only agency gathering the reports in Prince George. Members of the RCMP have worked closely with PGSAC to develop and promote the third party reporting process, and PGSAC provides training to other community agencies who wish to file third party reports or who simply want more information about the process. Training has been provided to local transition house, shelter and hospital staff as well as RCMP members.

#### *2.1.3. Surrey Women's Centre and RCMP*

Third party reporting protocol was developed years ago by the Surrey Women's Centre and the RCMP but has not been used—even though the centre advertises third party reporting as an option, women do not use it. Because of staff turnover protocols will probably have to be redrafted if Surrey attempts to re-establish third party reporting.

#### *2.1.4. Powell River Community-Based Victim Services and RCMP*

Community-Based Victim Services and the RCMP in Powell River have an agreement to use third party reporting, but only as a last resort. The policy was put in place about a year and a half ago after the Sexual Assault Response

Team (SART) was established. The SART is a specially trained team of nurses and physicians who are called in to the hospital to provide confidential and sensitive health care for teens and adults who have been sexually assaulted. It is based on the model used at BC Women's.

## 2.2. Benefits of Third Party Reports

### 2.2.1. *Another reporting option for women who face particular discrimination*

Third party reporting provides a reporting option for women who do not feel safe enough to make a formal police report. This may include women in the sex trade, women with warrants or criminal records or women who have had previous negative experiences with the police. Third party reporting is generally meant for women who would never otherwise report to police at all. This is important for a number of reasons, including the fact that sexual predators often choose victims who do not usually report, like sex trade workers.

*We do have sex trade workers that come in to our office and they don't want to go forward with reports to the police because they don't think they'll be taken seriously. So this will be a way for them to be able to give their report and have a feeling that they're at least being heard.*

—Support worker

### 2.2.2. *An additional tool for police*

Third party reporting provides information that police otherwise would not get at all if a woman was unwilling to make an official report. Third party reports can provide information about predators who have so far been "under the radar" and have escaped police notice. Although police cannot officially investigate a third party report unless they get permission from the victim, they can use the information to monitor the activities of the suspect, check his background or start surveillance (in a non-intrusive manner). Third party reporting can provide information to police perhaps sooner than an official report: a woman may feel safe enough to make a third party report sooner than she would feel ready to make an official report. If police and community agencies have more information about sexual assaults that are being perpetrated, communities can be safer. Particularly in rural and remote communities where police are hours away, it provides information to service providers and then to police about what is happening in the community.

### 2.2.3. *A method for identifying serial perpetrators*

Often the case is that those who commit sexual offences assault multiple victims; third party reports can provide information that points towards patterns of offender behaviour which in turn assists in identifying him.

*Third party reporting could provide a better safety net for our community.*

—Support worker

#### *2.2.4. An incentive for inter-agency cooperation*

Developing and using a third party reporting process encourages inter-agency cooperation, for example in Vancouver where WAVAW, police and agencies in the Downtown Eastside are working together. Not only do the reports provide information to the police, but police can then (as they do in Vancouver) pass this information back to agencies and warn them and their clients to be on the lookout for certain offenders (if the offender has been charged, police can publish his name; if not, they can provide a description of him or of his vehicle and sometimes a drawing). Developing a system for third party reporting is a concrete and tangible piece of work that can provide an excellent opportunity for community and systems to work together.

*Now we're trying to work it out that we involve more agencies and have more inter-agency cooperation. And this is very exciting for Vancouver police: it's a great thing to get all of these different agencies involved and we're all working towards just getting that information out. And now it's starting to be a two-way process. When we get a report from, let's say, a sex trade worker who's been abused and they come to the police to do that, we're passing this information along to the agencies and saying be on the look-out for this one.*

—Police officer

#### *2.2.5. An opportunity for healing and empowerment*

Third party reporting can enable women to reveal what happened to them in a safe place. This has been an important part of many women's healing and empowerment. A woman who makes a third party report can feel relieved to have disclosed information that has long been secret, and can feel empowered by the idea that she has "done something" and potentially helped other victims.

#### *2.2.6. A basis for an official report*

The process of making a third party report may lead a woman to feel able to make a formal report. In this case the third party report can be used as a basis for the official report, and may contain useful information, especially if it was made close to the time of the incident when details of the assault were still fresh in the survivor's mind.

*Making a third party report provided the woman with enough confidence to go ahead with her actual statement.*

—Support worker

#### *2.2.7. Deterrence/prevention*

Public awareness of the existence of third party reporting could act as a deterrent to serial predators. Third party reporting could lead to formal reports that then lead to a predator being arrested before additional assaults are made.

#### *2.2.8. An opportunity for agencies to connect with women who face particular discrimination*

Third party reporting can provide a vehicle, an opportunity for an agency to build trust with communities of women that have not traditionally had access to that agency or to the justice system—eg sex trade workers and the agencies that work with them. The third party report process provides an opportunity for a community agency to connect with women and potentially provide other services, such as counselling, safety planning, etc.

#### *2.2.9. Building a more accurate statistical picture*

The information included in third party reports could be used to build a more accurate statistical picture of sexual assault incidence, as only 69% of sexual assaults are reported to police. Also, statistics on the number of third party reports could be used to increase understanding of the local rate of sexual assaults.

### **2.3. Benefits of a Provincial Framework for Third Party Reports**

#### *2.3.1. Support local efforts to establish third party reporting protocols.*

A provincial framework would support local efforts by demonstrating broad-based support for third party reporting, and by enabling communities to develop protocol without “starting from scratch.” In situations where the parties involved disagreed or were simply not sure what process to follow, a provincial framework could provide guidelines for how to proceed.

#### *2.3.2. Allow a woman who had been assaulted in one jurisdiction to report in another.*

For example, an Aboriginal woman assaulted in Vancouver might then travel to her village where she feels more comfortable to make a report.

#### *2.3.3. Facilitate tracking of transient predators*

A perpetrator will often change locations if he feels he is being watched or otherwise limited. A provincial or national protocol might improve the ability to follow his movements, to pool and compare information across jurisdictions, to identify patterns.

#### *2.3.4. Facilitate broad-based interagency cooperation and learning*

Sharing information across the province could promote interagency cooperation and also allow agencies and jurisdictions to learn from each other’s experiences.

#### *2.3.5. Heighten awareness*

A provincial protocol could increase awareness of third party reporting among service providers as well as the general public, so that even if police or agency

have high staff turnover, the new staff are more likely to be aware of third party reporting.

#### *2.3.6. Facilitate consistent, effective responses*

A provincial protocol can help ensure that proper procedure with respect to taking third party reports is being followed by each community/agency.

*I think that the provincial protocol would add validity to the local third party report and it would also address some issues around policies and guidelines that each program would probably be struggling with to make sure we have all our t's crossed and l's dotted.*

--Support worker

### **2.4. Challenges/Questions Related to Third Party Reports**

#### *2.4.1. Developing accessible process*

Often the women who are most likely to use third party reporting are in crisis or otherwise unable to spend a long time making a report. There needs to be ways in which women can complete the process quickly and easily, for example: shorter, checklist type forms, like the one being developed by the VPD, walk in appointments, various reporting locations to choose from.

#### *2.4.2. Continuing to present official reports as the preferred method*

Police and advocates in some jurisdictions have expressed concern that the availability of third party reporting can perpetuate the idea that there is no point in making a formal report, that the police will not act, that the criminal will not be punished. Third party reports cannot be investigated or used in court, as a formal report can. Promoting third party reports should not take away from efforts to improve the official reporting process or efforts to encourage women to use that process.

#### *2.4.3. Management of information from third party reports*

2.4.3.a. Entering information into computerized systems like BC-PRIME (Police Records Information Management Environment) and the RCMP's ViCLAS (Violent Crime Linkage Analysis System). The Vancouver Police Department is working on developing the paperwork that would allow them to add third party reports to PRIME, so that the information could be accessed by other jurisdictions and so that the information would be added to statistics about sexual assault. Also, since these systems are provincial (PRIME) and national (ViCLAS), it would make it possible to see trends in the use of third party reporting across BC and Canada.

2.4.3.b. Increased work for police and for community agencies: Both police and community agencies contemplating taking on a third party process have concerns that more resources will be needed in order to deal with the increase in work.

2.4.3.c. Community agencies in the role of police and Crown: Third party reporting could be seen as asking the survivor and the victim services worker to do the work of police and crown: gather evidence and evaluate it—would it go forward, would charges be approved. This could be the case in communities like Prince George where not all reports are forwarded to the RCMP—PGSAC determines which are forwarded. This raises questions of legal and emotional liability for the handling of these cases.

2.4.3.d. Legal liability: Frontline workers are concerned that agencies and/or workers might be liable if they possess information about a crime and do not make a written report to police (in some cases, as in Prince George, the information is passed on to police orally and all files are kept at the PGSAC). There are also concerns that agencies and/or workers could be subpoenaed to release information from third party reports to the court. At this point, the Victims of Crime Act (VOCA) provides legal representation for women who have been sexually assaulted and are in the court process who risk disclosure of personal information. Would a woman who made a third party report also be eligible for this representation? Is there any provision for legal representation for agencies? Aside from subpoenas, some workers have raised concerns that RCMP or police will pressure them to release information, especially in cases involving a series of violent assaults. There are also questions about liability for RCMP detachments if third party reports are housed at the detachment as opposed to at the agency.

2.4.3.e. Transparency re information management: Community agencies are not always sure what happens to the third party reports that they forward to police. Where are they kept? How long are they kept? Who reads them? Etc.

2.4.3.f. Where and how should records be stored?: Depending on the community, records have been stored at the community agency or with the police department or detachment. There are questions about what is the better location for storage and whether this raises liability issues (see 2.4.3.d.).

#### *2.4.4. Determining procedure for youth giving third party reports*

Each agency must be clear about their policy for working with youth and determine under what circumstances they must report to MCFD or to parents. It is important for agencies to be clear with youth (and with all clients, of course) about limits to confidentiality before the report is made, so that the client can choose not to make it. How flexible can RCMP or police-based victim services workers be with policy around this?

#### *2.4.5. Maintaining confidentiality in small rural communities*

This is always a challenge. Perhaps women could make third party reports in nearby communities instead. The report might then be passed back to the original community anonymously.

#### *2.4.6. Providing a safe location for women to make reports*

Community-based agencies such as Community-Based Victim Assistance Programs are often easier for women to decide to access—this may be because of a fear of systems such as police, or because she is already familiar with the community-based agency because of accessing other services there. Police-based victim services may not be able to provide a safe location for women to make reports if they are located within police detachments. Agencies may need to have different locations for different clientele. With Police-Based Victim Assistance programs, files would be in the police department. There are concerns/questions about whether police-based programs are more likely to be subpoenaed to provide information than community-based.

#### *2.4.7. Providing third party reporting for women who are not fluent in English*

Agencies that offer third party reporting will need to provide options for women who are not fluent in English.

#### *2.4.8. Using third party reports with women who are sexually assaulted within long term relationships.*

This type of sexual assault is the most under-reported. Participants on the calls wondered if third party reports would be appropriate in a situation of ongoing sexual assault. This could perhaps help if the assailant assaulted other women as well, or if the victim decided to make an official report later on. However, it could also be inappropriate in this situation, given ongoing safety concerns.

#### *2.4.9. Building third party reporting into the existing system*

While many police detachments or departments are very supportive of Third Party Reporting and in some communities have been the impetus behind the creation of a local process, in others it may be difficult to convince a detachment or police department to add third party reporting as an option instead of encouraging all victims to either make reports or lay an information.

#### *2.4.10. Determining details of the actual third party reporting process*

For example, will reports be given to a designated officer or simply to the front desk? These details could be part of a provincial and/or local protocol.

#### *2.4.11. Making the public aware that third party reports are an option*

If the public is aware that third party reporting exists, victims may be more likely to report assaults sooner. Like an official police report, a third party report benefits from being made as soon as possible so that key details are not lost (forgotten or destroyed) and so that police have information as soon as

possible. However, this would have to be done while keeping in mind that the overall goal is to improve and increase official reporting.

#### *2.4.12. Flexibility within a provincial protocol*

If there were a provincial protocol, there would need to be flexibility for individual communities to develop their own process that works best for them. It can be difficult to integrate different practices of different jurisdictions into one system. It can be particularly difficult to develop protocol and implement it within the RCMP as it is a national organization.

#### *2.4.13. Band involvement in Aboriginal communities*

In some Aboriginal communities if there were an agreement between a community agency and RCMP regarding a process such as third party reporting there would be no need for Band involvement; in others there might be the need for a three-way agreement. This raises complications in communities where the Band government is not supportive of abused women or is in fact supporting community members' efforts to silence them.

#### *2.3.14. Maintaining good relationships between community agencies and police*

In order for a third party report process to work, there must be ongoing work put into maintaining positive and open working relationships between third party agencies and police.

#### *2.3.15. The need for training*

The police force in general in Canada is fairly young, and turnover is high. Training is essential for police officers in all areas, and this would include any third party reporting process. Similarly, turnover is high in small rural RCMP detachments, necessitating ongoing training and relationship building between members and community agencies. Training is also needed for all community-based agencies involved; these agencies also experience high turnover rates.

#### *2.3.16. The need for a national protocol*

This could help track offenders across Canada, as well as providing a larger network for those involved in third party reporting to share information and ideas.

#### *2.3.17. The isolation of small communities*

For northern communities, the distances between communities and the lack of resources, esp RCMP would make third party reporting particularly challenging. Workers in larger nearby communities would need to work at building relationships with these smaller communities.

#### *2.3.18. False hopes*

Concerns were raised that women could have unrealistic expectations that a third party report could lead to arrest and/or conviction. It would be extremely important to explain the limits of third party reporting to women. It was also

mentioned that a history of third party reports being made and nothing coming of them at all could lead to disillusionment with the process.

*2.3.19. Could third party reports also be used for reports of historical sexual abuse?*

Depending on the offender and the type of assault, there may be a particularly high rate of reoffending. Using third party reporting for historical sexual abuse could go towards preventing future offences.

*2.3.20. The need for a gender analysis of the potential impact—positive and negative—on women of third party reporting.*

Any new initiative such as third party reporting benefits from a close gender analysis of its impact, to ensure that it works towards redressing gender (and other) inequity as opposed to unintentionally reinforcing them.

*2.3.21. CIC and CVAP*

Would a woman be able to apply for Criminal Injuries Compensation or for the Crime Victims Assistance Package on the basis of a third party report? In some cases a woman has been able to get these without an official police report.

### **3. Conclusion: Bringing Local Concerns to Provincial Tables**

In keeping with the CCWS mandate to bring forward regional or local issues and emerging trends, an overview of key issues raised in these cross-regional discussion groups and this discussion paper are being presented to the CCWS Working Group. This written summary will be provided to Working Group members for circulation within their sectors. The summary will also be distributed to discussion group participants and posted on the CCWS profile on the BCASVACP website at [www.endingviolence.org](http://www.endingviolence.org). As stated, the summary will inform the development of a detailed backgrounder as well as a protocol; template.

*What's been really helpful about this discussion for me is that the benefits and the challenges for the RCMP have been so clearly articulated because I have some really open-minded people in the RCMP who would be really interested in having this conversation.*

--Support worker

*When we first started these discussions, I was thinking this is much more of an urban tool, but it's really wonderful that it isn't just for that. Because perpetrators are transient and in rural areas, there are a lot of marginalized women as well, not just in the Downtown Eastside.*

--Support worker