

MAY 2020

**BRITISH COLUMBIA INTERIM THIRD PARTY REPORTING PROTOCOL SUPPORTING
SURVIVORS COMPLETE THIRD PARTY REPORTS DURING COVID-19**

Third Party Reporting (TPR) of sexual assault is a process which allows adult victims (19 and over) to report details of a sexual assault to police “anonymously”, through a Community Based Victim Services Program (CBVS) or other designated community program. This reporting is an option of last resort for survivors; who would not otherwise provide information to the police.

The BC TPR protocol is led by EVA BC’s Community Coordination for Women’s Safety (CCWS) program, which supports CBVS and other designated programs to develop local interagency protocols and to implement and maintain the TPR protocol. The TPR Protocol is guided by a provincial TPR Work Team comprised of CCWS, BC Association of Chiefs of Police, RCMP “E” Division, Vancouver Police Department Sex Crimes Unit, BC Association of Municipal Chiefs of Police, and BC Ministry of Public Safety and Solicitor General.

As a result of the current COVID-19 pandemic and the subsequent reduction of public services in BC, this Interim Third Party Reporting Protocol has been developed to provide guidance to CBVS and other designated programs regarding the provision of support to survivors to complete a Third Party Report while physical distancing measures and stay-at-home orders are in place.

The interim Third Party Reporting Protocol guidelines that follow are intended to provide direction

1. Provision of practical and emotional support to survivors wishing to complete a Third Party Report during COVID-19
2. Obtaining survivor consent to the TPR process, maintaining privacy and records management guidelines while working remotely
3. Ensuring delivery of TPR form to the appropriate police agency and sending email alerts to the provincial level contacts remotely

Third Party Reporting Interim Protocol:

Please refer to the standard protocol guidelines within Third Party Reporting Guidebook 2.0 when preparing to support a survivor to complete a TPR. Most of the best practices provided

within the Guidebook will still apply.ⁱⁱ Beyond your usual inquiries, you should consider whether there are barriers related to COVID-19 that you can help address so that your client can make a full police report, should they wish to pursue this option.

1. Provision of Support to survivors completing a TPR during COVID-19:

Where staff choose to meet with a survivor in person, they should take these steps:

- Secure permission from agency/management
- Consult and follow the latest public health guidelines on COVID-19
 - Province: <https://www2.gov.bc.ca/gov/content/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/current-health-topics/covid-19-novel-coronavirus>
 - CDC: <http://www.bccdc.ca/health-info/diseases-conditions/covid-19>
- Implement physical distancing measures and other public health guidelines for in person contact

If you are unable to meet with a survivor in person, it is possible to assist with a TPR through remote technologies (over the phone and/or electronically). While there has been recent information regarding online communication and privacy concerns, other jurisdictions have used and continue to use video chat platforms and other electronic methods (email, messaging apps) in taking reports of sexual assault. Generally, social media platforms are not secure enough for a confidential conversation.

Online Video Chat Platforms:

Each agency should conduct its own assessment of whether the available online platforms meet their organizational privacy standardsⁱⁱⁱ. Online chat may be more secure than text and can be used for audio and video calls with screen and document sharing. All online chat platforms have privacy standards and encryption processes that should be reviewed prior to providing remote services. An agency should try to choose a platform that requires participant/survivors to enter minimal personal information for access.

Telephone support:

When in-person services and/or online technologies are not available, supporting a survivor to complete a TPR via telephone can be considered. Landline telephone support offers the least amount of risk to privacy breach however it increases the risk of misunderstanding cues for discomfort, stress or change in safety. It is recommended that, whenever possible, an employee use an agency cellular phone and not a personal phone. When using mobile devices^{iv}, ensure all apps are turned off. If a survivor wishes to move forward with completing a TPR via telephone, the following guidelines may help.

Before beginning the reporting process remotely:

- Discuss the survivor's current physical safety and the privacy of their environment and work with the survivor to address any concerns or limitations^v
- Offer additional time to complete the reporting process if needed
- Consider and address the emotional and support needs of the survivor
- Identify other supports that may be available to assist with emotional needs such as friends, family or community resources
- Ensure that their phone/device settings have been adjusted appropriately^{vi}

2. Obtaining survivor consent to the TPR process & Maintaining privacy

When working remotely supporting a survivor, it is important to provide extra emphasis on the limits of confidentiality and privacy and to ensure they are providing you informed **consent to the process**. Advise the survivor that their statement or anonymity might be jeopardized because the interim reporting protocol, with adapted methods to preserve confidentiality and store the report, will be less secure. While privacy legislation and controls in Canada are highly ranked, technological communication can be impacted by the strength of an internet connection in any given location, the quality of the equipment (microphones, cameras, etc.). Each agency must consider the security features of the devices and technology they use. The agency is responsible for theirs and their employees' equipment, privacy settings and the technology they chose. However, they are not responsible for the survivor's device quality and other similar factors affecting privacy.

The best practice in recording consent is to have the survivor sign the consent document in the TPR Guidebook. If this is not possible, ensure that your notes regarding consent are very specific and find an alternative way to record the survivor's written consent. Some options are:

- A document printed and mailed
- An online signing format/app
- An email indicating consent provisions were reviewed and a confirmation that the survivor's oral consent is provided in lieu of a signature
- Documenting on the TPR Cover Sheet that consent provisions were reviewed and the survivor provided oral consent.

Maintaining privacy:

While working remotely, there is likely to be a need for adjustments in records management practices to maintain confidentiality. The following are intended as guidelines to follow in relation to TPRs and other confidential documents:

- Have clear policy and procedure regarding creation and storage of documents, including naming documents, folders and sending documents

- Ensure communication devices and storage devices (portable hard drives or usb sticks, for example) are password protected & lock devices when not in use
- Ensure your work autosaves and that you know where it saves to so that you can access, edit that information
- Use cloud based or remote digital storage linked to the agency, if possible

Notes on email communication:

- Use work email rather than personal emails for work related information
- Doublecheck emails to ensure you are sending to intended recipient

When an organization does not have the capacity or resources to work digitally or to store materials digitally, you should be guided by the British Columbia Office of Information and Privacy Commissioner^{vii} Paper copies and files with personal information should:

- Only be removed from the office if it is necessary to carry out your job duties
- Keep the least amount of personal information you need
- Securely store any paper files when not in use: this means locking files away and never leaving any files or documents in your vehicle

Secure storage of documents (TPR Form and Cover Sheet):

- A paper copy of the completed TPR Form will need to be created for submission to the designated police agency. Once receipt of the TPR form is confirmed by the police agency and a police file occurrence number issued, both the paper copy and electronic copy of the TPR form should be destroyed.
- The TPR Cover Sheet should be stored safely at the agency office and in accordance with agency policy if at all possible. As per the TPR Reporting Protocol, it should be filed in such a way that the survivor's name and contact information can only be accessed by using a confidential file number.
- If documents are being retained temporarily outside the office, ensure that the documents are kept in a locked or secure filing cabinet until they can be transferred to the agency office.
- Electronic documents should be temporarily stored in a designated computer folder as a secure PDF document without any identifying personal information.
- All electronic copies of related documents should be deleted once confirmation of receipt is received.
- Ensure that an email alert is sent to both:
E_THIRD_PARTY_REPORTING@RCMP-GRC.GC.CA and
ccws@endingviolence.org to ensure tracking.

Police TPR Intake and Processing: During the COVID-19 pandemic, police departments across the province will continue to receive and process Third Party Reports as per the local interagency TPR Protocol. Police staffing levels and capacity to review reports will

vary at this time depending upon availability of personnel. In the event of an emergency situation, or if there are concerns about an imminent risk of harm to the survivor, another individual or the public, the designated police agency should be contacted directly by calling 911.

Key General Guidelines for Third Party Reporting

- **Specific case analysis:** The process of facilitating a third party report always requires case by case considerations that include but are not limited to whether your client fits the protocol and whether there are any particularly unique concerns or considerations. Please see the TPR Guidebook 2.0 for further information.
- **Life trumps privacy:** It is essential that survivors are informed about how you will protect their personal information and the circumstances where personal information may need to be disclosed to a relevant authority.
- **Be survivor centered:** Keep the survivor informed about the TPR process and involved in the decision making process to the greatest degree possible.
- **Empower yourself:** Ensure you understand your responsibility and know:
 - the policies, expectations
 - how and where to store information
 - know how to label information/materials.

This document is intended as a guide and is for general information only. It is not intended to be, and cannot be relied upon, as legal advice or public health direction.

This interim protocol and guidelines are intended to be read and used in conjunction with the Third Party Reporting Guidebook 2.0: Increasing Reporting Options for Sexual Assault Survivors. The Guidebook and other important information about Third Party Reporting is available at <https://endingviolence.org/prevention-programs/ccws-program/third-party-reporting-tpr/>

Further information, consultation and support regarding Interim Protocol is available from Community Coordination for Women's Safety. Contact information can be found at endingviolence.org

END NOTES

ⁱ This document, in alignment with the TPR Guidebook 2.0 uses the term “victim” to acknowledge the Criminal Justice System context and the associated rights and services for victims of crime. The majority of the TPR Guidebook 2.0 uses the term “survivor”, to honour the strength of those who have endured sexual assault.

ⁱⁱ **For example**, a report of sexual assault by a current or former intimate partner would meet the criteria of “imminent risk of serious harm” and be inappropriate for TPR & police have a “pro-charge” policy when it comes to domestic violence/violence-- would have an obligation to take steps to learn the identity of the survivor and assailant and investigate

For example, in all but rare but exceptional circumstances, Third Party Reporting is inappropriate for survivors under the age of 19. More information on this topic is included on pages 30 and 31 of the Guidebook & the new Mature Minors Info Bulletin

ⁱⁱⁱ Recommended Resource: Digital Services Toolkit: <https://bcsth.ca/digitalservices/> and other resources for anti-violence workers at bcsth.ca for: choosing technology (selecting a digital services vendor, comparison charts & readiness worksheets), promising practices and agency use of technology policy template guides

^v Conduct any necessary safety planning with survivor at this time.

^{vi} While an agency is not responsible for the privacy, location or other settings on a survivor’s phone, it is best practice to, when possible, ensure that a survivor has considered whether they should disable features/settings, etc.

^{vii} If you are unsure of your responsibilities or authority to collect and use personal information, go to site: www.oipc.bc.ca for remote work options and additional privacy related tips