

British Columbia Third Party Reporting Protocol



EVA BC
ENDING VIOLENCE ASSOCIATION

CCWS
COMMUNITY COORDINATION
for Women's Safety

**Third Party Reporting Guidebook 2.0:
Increasing Reporting Options for Sexual Assault Survivors**

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Guidebook Background and Purpose

The purpose of the Third Party Reporting (TPR) Guidebook is to provide information about the origins and current context of the BC TPR Protocol, as well as to provide direction to local TPR protocol partner agencies about how to implement and sustain a local TPR interagency protocol. The goal is to increase the use and effectiveness of Third Party Reporting in BC. The TPR Guidebook will also be of interest to other jurisdictions considering the development of this type of reporting option for survivors of sexual assault.

Since the original implementation of the BC TPR Protocol in 2008, EVA BC/CCWS, guided by the TPR Work Team, has created and updated core TPR Protocol documents as well as background information on the protocol, a template for a local interagency TPR protocol, a sample TPR Cover Sheet and a sample TPR Form. In 2015, EVA BC/CCWS and the TPR Work Team created the first edition of the TPR Guidebook, bringing all of BC TPR Protocol documents together in one resource.

The TPR Guidebook 2.0 includes updates to the BC TPR protocol from 2015 - 2019. In 2017 police partners on our TPR Work Team designated provincial police responsibilities for TPR coordination. The Crime Prevention Services Unit with the BC RCMP has taken on those responsibilities, providing support to both municipal police and RCMP. As part of those duties CPS worked to update police local and provincial TPR procedures, creating a flowchart that outlines police actions required on TPR, and ensuring the Police Protocol Guidelines reflect the enhanced police procedures. The TPR Guidebook was updated in 2019 to reflect these and other changes to the BC TPR Protocol between 2014 and 2019.

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. Responsibility for compliance with the law remains with each participating organization.

Guidebook Acknowledgements

The information about the BC Third Party Reporting (TPR) Protocol contained in this Guidebook was created and updated by the Ending Violence Association of BC (EVA BC) and its Community Coordination for Women's Safety Program (CCWS), with assistance from the provincial TPR Work Team, and BC RCMP Crime Prevention Services Unit (CPS).

EVA BC/CCWS acknowledges and appreciates the BC TPR Work Team, CPS, TPR training attendees, and community and police agencies across the province whose input has shaped the creation and revision of this Guidebook, as well as the continuous improvement of the BC TPR Protocol. Several survivors of sexual assault provided input to EVA BC/CCWS regarding the TPR process, which enhanced the TPR Protocol and the TPR Guidebook 2.0.

As part of the provincial coordination of police TPR responsibilities created in 2017, CPS worked with CCWS and the TPR Work Team to update police local and provincial TPR procedures. We appreciate CPS for creating the flowchart that outlines police actions required on TPR and ensuring the Police Protocol Guidelines reflect the enhanced police procedures.

Thank you to the Ministry of Public Safety and Solicitor General including the Ministry's Civil Forfeiture Grant Funding Program, for funding and resources to make the 2019 update of this Guidebook possible.

Special thanks to the TPR Work Team which guides the BC Third Party Reporting protocol, and provided input on the first and second editions of this Guidebook:

- *Ending Violence Association of BC*
- *Community Coordination for Women's Safety*
- *BC Association of Chiefs of Police*
- *BC Association of Municipal Chiefs of Police*
- *RCMP 'E' (BC) Division*
- *Vancouver Police Department Sex Crimes and Child Abuse Unit*
- *Ministry of Public Safety and Solicitor General*

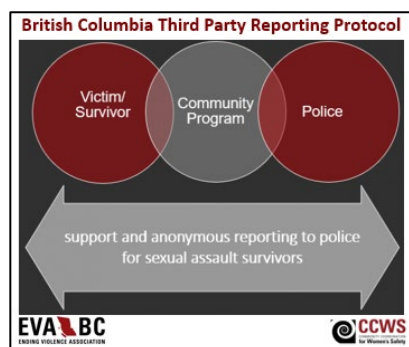
Acronyms

Acronym	Term
BCACP	BC Association of Chiefs of Police
BCAMCP	BC Association of Municipal Chiefs of Police
CBA	Community Based Agency
CBVS	Community Based Victim Services
CCWS	Community Coordination for Women's Safety
CFO	Civil Forfeiture Office
CPS	Crime Prevention Services Unit (BC RCMP)
DAA	Delegated Aboriginal Agency
'E' Division	BC Division of RCMP
EVA BC	Ending Violence Association of BC
MCFD	Ministry of Children and Family Development
MOJ	Ministry of Justice
MPSSG	Ministry of Public Safety and Solicitor General
MSDPR	Ministry of Social Development and Poverty Reduction
PBVS	Police Based Victim Services
PRIME	Police Records Information Management Environment
RCMP	Royal Canadian Mounted Police
STV	Stopping The Violence (Outreach and Counselling)
TPR	Third Party Reporting
VAWIR	Violence Against Women In Relationships
ViCLAS	Violent Crime Linkage Analysis System

A Note About Language *Victim and Survivor*

There is not a particular term preferred by people who have been sexually assaulted. Many use the term “victim” to indicate that a crime was committed against them, many others use “survivor” to signify their strength and resilience, and many people do not like any terms or being “labelled”. There is also diversity of terminology across response systems to refer to people who have been sexually assaulted, including “witness” and “complainant”. 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”, with the intention to respect and honour the strength of those who have endured sexual assault.

Summary – BC Third Party Reporting Protocol



In British Columbia, Third Party Reporting (TPR) of sexual assault is a process which allows adult survivors (19 and over) to access support and to report details of a sexual assault to police anonymously, through a Community Based Victim Services program (CBVS) or other designated community program. This “Third Party Report” is an option of last resort for survivors who would not otherwise provide information to the police. It is not a substitute for a call to 911, nor is it in and of itself a police investigation.

In 2008 a province-wide TPR Protocol was implemented in BC by Community Coordination for Women's Safety Program (CCWS) of the Ending Violence Association of BC (EVA BC), based on local best practices developed in Vancouver, Victoria and Prince George since the 1980s. EVA BC/CCWS developed the BC TPR Protocol in partnership with a provincial TPR Work Team that included the BC Association of Chiefs of Police, RCMP “E” Division, Vancouver Police Department Sex Crimes and Child Abuse Unit, BC Association of Municipal Chiefs of Police, and BC Ministry of Public Safety and Solicitor General. The BC TPR Protocol was endorsed by BCACP in 2008.

Local coordination of the BC TPR protocol has been led since 2008 by Community Based Victim Services (CBVS) programs. CBVS programs were chosen because of their existing mandate to provide services primarily to victims/survivors of domestic and sexual violence; providing information about and accompaniment to police, legal and other systems, practical help, emotional support and referrals to other appropriate programs. Due to the gaps in availability of CBVS programs in all BC communities, the TPR Work Team has recently been exploring the expansion of community based programs that can facilitate TPR, while also advocating for the expanded number and capacity of existing CBVS programs.

The structure of the BC TPR Protocol has two pillars; support and anonymous reporting. The support pillar is essential to ensure that survivors are given access to this reporting option in a larger context of ongoing support with safety and healing by specialized community based programs. The anonymous reporting pillar is essential to ensure survivors who face barriers to reporting directly to police can pass on information without disclosing their identity. The partnership between the community based program and police provides a communication bridge to allow sharing of valuable information between the police and the survivor.

As with any violent offence, when a sexual assault has occurred, police can play a critical role in assessing risk and protecting the survivor and other potential victims from further violence. To help police protect potential victims, every effort must be made to encourage reporting of these crimes particularly in high risk cases or cases involving serial offenders or sexual predators. The intent of the BC TPR protocol is not to circumvent the criminal justice system but to build a bridge, better enabling survivors who are marginalized to access the system.

Third Party Reporting: Access to the Criminal Justice System for Marginalized Survivors of Sexual Assault

“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.”

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

Sexual assault is a serious crime often resulting in major physical and/or psychological injuries. Under-reporting of sexual offences remains a critical issue. As with any violent offence, when a sexual assault has occurred, police can play a critical role in assessing risk and protecting the survivor and other potential victims from further violence. To help police protect potential victims, every effort must be made to encourage reporting of these crimes particularly in high risk cases or cases involving serial offenders or sexual predators.

In British Columbia, Third Party Reporting (TPR) of sexual assault is a process which allows adult survivors (19 and over)¹ to access support and to report details of a sexual assault to police anonymously, through a Community Based Victim Services program (CBVS) or other designated community program who collaborates with the RCMP and Municipal police. This “Third Party Report” is an option of last resort for survivors who would not otherwise provide information to the police. It is not a substitute for a call to 911, nor is it in and of itself a police investigation.

Local coordination of the British Columbia protocol for TPR is facilitated by Community-Based Victim Services (CBVS) programs in collaboration with RCMP and Municipal police. CBVS provides services primarily to victims of domestic and sexual violence; providing information about the justice and other systems, practical help, emotional support and referrals to other appropriate programs.

The intent of the BC TPR protocol is not to circumvent the criminal justice system but to build a bridge, better enabling survivors who are marginalized² to access the system. The hope is that the existence of the TPR option may encourage vulnerable people³ to seek the help of a community-based agency and build a relationship of trust with that agency, rather than remaining invisible to and unsupported by any response system. With enough information and the knowledge that they could have support through the entire process, some survivors may choose to make a full report to police.

¹ Under the BC protocol, TPR is intended as an option for survivors who are 19 years of age and older. This does not preclude the possibility of TPR for younger survivors in exceptional cases. However, TPR in this context is more complex and a cautious approach is recommended. Information related to survivors under the age of 19 is included on pages 29-30.

² The term “marginalized” in this context refers to people who experience discrimination based on factors such as race, ethnicity, Indigenous identity, language, class, occupation, disability, age, gender identity, gender expression, sexual orientation and geographic location.

³ People of all genders are survivors of sexual assault, and support from Community Based Victim Services, including the TPR option, is available to survivors of all genders. TPR documents may use the pronoun “she” to refer to survivors and “he” to refer to offenders where appropriate, to reflect current statistics which indicate that the majority of survivors identify as female and the majority of offenders are identified as male.

The “anonymous” reporting contemplated by TPR gives survivors time to decide if and when they are ready to engage the criminal justice system. An anonymous TPR report may also provide police with critical information about sex crime patterns in their jurisdictions. A key objective of TPR is to promote improved evidence collection in order to provide better assistance to survivors during court proceedings and to hold more offenders accountable.

BC Tragedies That Led to the Provincial Protocol

The need for TPR 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 sexually assaulted a sex worker. It was later discovered that the gym bag he was carrying contained a video camera and videotapes depicting images of extreme and degrading violence against women believed to be sex workers in the Downtown Eastside. 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 also the first Canadian ever to be prosecuted under the Canadian sex tourism law which gets its authority from the Criminal Code and the enactment of sections 21-28 of the *Tougher Penalties for Child Predators Act*, which made it possible to prosecute an individual who travels abroad to commit sex crimes against children. Bakker pleaded guilty in 2005 and was sentenced to seven years in prison.

The questions raised by this case were, “If police had information about this predator earlier on, could some of these attacks have been prevented?” and “Did the women and girls who were sexually assaulted know about or have access to the best emotional and other support possible?”. It also highlighted the need for a way of receiving information from sex workers, for whom the risks of violence are higher, and the likelihood of reporting to police is lower.

The same questions can be asked in the case of Robert Pickton, a Canadian serial killer convicted in 2007 of the second-degree murders of six women. He was also charged with the deaths of an additional 20 women, many of them from Vancouver’s Downtown Eastside; however, these charges were stayed by Crown in 2010. The Crown stated that Pickton had confessed to 49 murders to an undercover agent posing as a cellmate, and that he told the officer that he wanted to kill another woman to make it an even 50 but was caught because he was “sloppy.”

Another ongoing tragedy in BC is the high numbers of missing and murdered Indigenous women and girls, with many from communities across the north of BC along what has been called the “Highway of Tears”, and sexual assaults of young Indigenous women by Judge David Ramsey in Prince George. These tragedies formed the backdrop for the development of the BC Third Party Reporting Protocol.

The 2012 release of the *Forsaken* report highlights the need to find safe ways to help women access the justice system. The *Forsaken* report was the result of the Missing Women Commission of Inquiry which investigated the justice system's problematic response to the Pickton murders of women, many of whom were Indigenous, in the Downtown Eastside of Vancouver. The Inquiry also undertook consultations in communities along Highway 16 from Prince Rupert to Prince George regarding the disappearances and deaths of women and girls from these communities.

Women engaged in the survival sex trade all fear violence and its pervasive influence on their lives. They experience violence at the hands of almost everyone with whom they come into contact with [sic]. The relationship between police and sex trade workers is generally marked by distrust, so they tend to under-report crimes of violence. There is clear correlation between law enforcement strategies of displacement and containment of the survival sex trade to under-populated and unsafe areas ...and violence against the vulnerable women.

Forsaken; The Report of the Missing Women Commission of Inquiry (2012), Page 15, 16

Local Initiatives to Encourage Reporting of Sexual Offences

For many years, communities throughout BC have attempted to address the fact that very few survivors of sexual assault report to the police, particularly those who are marginalized.

Local anti-violence programs, RCMP and Municipal police including Prince George, Vancouver and Victoria agencies have been taking Third Party Reports since the 1980s. In 1982 Vancouver's Women Against Violence Against Women (WAVAW) Rape Crisis Centre developed a TPR interagency agreement with the Vancouver Police Department as well as the Behavioral Sciences Group at BC RCMP headquarters. In the 1980s and 1990s the Victoria and Prince George Sexual Assault Centres also developed TPR agreements with their local police agencies.

Development of a Provincial TPR Protocol

EVA BC/CCWS engaged in community development work with anti-violence organizations in the Downtown Eastside following the first disclosure in the Bakker case in 2003. Third Party Reporting of sexual assault emerged as a promising practice and the concept was then taken to the CCWS provincial Working Group in 2006, where the TPR Work Team was formed to develop a cohesive consistent provincial protocol. The Work Team was comprised of the EVA BC, CCWS, BC Association of Chiefs of Police (BCACP), RCMP "E" Division, BC Association of Municipal Chiefs of Police, Vancouver Police Department Sex Crimes and Child Abuse Unit, and the BC Ministry of Public Safety and Solicitor General.

In 2008, a province-wide Third Party Reporting Protocol for cases of sexual assault was endorsed by BCACP and launched in BC, with core protocol documents and a series of cross-sector trainings across the province. The BC TPR Protocol includes TPR Protocol Guidelines for Community Based Victim Services (CBVS) and Police, a standard Cover Sheet and Form, as well as RCMP and municipal police operational policies.

Local coordination of the BC TPR protocol has been led since 2008 by Community Based Victim Services (CBVS) programs. CBVS programs were chosen because of their existing mandate to provide services primarily to victims of domestic and sexual violence; providing information about and accompaniment to police, legal and other systems, practical help, emotional support and referrals to other appropriate programs.

In 2013, CCWS/EVA BC re-engaged the TPR Work Team to discuss policy and protocol implementation successes and challenges, and then implemented a number of strategies to increase the use and effectiveness of the Third Party Reporting and other option across BC including:

- Updated the TPR Police Protocol Guidelines and received renewed endorsement from BCACP in November 2014
- Developed the new TPR Guidebook in 2015 and distributed widely including through BCACP
- Provided 15 cross-sector community TPR trainings in partnership with RCMP 'E' Division Crime Prevention Services
- Developed an Information Bulletin about using TPR in rare and exceptional circumstances with victims/survivors under age 19
- Updated the TPR Form and Cover Sheet, as well as other core documents
- Piloted the expansion of community based programs that can facilitate Third Party Reports (underway)

In 2017/18 the TPR Work Team implemented coordination of provincial TPR police responsibilities. Police members established a liaison for RCMP detachments and municipal police departments to support their efforts to investigate these incidents, to ensure consistent attention to TPRs and related policing issues, and to improve the ability of police services to review TPRs from across the province to identify linkages between investigations of sexual assaults within and across police jurisdictions. The TPR Work Team also implemented new procedures to improve provincial coordination, including an email alert from the Community Based Agency to CCWS and the provincial TPR police coordinator when a TPR is submitted to local police.

This TPR Guidebook, including the CBVS and Police Protocol Guidelines, was updated again in 2019 to reflect these and other changes to the BC TPR Protocol between 2015 and 2019. The updated TPR Police Protocol Guidelines were again endorsed by the BC Association of Chiefs of Police in June 2019.

Why Community Based Victim Services?

As mentioned earlier, in BC Community-Based Victim Services (CBVS) are the community protocol partners who support survivors to complete TPRs. Any program or individual can support a survivor to connect with a CBVS, where they will connect with a responder trained to support them and also to assist them to assess all of their reporting options. These include: full report, information only report, third party report, or no report. CBVS will also provide the survivor with critical support that is essential to help them heal from trauma. CBVS can provide assistance throughout the survivor's healing process including help with navigating the criminal justice, health and other systems.

The rationale for designating CBVS programs for the BC Third Party Reporting protocol was that these programs have:

- the training and mandate to deal with sexual assault response in their communities,
- custody and control of their own files,
- the necessary understanding of and relationships with the criminal justice system and related personnel in their communities, and
- the ability to provide support and accompaniment through and after survivors' involvement with systems.

The fact that BC has only 66 CBVS programs creates a problem for survivors in our province. There is a need to increase the number of FTEs in existing CBVS programs and to expand the number of communities that have access to a CBVS program locally.

Pilot TPR Community Programs

As we continue to push for more CBVS funding in BC, we are also working to expand the types of community programs which can facilitate TPRs. This expansion is taking place on a pilot basis with:

1. Stopping the Violence (STV) Counselling and Outreach and Multicultural Outreach programs in communities without CBVS programs
2. Indigenous Support Services
3. Other key programs with connections to marginalized survivors of sexual assault.

Programs at community based agencies piloting the TPR process will follow the steps as detailed in the CBVS TPR Protocol Guidelines (Appendix A) and other direction provided to CBVS programs in the TPR Guidebook 2.0. EVA BC/CCWS and the TPR Work Team are reviewing challenges and benefits with the community pilot programs, including whether TPR is a good fit for the identified community program mandate and capacity.



TPR 2017/18 Review: A Snapshot

The implementation of the provincial responsibilities for coordination of police TPR response also resulted in the ability to review the TPRs that are being submitted across the province. This snapshot gives a brief overview of some TPR data from the 2017/18 review.

- An estimated 80 TPRs were forwarded to police in BC from January 2017 to May 2018.
- 77 of the survivors received support from CBVS programs.
- 60 of the 80 TPRs were analyzed by CPS. *
 - 5 out of 60 were turned into formal investigations with the survivor's consent.
 - 98% of survivors identify as female. 2% of survivors identify as male.
 - 97% of assailants are identified as male. 3% of assailants are identified as female.
 - The average age of the survivors is 27.
 - In 88% of cases, the assailant was known to the survivor prior to the incident.
 - 98% of survivors were able to identify the assailant.

*Some files could not be located in PRIME; police members of the TPR Work Team are working with PRIME analysts to ensure that all TPR files will be locatable in PRIME for further analysis.

Dynamics of Sexual Violence

For the general population, sexual assault is among the most under-reported crimes in Canada, with only 5% of sexual assaults reported to police (Statistics Canada 2014, General Social Survey). For some groups of survivors, particularly those with fears and concerns about the justice system, the numbers are even lower. These survivors are least likely to report to police.

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.

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.

People of all genders are survivors of sexual assault. Generally, statistics show that the proportion of reports by gender identity is similar for self reporting and reporting to police. In the study Police Reported Sexual Assaults in Canada 2009 – 2014, 87% of survivors identified as female and 13% as male, the same proportion as self reported rates in the 2014 General Social Survey.

The majority of adult sexual assaults are committed by males against females. The *Summary of Police Reported Sexual Assaults in Canada from 2009 – 2014* reveals that males accounted for 99% of those charged with sex offences against girls and women, and 93% of those charged with sexual offences against boys and men. Offenders are generally motivated by a desire to exercise control over or direct aggression toward particular groups of people.

There have been few solutions presented over the years that encourage survivors 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

Survivors of sexual assault are reluctant to report to police for many reasons including 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.

For Indigenous people, historical relationships with police due to the legacy of colonization such as residential schools and removal of children from their home communities, contribute to a context of fear or mistrust of state authorities.

For immigrant/refugee/visitor people, 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.

Sex workers are at particular risk of being sexually assaulted and are even less likely to report this type of violence. A survey of sex 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 at that time also showed that sexual assault of sex workers is more likely to involve physical violence requiring hospitalization and more likely to involve more than one assailant (Miller and Schwartz 1995). Since then, international evidence has continued to affirm that sex workers face a disproportionate burden of violence compared with the general population⁴.

For sex workers who are survivors of sexual assault, the rate of reporting to police is even lower than other marginalized groups. They may be reluctant to report for many reasons including

- Perception by the public that sexual assault is part of the risk of their work
- Mistrust of the system; belief that the system will not respond
- Fear of being retraumatized by police and criminal justice system processes
- Prior unsatisfactory experiences with police and other responders
- Fear that they will not be believed
- Fear that they will be arrested if they have outstanding warrants, and
- Fear of retaliation by the assailant.

⁴ See for example Deering et. al (2014). A Systematic Review of Violence Against Sex Workers.

People with disabilities are at an extremely high risk of violence including sexual assault, as well as forms of abuse that people without disabilities do not experience. According to a 2018 Statistics Canada report, women with disabilities are twice as likely as women without disabilities to have been sexually assaulted in the last year.⁵ Barriers to reporting to police are complicated and include those particular to the person's disability such as concerns about communication challenges, as well as barriers that are relatively consistent with those reported by sexual assault survivors without disabilities.

West Coast LEAF's 2018 law reform report *We Are Here: Women's Experiences of the Barriers to Reporting Sexual Assault* is part of the *Dismantling the Barriers to Reporting Sexual Assault* project undertaken by West Coast Leaf with YWCA Metro Vancouver. The report presents the results of interviews with 18 sexual assault survivors and further illuminates why survivors often do not report to police.

- Socio-cultural attitudes that minimize the seriousness of sexual assault and expose survivors to blame, shame, skepticism, and stigma.
- Survivors' beliefs and values about the justice system, often based on prior unsatisfactory experiences.
- Conduct of individuals working in the criminal justice system, which can either exacerbate or ease the intense stress involved in reporting.
- Personal repercussions of reporting, including the risk of retaliation by the perpetrator, privacy violations, impacts on financial security and employment, and a range of unwanted legal ramifications.
- Concerns about the criminal justice system process, from police report to trial.

The survivors in the report also shared concerns about discrimination based on race, Indigenous identity, class, occupation, disability, age, gender identity and expression, and/or other aspects of identity.⁶

These and other barriers to reporting sexual assault to police are considered by survivors, and weighed with the potential benefits including personal protection, protecting others from the perpetrator, holding the perpetrator accountable, and providing a sense of progress or closure for the survivor.

Increased Attention to Sexual Assault

Over the last several years in Canada and internationally, there has been a significant increase in public dialogue about sexual violence. The #MeToo movement, started by Tarana Burke in 2006 and popularized by Alyssa Milano in 2017, has gained a lot of attention and support since 2017. This movement has built on decades of feminist advocacy, activism and survivor-led initiatives, bringing their voices and experiences into the mainstream and social media through hashtags like #MeToo and other hashtags like #BeenRapedNeverReported, #WhyIDidntReport, and #IBelieveSurvivors. More survivors are coming forward, disclosing and accessing services, including some who may never have told anyone what happened to them.

⁵ Cotter, A. (2018). Violence and Victimization of Women with Disabilities. Statistics Canada.

⁶ Prochuk, A. (2018). *We Are Here: Women's Experiences of the Barriers to Reporting Sexual Assault* West Coast Leaf. Pages 5 and 6

In February 2017, The Globe and Mail published an investigative series on how police handle sexual assault reporting. The series highlighted that police classify, on average, one in five reported sexual assaults as unfounded. Police in Canada use the Uniform Crime Reporting (UCR) Survey definition of unfounded when, “after a police investigation it is concluded that no violation of the law took place or was attempted.”⁷ In 2017 the RCMP examined all sexual assault files classified as “unfounded” from 2016 to ensure that investigations followed RCMP operational policy, all viable investigative avenues were pursued, and cases were accurately classified based on available information.

The results of the review and consultations with key stakeholders resulted in an action plan to strengthen police training and awareness, investigative accountability, victim support, and public education and communication. One of the recommendations in the action plan speaks to Third Party Reporting: “The RCMP will continue to explore alternative options for victims to report sexual assaults, such as third party reporting.” (page 7). Another finding of the national RCMP review was that no TPR files had been concluded as unfounded. In BC, TPRs are concluded under the category “Not Cleared”, a category which is deemed founded.

The increased attention to sexual assault has resulted in service providers across all sectors being presented with opportunities to improve our capacity to support survivors in safety measures, accessing health, legal and options and healing from the impacts of trauma.

⁷ RCMP National (2017). The Way Forward: The RCMP's Sexual Assault Review and Victim Support Action Plan. Ottawa. Page 2.

The Value of Third Party Reporting

For the Survivor

For the survivor, Third Party Reporting (TPR) is an invaluable tool which provides an opportunity to give the information to authorities without the undue stress of concerns such as being arrested, deported, not believed or judged. TPR 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 committed. TPR also:

- Provides an opportunity for survivors to access supports and referrals to assist with safety, health needs and healing from trauma
- Gives survivors needed time to decide whether to engage the criminal justice system
- Provides an opportunity for survivors to disclose in a safe way
- Provides a way to engage with the system that may lead to making a formal report

For the Police

- Predators travel, as do survivors, and having an integrated provincial system allows all police to track the predator's movements.
- Any time spent collecting predator information or entering it onto PRIME and ViCLAS 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 could result in a TPR becoming a statement and then a solid case. This would all result from information that would not have come forward otherwise.
- TPR gives another option to those who face particular discrimination or barriers to providing information to the police and so builds potential connections among the police, community agencies and the survivors they serve. This relationship has often been cited as a missing link that leads to under-reporting.
- Sexual assault is among the most under-reported crimes 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. TPR can increase leads on predators.
- The receipt of a TPR may prevent other sexual assaults by the same perpetrator through identifying trends earlier. All TPRs are entered on PRIME, which provides an additional tool for police to identify trends or predators.
- Further to identifying trends or predators, the ViCLAS Centre will review all the TPR police reports and accompanying TPR Forms on a monthly basis using the new 8285 PRIME Code. ViCLAS submissions will be completed when there is sufficient information and detail about the offence (victim and suspect identity is not required).

Third Party Reporting and Interagency Coordination

A coordinated provincial response can increase the benefits of TPR. Interagency responses can ensure that data is compared across police jurisdictions so that predators that change jurisdictions can be identified.

As well as from the benefits of coordination of efforts, TPR also encourages interagency collaboration that results in a more robust safety net for survivors and other potential victims. Examples of this include:

- Supporting local efforts to establish interagency protocols
- Increasing access to CBVS and other anti-violence supports and counselling
- Facilitating the tracking of transient predators
- Supporting someone who has been sexually assaulted in one jurisdiction to report in another
- Facilitating broad-based interagency cooperation and learning
- Heightening awareness and
- Facilitating a consistent, effective response.

The development of the Provincial TPR Protocol helps ensure a consistent response to victims of sexual assault, thereby increasing the safety and well-being of survivors around the province.

To implement TPR locally, CBVS and police need to negotiate local agreements incorporating the steps and procedures contained in the Police and CBVS Provincial Protocol Guidelines. In most communities, police based victim services also assist with the TPR protocol and sign on as protocol partners. A template for a local interagency TPR protocol is included in Appendix E. A Checklist for developing and maintaining the local interagency TPR protocol is available on the TPR Webpage:

<http://endingviolence.org/prevention-programs/ccws-program/third-party-reporting-tpr/>

Agency Roles and Responsibilities

Community Based Agency TPR Actions

First and foremost, the CBVS or other designated community based worker should inform the survivor of the nature of TPR. While a TPR is anonymous, survivors must be informed that there will be some limits to the confidentiality of the TPR BEFORE they begin. The survivor should be aware that their anonymity cannot be assured in situations where there is an imminent risk of serious harm to them or to any individual or group, or where a child is in need of protection. The community-based worker should obtain the client's INFORMED CONSENT, which



includes an explanation that there may be situations where police will need to come back to CBVS and then contact them. Barring the situations mentioned here, however, CBVS workers have an overarching duty to protect the privacy of the client who is making a TPR.

Other Situations When TPR Should Not Be Used:

- 1. Where domestic violence/violence in relationships is present or suspected to be present.** The reasoning behind this is that sexual assault/forced sex in the context of domestic violence is one of the top 19 risk factors for domestic violence serious bodily harm and homicide⁸. Thus, 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. A second, related reason, is that in BC, police have a "pro-charge" policy when it comes to domestic violence/violence in relationships and therefore if they saw domestic violence as a factor in the TPR, they would have an obligation to take steps to learn the identity of the survivor and assailant and pursue an investigation according to their policy.
- 2. If the suspect is a police officer.** This is because police have a requirement, under the *Police Act*, to notify the Independent Investigations Office (IIO) of any incident that might fall within the jurisdiction of the IIO. Sexual assaults would fall under the IIO's mandate of investigate any police-related incidents of death or serious harm.
- 3. Survivors under age 19.** 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.

This information is outlined to the survivor by the worker, using the TPR Cover Sheet.

⁸ BC Summary of Domestic Violence Risk Factors.

Should the situation arise where it is determined that someone's health or safety is at risk and their information should be shared without their consent, the following procedural safeguards will ensure that only appropriate information is shared and the survivor's right to privacy is breached to the least extent possible:

- Determine who decides about release within your organization
- Decide on a case-by-case basis
- Consult with a supervisor first if possible
- **If possible and safe, try to obtain the survivor's consent before sharing their information and explain why you must disclose it**
- Only release relevant information
- Keep a record of the decision
- Develop an information sharing agreement with the other agencies outlining restrictions on use and disposal of the data, and refer to the information sharing agreement when transmitting the information

Before the survivor fills out the TPR Form, it is important to review the purpose of questions, as outlined at the beginning of the Form: *This information is gathered to assist the police in tracking and analyzing the behaviour of the assailant, including how they responded to your words and actions. The questions **are not** intended as a judgement of you, nor how you behaved to survive the assault.*

"What were you wearing?" is one of the most revictimizing questions for survivors of sexual assault. A certain type of clothing (tighter and exposing more skin) is falsely assumed to put people more at risk for sexual assault, despite this myth being countered by decades of experience and research. Sexual assault is perpetrated against survivors wearing every type of clothing. The responsibility for sexual assault does not belong to the survivor for how they were dressed, no matter what they were wearing. For survivors, the question can feel, and very often is, loaded with blame, judgement and disbelief.

CCWS regularly fields questions about why the TPR Form provides space for a description of clothing. On the TPR Form and in police practice, the question about clothing is asked and analyzed for an entirely different purpose – to identify serial sex predators. These types of predators often target numerous survivors with a similar physical appearance to each other, which may include aspects such as age, race/ethnic heritage, hair, height, weight, eye colour and clothing.

The BC TPR option was originally envisioned by survivors for the specific purpose of stopping serial predators from harming others. The process is designed to give survivors the option to pass on information about their appearance that they are comfortable sharing. Passing on this information to the police through the TPR process may result in a link to other police files where there is an assailant targeting survivors with a similar appearance.

The BC TPR process is designed to prevent further harm by ensuring the survivor works with a trained and skilled anti-violence worker. The worker explains the purpose of the questions on the TPR form, including the ones about the survivor's appearance. The worker also supports the survivor after the TPR Form is completed and assists with completing the TPR process and providing ongoing support and referrals to the survivor.

Record Keeping Guidelines

The BC TPR Protocol includes TPR Protocol Guidelines for Community Based Agencies and Police, as well as RCMP and municipal police operational policies. It also includes a standard TPR Cover Sheet which is used by the community based agency to ensure the survivor is fully informed about and consents to the TPR process, and a TPR Form which is used by the survivor to share the information they choose with police about the crime, assailant and survivor. EVA BC/CCWS works collaboratively with provincial police agency partners on the enhancement of the protocol and core documents as needed.

There are 2 TPR documents that are completed by the survivor, with the assistance of the community based agency worker:

1. TPR Cover Sheet
2. TPR Form

The following checklist summarizes the record keeping tasks for these 2 documents and is followed by a more detailed explanation regarding the tasks.

1. TPR Cover Sheet	2. TPR Form
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> a. print current version	<input type="checkbox"/> a. print current version
<input type="checkbox"/> b. review with survivor	<input type="checkbox"/> b. review with survivor
<input type="checkbox"/> c. assist survivor to complete	<input type="checkbox"/> c. assist survivor to complete
<input type="checkbox"/> d. assign agency file number	<input type="checkbox"/> d. photocopy Form and keep copy
<input type="checkbox"/> e. complete "agency use" section	<input type="checkbox"/> e. deliver original Form
<input type="checkbox"/> f. store in secure location	<input type="checkbox"/> f. email alert to provincial level
<input type="checkbox"/> g. add police file number <i>when received from police</i>	<input type="checkbox"/> g. shred photocopy of Form <i>once police confirm receipt</i>

Managing Third Party Reporting Documents

1. Third Party Report Cover Sheet

- a. **Print Current Version:** the TPR Cover Sheet is maintained and updated by EVA BC/CCWS and the TPR Work Team. Correct versions are provided directly to CBVS and other designated, trained Community Based Agency (CBA) programs. A sample of the Cover Sheet is included in Appendix F.
- b. **Review with Survivor:** the TPR Cover Sheet is intended to be read aloud to the survivor by the support worker, with the opportunity for the survivor to ask questions. It can also be reviewed by the survivor reading it while the support worker is present, with the opportunity for the survivor to ask questions.
- c. **Assist Survivor to Complete:** Page 3 of the Cover Sheet provides a space for the survivor to indicate their understanding of the Cover Sheet contents, including their informed consent to the purpose of TPR and the parameters regarding confidentiality. Page 4 of the Cover Sheet has a space for the survivor to share their contact information with the community based agency. Ensure the survivor understands the purpose is to ensure the survivor can be contacted by the community based agency with important follow-up information including the police file number.
- d. **Assign Agency File Number:** Page 4 of the Cover Sheet also has a space for the Agency to assign a confidential file number, and the date the Cover Sheet was completed. This Agency File Number is related solely to the TPR and is separate from any other agency files related to this survivor.
- e. **Complete “Agency Use” Section:** This section is intended to be completed by the support worker after the TPR Form is sent to the police, and the email alert is sent to CCWS and the Provincial Police TPR Coordinator. It also provides space to later record the date police confirm receiving the TPR, and the assigned police file number.
- f. **Store in Secure Location:** Once the TPR Cover sheet has been completed, it should be stored in accordance with agency policy, in such a way that the survivor's contact information can only be accessed by using a confidential file number.
- g. **Add Police File Number:** When police confirm receipt of the TPR Form and the assigned police file number, retrieve the Cover Sheet and record this information on page 4 of the TPR Cover Sheet. *Important: Ensure this and any other information received from the police is passed on to the survivor.*

2. Third Party Report Form

- a. **Print Current Version:** The TPR Form is maintained and updated by EVA BC/CCWS, in consultation with the TPR Work Team. Correct versions are provided directly to CBVS and other designated, trained Community Based Agency (CBA) programs. A sample of the Form is included in Appendix G.
- b. **Review with Survivor:** The TPR Form is intended to be filled out by the survivor. A review with the support worker ahead of time provides the opportunity for the support worker to explain the purpose of the questions, and for the survivor to ask questions about the Form.
- c. **Assist Survivor to Complete:** The role of the support worker is to provide the space and necessary support for the survivor to complete the Form. Everything the survivor discloses in the report is voluntary and they may stop at any time. The support worker will assist by remaining with the survivor while they complete the Form and answering any further questions that come up about the purpose of the questions. This also provides an opportunity to provide emotional support if the survivor is impacted by answering the questions. The Form should be filled out by the survivor, in their own words. If the survivor is unable to fill out the form themselves, they may dictate answers to the support worker assisting them. It should be noted in the space provided at the beginning of the Form that the information has been dictated. The support worker will write the survivor's answers exactly as stated and read the answers back to the survivor to ensure accuracy. The support worker will not lead or coach the survivor.
- d. **Photocopy Form and Keep Copy:** Once the survivor has completed the Form, photocopy the Form and keep the copy with the Cover Sheet until the police confirm receipt and the police file number.
- e. **Deliver Original Form:** The form should be either hand delivered or sent to the appropriate police agency via registered mail – to ensure continuity of evidence. If the sexual assault occurred in the local police jurisdiction (area), it is delivered to that police agency as per the local interagency TPR protocol. It is possible for a survivor to complete a TPR Form with their local CBVS program or other identified community program, even if the sexual assault did not occur in that community. In these situations, the TPR Form is forwarded to the Provincial Police TPR Coordinator by registered mail as follows:
 - Provincial Police TPR Coordinator**
 - RCMP E Division Crime Prevention Services (CPS)**
 - Mailstop #104, 14200 Green Timbers Way, Surrey BC V3T 6P3**

*Please ensure that when the survivor answers the "location" question (under #2 – Offence Information), they include the name of the community/city/municipality as this will enable the Provincial Police TPR Coordinator to forward the TPR Form to the appropriate RCMP or municipal police agency for processing and follow-up.

- f. **Email Alert to Provincial Level:** After delivering the TPR Form, CBVS and other CBA programs will forward an alert to CCWS and the Provincial Police TPR Coordinator via email. Confirm delivery by sending an email with the date, community, RCMP detachment or municipal department, and your agency file number.

CCWS: ccws@endingviolence.org &

Provincial Police TPR Coordinator:

E_THIRD_PARTY_REPORTING@RCMP-GRC.GC.CA

For TPR Forms that have been sent to the Provincial Police TPR Coordinator by registered mail, send the alert as above, and also include the tracking number for the registered mail.

- g. **Shred Photocopy of Form*:** When police confirm receipt of the original TPR Form and the assigned police file number, the support worker will retrieve the Cover Sheet, record this information on page 4 of the TPR Cover Sheet, and contact the survivor to pass on the information. The photocopy of the TPR Form can then be shredded.

***Retention of the TPR Form Photocopy:**

Once the CBVS or other CBA program has confirmed receipt of the TPR Form with the relevant police agency, it is strongly recommended that the agency shred their copy of the TPR Form, while retaining the TPR Cover Sheet with the survivor's identifying information and storing it securely, in accordance with the *Personal Information Protection Act* and agency policy.

It is recommended that the TPR Form be destroyed because it is considered akin to a police document and CBVS and other Community Based agencies and survivors may be subject to third party applications for records or other types of court orders.

CBVS agencies are not required to retain a copy of the Third Party Reporting Form under the Personal Information and Protection Act nor is there a requirement to provide access to the information contained in the TPR under the Act. PIPA generally requires an agency to retain personal information about an individual it has collected for at least one year, in order to ensure that the individual has a reasonable opportunity to obtain access to the information if they wish under section 23 of the Act. However, two pre-conditions, as set out in section 35, must be met.

- Firstly, the information must be categorized as personal information, that is, information about an "identifiable individual". In the case of Third Party Reports, the Form does not constitute "personal information" as defined by the Act as the document has been designed specifically to maintain the anonymity of the survivor and allows each survivor to determine what information they will report with regard to individual characteristics so as to limit the possibility they can be identified as specific individuals.

- Secondly, section 35 requires that the agency must be using the personal information to make a decision that directly affects the individual. Within the Third Party Reporting Protocol, it is the police and not the CBVS agency that will be making decisions about how the information will be used should further interventions be required.

Crime Victim Assistance Program

Survivors of sexual assault may be eligible for financial assistance from the Crime Victim Assistance Program (CVAP). Benefits available through CVAP include medical and dental benefits, income support or lost earning capacity, for protective measures or for counselling services. Many CBVS programs assist survivors of sexual assault to complete a CVAP Application in conjunction with assisting with the submission of a Third Party Report to police.

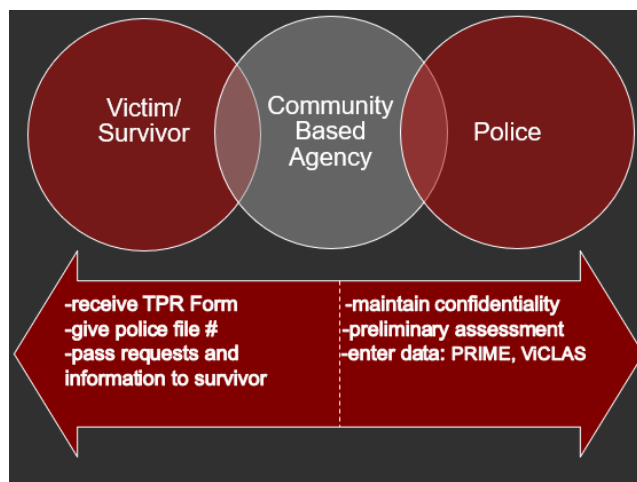
The Crime Victim Assistance Program does not require a survivor to submit a TPR Form as part of their application for benefits. To assess an application, CVAP will consider the applicant's self-report as well as information disclosed about the offence to other parties such as family members, friends, a support worker or counsellor. CVAP may request documentation from a third party to verify the disclosure and information related to the elements of the offence, the relationship between the survivor and the perpetrator and the time frame when the offence occurred.

Survivors should be strongly cautioned that if they submit a TPR Form or police file number as part of their CVAP application, a claims coordinator, with the survivor's written consent, will submit a request to the relevant police agency for any information they hold relating to the claim. As a result, the survivor's anonymity in relation to the police may not be maintained in these circumstances.

Police TPR Actions

Police actions when receiving a Third Party Report are detailed in the *Police Protocol Guidelines* which guide both RCMP and municipal police agencies. Key principles focus on maintaining confidentiality and building a connection to the survivor through the community based agency.

The *Third Party Reporting Process and Police Actions* map (Appendix D) provides comprehensive information about steps in the process for police agencies, including entering data on PRIME and making submissions to ViCLAS. The following summary of police actions related to PRIME and ViCLAS is incorporated into the *Police Protocol Guidelines* and the *Third Party Reporting Process and Police Actions* map.



Police Process to enter a Third Party Report of Sexual Assault into PRIME

1. Review file - see process map
2. Create a GO
3. Subject Line: Sexual Assault-Third Party Report-Not For disclosure
4. Insert Primary code: Sexual Assault
5. Insert Secondary Code: 8285 - 0 - Third Party Report - Sexual Assault
6. List Complainant as the Agency providing the report
7. List alleged offender as SOC
8. Complete a synopsis (see example provided)
9. Scan the report to the file as an attachment
10. Determine investigational avenues
11. Determine viability for ViCLAS. ***All TPRs may not require completion of a ViCLAS submission. Each file should be assessed on its own merit to determine if there is sufficient information and detail about the offence; e.g. sexual acts attempted or forced, what was said by the suspect to the victim, and unusual/unique acts or behaviours. The identity of the victim and/or the suspect are not required in order to complete a ViCLAS submission. It is critical that behavioural details are captured on ViCLAS and as such, on a monthly basis, the ViCLAS Centre will review all 8285s, along with the Community Agency reports attached to the respective PRIME files. If a ViCLAS is warranted and had not already been completed by the investigator, the ViCLAS Centre will notify the investigator that a submission is required.***

Tools and Resources

- Detailed guidelines for Community Based Agencies processing TPRs are set out in the March 2019 *Third Party Reporting Community Based Agency Protocol Guidelines*. (Attached as Appendix A).
- A Flowchart of Actions for Community Based Agencies facilitating TPR is provided in Appendix B.
- Detailed Police/RCMP guidelines for processing TPRs are set out in the March 2019 *Third Party Reporting Police Protocol Guidelines*. (Attached as Appendix C).
- A Flowchart of Police Actions for receiving and processing TPRs is provided in Appendix D.
- To implement TPR locally, CBVS, police and police victim services need to negotiate local agreements incorporating the steps and procedures contained in the Police and CBVS Provincial Protocol Guidelines. A local TPR protocol template (attached as Appendix E) can be used as the basis for local interagency agreements regarding roles and responsibilities with respect to TPR.
- A sample TPR Cover Sheet and Form are attached in Appendices F and G. For electronic copies of the originals and other support regarding Third Party Reporting contact CCWS: ccws@endingviolence.org 604 633-2506 ext 15.
- The EVA BC website at endingviolence.org has a Web Page with the TPR Guidebook and other key resources related to the BC TPR Protocol
 - Local Interagency TPR Protocol Development Checklist
 - Local Interagency TPR Protocol Template
 - TPR Template Pamphlet
 - TPR Work Team January 2019 TPR Webinar
 - Information about TPR for Survivors Under Age 19

endingviolence.org/prevention-programs/ccws-program/third-party-reporting-tpr/

Referring Agencies

- Any program or individual can support a survivor to connect with a CBVS program which will assist them with next steps regarding the TPR process.
- If an adult survivor of sexual assault attends or contacts another program, they should be referred to the nearest CBVS program. The referral may involve assisting them to get there or accompanying them throughout the process over the phone or in person, particularly if the CBVS is in another community.
- Unfortunately, at this time there are communities in British Columbia without CBVS programs. In some of these communities Stopping the Violence Counsellors, Outreach Workers and other community based anti-violence programs are playing an important role in helping victims access the CBVS program in the nearest community.
- EVA BC/CCWS is working to expand the types of community based programs that can facilitate the TPR process. If there is no CBVS program in your community and the nearest CBVS is not accessible, contact CCWS for assistance.
- Contact information for the closest CBVS program is available on the EVA BC website at www.endingviolence.org or by calling VictimLink at 1 800 563-0808.

Key Implementation Principles

Making a police report can be a potentially traumatic experience. As they complete a statement, the survivor may experience a “reliving” of the violent incident. It is vital that survivors receive support and follow up during this time and this need is built into the Provincial TPR Protocol which currently directs that CBVS programs and other designated, trained Community Based Agencies provide this support. The following are some principles that are key to successful implementation of the TPR Protocol:

- That Third Party Reports be used only as a last resort for survivors who otherwise would not report to the police
- That CBVS and police negotiate local agreements incorporating the steps and procedures contained in the Provincial TPR Protocol Guidelines
- That local interagency TPR protocols be integrated at the provincial level to help ensure that data is compared across jurisdictions to help identify predators who move from one community to another
- That CBVS and other agencies in the community make efforts to ensure that the Third Party Report option is known in their community, in particular, with sex workers, and with Indigenous and immigrant women
- That the reports are received by one consistent central person or department within the responsible police agency to ensure consistent use of the data
- That the police agency enters the data onto the province-wide information system (PRIME) to ensure consistent use of and access to the data, as well as submits the data to ViCLAS when appropriate.

Survivors Under Age 19

The BC TPR protocol is for survivors age 19 and over, but it does not preclude the possibility of TPR for younger survivors in exceptional cases. However, TPR in this context is more complex and a cautious approach is recommended. In 2016, CCWS released an Information Bulletin on the issue of TPR for survivors who are under 19 which can be accessed here: <http://endingviolence.org/publications/third-party-reporting-survivors-19/>. There are a number of factors that need to be taken into account in exercising this discretion.

- ➔ Firstly, CBVS and police must satisfy themselves that there are no child protection concerns involved which would require a report to the Ministry of Children and Family Development. Section 13 of the *Child, Family & Community Service Act* lists the circumstances in which a child needs protection. This would include circumstances in which the child has been or is likely to be sexually abused or exploited by the child's parent; physically harmed, sexually abused or sexually exploited by another person and if the child's parent is unwilling or unable to protect the child.

In addition to addressing potential child protection concerns, CBVS and police considering TPR for under 19s must:

- ➔ determine whether the child/youth (anyone under age 19) is a "mature minor" (legal definition) capable of making their own decisions about the privacy of the information they provide without the parents or guardians having to be notified;
- ➔ make a preliminary assessment as to the physical and mental wellbeing of the child;
- ➔ **determine whether or not any other children would be endangered by not proceeding with a full investigation.** This will be a critical assessment and one where CBVS should be sure that police are on the same page. Is the child a student? Is the suspect a teacher? Another student? Do they have access to other children in the same age range?

These complex variables could not adequately be addressed through the generic Third Party Reporting Protocol which applies to adult victims. Therefore, a cautious case-by-case approach is recommended.

The Third Party Reporting option could be presented to child/youth (anyone under 19) in specific cases provided local agreements are developed between police and CBVS to review the circumstances on a case-by-case basis and determine whether it would be appropriate. **Support with this is available through CCWS, including liaison with police resources within municipal policing and RCMP.**

What Does Informed Consent to the TPR Process Look Like?

As with survivors aged 19 and over, it is essential to outline the limits to confidentiality

- Child in need of protection
- Imminent risk of serious harm
- Legal requirement for release

Ensure that client understands that if any of these conditions exist, police may need to approach them directly and their anonymity cannot be assured.

Survivors Under 19: Additional Consent Considerations

Infants Act and Case Law:

Questions to help determine capacity for child/youth to consent to TPR
<ul style="list-style-type: none"> ▪ What is the maturity and developmental level of the child/youth? ▪ Are they living on their own? ▪ To what extent are they subject to parents' influence? ▪ Are they able to make independent decisions? ▪ Do they understand their rights? ▪ Do they understand the nature and consequences, benefits and risks of TPR?
Best Practices for TPR for survivors under 19:
<ul style="list-style-type: none"> ▪ Explain the nature and consequences and benefits and risks of TPR ▪ Satisfy yourself that the client understands ▪ Make reasonable efforts to determine that the care is in the client's best interests ▪ Ensure the consent is voluntary, not the result of undue pressure ▪ Document your rationale

Can a child decide about the release of their own personal information?

If your service is covered by *FIPPA* or *PIPA*, ask is the child:

- able to understand their rights to confidentiality?
- able to understand the consequences of disclosure or non-disclosure of information?
- This is a nuanced analysis of whether the child is a "mature minor" – comes down to their ability to understand the risks and benefits of engaging in the TPR process (ie. the risks and benefits to the rights and limitations of confidentiality)

REMEMBER: capacity to consent is only one consideration when deciding whether TPR is appropriate for a survivor under the age of 19. Also relevant are the CFCSA and whether any other child(ren) may be in need of protection.

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APPENDICES

Appendix A

THIRD PARTY REPORTING COMMUNITY BASED VICTIM SERVICES PROTOCOL GUIDELINES (Revised March 2019)

Note: The following are only guidelines for Community-Based Victim Services Programs (CBVS) and other trained workers from designated Community Based Agencies¹ to follow in handling Third Party Reports (TPRs). Each agency will develop their own specific in-house protocol to further guide the handling of TPRs as per their agency policies. To implement TPR locally, it is also recommended that Community Based Agencies and police negotiate local interagency agreements outlining roles and responsibilities with respect to the handling of TPRs.

Preamble:

This province-wide protocol was implemented in 2008 by the Community Coordination for Women's Safety Program (CCWS) of the Ending Violence Association of BC (EVA BC).² EVA BC worked in partnership with a provincial Work Team that included the BC Association of Chiefs of Police, RCMP "E" Division, Saanich Police Department, Vancouver Police Department Sex Crimes and Child Abuse Unit, and the BC Ministry of Public Safety and Solicitor General. The CCWS TPR Work Team revised these CBVS Protocol Guidelines in October 2014 and again in March 2019.

Purpose:

Sexual assault is a serious crime often resulting in major physical and/or psychological injuries. Underreporting of sexual offences remains a critical issue. It is important to remember that with a sexual assault, as with any violent offence, police can play a critical role in assessing risk and protecting the victim and other potential victims from further violence. To help police better protect potential victims, every effort must be made to encourage reporting of these crimes particularly in high risk cases or cases involving serial offenders or sexual predators.

TPR is a process which allows adult victims to access support and report details of a sexual assault to police anonymously, through a third party agency. This "Third Party Report" is an option of last resort for survivors who would not otherwise provide information to the police. It is not a substitute for a call to 911, nor is it in and of itself a police investigation.

¹ Currently at June 2019 the TPR Work Team is working to expand the types of community programs which can facilitate TPRs. This expansion is taking place on a pilot basis with Stopping the Violence (STV) Counselling and Outreach and Multicultural Outreach programs in communities without CBVS programs, as well as with Indigenous Support Services, and other key programs with connections to marginalized survivors of sexual assault. Programs at community based agencies piloting the TPR process will follow the steps as detailed in these CBVS protocol guidelines and the TPR Guidebook 2.0).

² Then the BC Association of Specialized Victim Assistance and Counselling Programs

The intent of Third Party Reporting is not to circumvent the criminal justice system but to build a bridge, better enabling particularly vulnerable victims to access the system. The hope is that with specialized support, vulnerable victims will feel safe enough to ultimately make a police report. Even the simple knowledge that a third party reporting option exists may encourage vulnerable individuals to seek the help of a community based agency and build a relationship of trust with that agency, rather than remaining invisible to any response system.

CBVS programs provide services primarily to victims/survivors of domestic and sexual violence; providing information about the justice and other systems, practical help, emotional support and referrals to other appropriate programs. With enough information and the knowledge that they could have support through the entire process, some victims/survivors may choose to make a full report to police.

The “anonymous reporting” contemplated by TPR gives victims/survivors needed time to decide if and when they are ready to engage the criminal justice system. An anonymous TPR report may also provide police with critical information about sex crime patterns in their jurisdictions. A key objective of TPR is to promote improved evidence collection in order to provide better assistance to victims/survivors during court proceedings and to hold more offenders accountable.

THIRD PARTY REPORTING PROTOCOL

TPR Preparation by CBVS:

- An adult victim (age 19 and over) of a sexual offence may attend any CBVS Agency in BC and complete a TPR.
- Any program or individual can support a victim/survivor to connect with a CBVS program, where she will connect with a responder specially trained to support her.
- Police-based Victim Service Agencies (PBVS) cannot accept or process TPRs. PBVS provide assistance to victims of all crime types. They are not able to take TPRs as they must notify police of any crimes and the name of victims reported to them. PBVS are also not able to house TPR victim contact information confidentially, as police may, on occasion, access PBVS files.
- If an adult victim of a sexual offence attends or contacts PBVS and requests to complete a TPR, the PBVS will provide the victim with information about the TPR process and will refer the victim to the nearest CBVS agency.
- Prior to considering TPR as an option, CBVS will outline the process and benefits of reporting to police and will explore all other options regarding reporting with the victim, (including full report, information only report¹, TPR and no report) as well as the reasons for reluctance to engage in a full report. In addition, CBVS will explain the limits to confidentiality inherent in the TPR process.
- CBVS will inform the victim 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

¹ An “information only” report means the survivor gives the information directly to police, but they indicate to police that they do not want the information to result in investigation and possible recommendation of charges. The survivor is informed that they will not have control over whether police investigate and recommend charges.

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.

- TPR should not be used in circumstances where the survivor is in imminent danger from the suspect, or there is a risk of significant harm to the health or safety of the public, or a group of people, or risk to a child. CBVS should refer to their agency's privacy and risk management policies and guidelines in determining whether the client's situation requires the need for immediate protective intervention.
- Under this Protocol, if TPR is assessed as appropriate, CBVS programs complete the TPR with the sexual assault survivor.
- The CBVS worker meets with the victim with a focus on providing information and support. The CBVS worker reviews and completes the TPR Cover Sheet with the survivor.
- The TPR Cover Sheet review ensures that the survivor consents to the TPR process and understands the limits to confidentiality of the information they provide as part of that process. The survivor should be advised that personal information in the TPR and/or their identity may be disclosed by CBVS where there is a risk of significant harm to the health or safety of the public, a group of people, or a child.
- Once completed, the Cover Sheet with the survivor's identifying information is removed and stored by the CBVS program in accordance with agency policy, in such a way that the survivor's name and contact information can only be accessed by using a confidential file number.
- The survivor is given the TPR Form and supported to fill in information that they are comfortable providing.
- The completed TPR Form (with the agency file number and community agency contact information) is forwarded to the local police agency as per the local interagency TPR protocol, without including any information that would identify the survivor. The Form should be either hand delivered or sent via registered mail – to ensure continuity of evidence.
- It is possible for a survivor to complete a TPR Form with their local CBVS program, even if the sexual assault did not occur in that community. In these situations, the TPR Form is forwarded to the Provincial Police TPR Coordinator by registered mail, as follows:

Provincial Police TPR Coordinator

RCMP E Division Crime Prevention Services (CPS)

Mailstop #104, 14200 Green Timbers Way, Surrey BC V3T 6P3

*Please ensure that when the survivor answers the "location" question (under #2 – Offence Information), they include the name of the community/city/municipality as this will enable the Provincial Police TPR Coordinator to forward the TPR Form to the appropriate RCMP or municipal police agency for processing and follow-up, and to connect that police agency to the originating Community-based Victim Assistance agency.

- After forwarding the TPR to the police agency, the CBVS worker confirms they have done this by sending an email with the date, community, police agency, and the CBVS agency file # to: E_THIRD_PARTY_REPORTING@RCMP-GRC.GC.CA and ccws@endingviolence.org. If the form was sent by registered mail also include the tracking number for the registered mail.

- The CBVS worker makes every effort to ensure that support continues and that the survivor is connected with a Stopping the Violence Counselling Program and/or other appropriate services.

Police TPR Intake and Processing:

- Police have guidelines and policy to facilitate receiving and following through on Third Party Reports. To ensure investigative consistency, a member or section is designated as the TPR processing unit. This will generally be the Criminal Investigation Section or Major Crimes Unit (RCMP).
- When CBVS forward a completed TPR Form to police, Police notify the CBVS that they have received the TPR Form and give a police file occurrence number.
- 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 may be undertaken, ensuring that the identity of the victim is not jeopardized through any inquiries conducted.
- Police update CBVS regarding further actions such as transferring information to other police agencies if the crime occurred elsewhere.
- If it is determined that there is investigative viability, police will contact CBVS and advise them that police would like to speak with the survivor. The agency will act as an intermediary and will advise police if the survivor is willing to speak to the police directly.

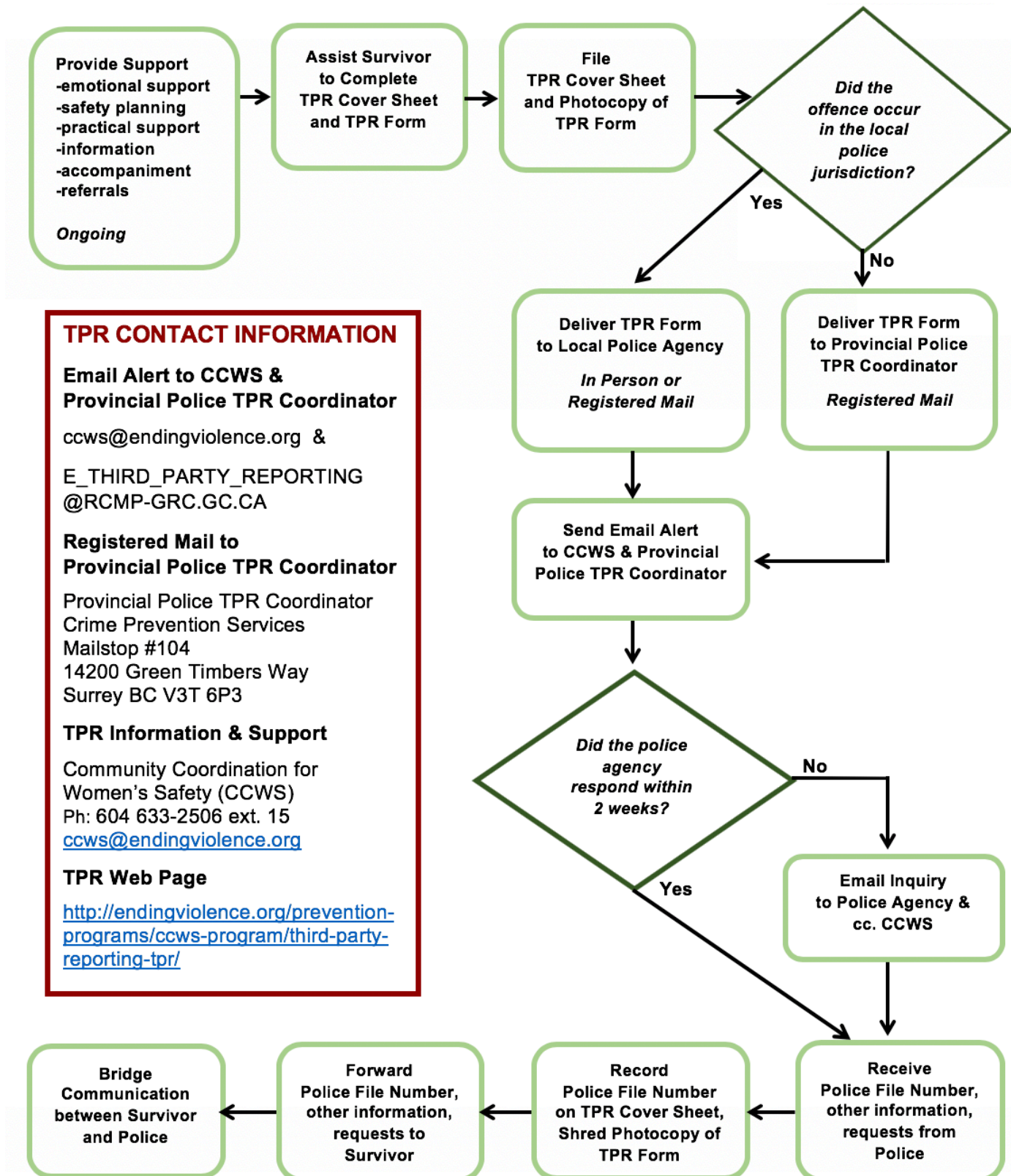
Police contact with the survivor:

- Contact with police remains the decision of the survivor unless very serious circumstances warrant intervention. These circumstances would involve situations where there is a risk of significant harm to the health or safety of the public or a group or people or risk to a child.
- At initial intake, CBVS will already have informed the victim about the TPR process generally and of the limits to confidentiality involved.
- If there is information regarding further police procedures such as transferring the information to another detachment, or a need/interest to interview the survivor, police contact the CBVS worker to follow up.
- The CBVS worker then contacts the survivor to speak with them about the police information or request. Generally, where a TPR has been made, the CBVS agency would not share the survivor's personal or any identifying information about her with police without their consent.
- If police are requesting to speak with the survivor and permission is given by the survivor, the worker will arrange a meeting with the officer or give the survivor's contact information to the investigating officer.
- In very serious situations it may be necessary in the public interest, for CBVS to share the victim's personal/identifying information with police without her consent. This would involve situations where there is a risk of significant harm to the health or safety of the public or a group of people or risk to a child.
- Community-based victim assistance programs, subject to the *Personal Information Protection Act*, have the legal authority to disclose client personal information without consent if there are reasonable grounds to believe that compelling circumstances exist that affect someone's health or safety and if notice of the disclosure is mailed to the last known

address of the person to whom the personal information relates. Personal client information may also be disclosed by a Community-based Victim Assistance program to a law enforcement agency if the information concerns an offence, assists in an investigation or in the making of a decision to undertake an investigation. (see *Personal Information Protection Act* ss. 18(1)(j) and 18(1)(k). Community-based victim assistance programs are required to report to the Ministry of Children and Family Development any facts and circumstances supporting a belief that a child is in need of protection. See s. 13 of the *Child, Family and Community Service Act* for circumstances where a child would be deemed in need of protection.

Appendix B
Third Party Reporting Process and Community Based Agency Actions Map

Third Party Reporting Process and Community Based Agency Actions



March 29, 2019

Appendix C

THIRD PARTY REPORTING POLICE PROTOCOL GUIDELINES (Revised 2019-03-29)

Note: The following are only guidelines for police agencies to follow in handling Third Party Reports (TPRs). Each police agency will develop their own specific protocols in handling TPRs as per their department / detachment policies.

Preamble:

This province wide protocol was implemented in 2008 by the Ending Violence Association of BC (EVA BC) program Community Coordination for Women's Safety (CCWS), which supports CBVS and police 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 (BCACP), RCMP "E" Division, Vancouver Police Department Sex Crimes Unit, BC Association of Municipal Chiefs of Police (BCAMCP), and BC Ministry of Public Safety and Solicitor General. This document forms an appendix to the "Third Party Reporting Guidebook" document authored and held by CCWS. The CCWS Third Party Reporting Work Team revised these Police Protocol Guidelines in October 2014 with revisions approved by BCACP in November 2014, and revised these Police Protocol Guidelines again in March 2019, with revisions approved by BCACP in [insert date].

Third Party Reporting is a process that provides a means by which an adult victim of a sexual offence/assault can access support and report an incident to police while remaining anonymous, through a Community Based Victim Services program (CBVS) or other designated community program. This reporting process is provided as a last resort for reluctant sex offence/assault victims who are not presently prepared to interact with the justice system and report the incident directly to police. The police recognize there are a variety of reasons why victims of a sex offence may not want to interact with the justice system. It is believed that by providing an alternative means by which to report, crucial information may be shared with police in a way which the victim is comfortable with. This may provide the victim a better view of the justice system and allow crucial information to be shared with police. This program has been developed to ensure consistent practice across the province of BC. It is based on models that have been in use for many years in Vancouver, Victoria, and Prince George.

It is important to note that TPR is not a substitute for a call to 911, nor is it in and of itself a police investigation. A TPR is solely a means of engaging a reluctant victim and provides a way for the victim to pass on information about a crime to police, while at the same time remaining anonymous.

Third Party Reporting Protocol:

TPR Preparation by Community-based Victim Assistance Agency:

- An adult victim of a sexual offence may attend any Community-based Victim Assistance Agency in BC and complete a Third Party Report.
- The Community-based Victim Assistance Agency forwards the completed TPR to the police agency in the jurisdiction where the report was completed, or to the Provincial Police TPR Coordinator when applicable.
- It is important to note that Police-based Victim Service agencies cannot accept or process TPRs.
- As per Police-based Victim Service Program policy, PBVS must report to a police officer any situation of violence in relationships (including VIR sexual assaults/offences), child abuse, or suicidal / homicidal behaviour, and as such, cannot guarantee confidential communication with the client in all circumstances. Police-based Victim Service programs are also not able to house TPR victim contact information confidentially, as police may on occasion access PBVS files.
- If an adult victim of a sexual offence attends or contacts a police-based victim services program, and requests to complete a TPR, the police-based victim services program will provide the victim with information about the TPR process and will refer the victim to the nearest Community-based Victim Assistance agency.

Police TPR Intake and Processing:

- To ensure investigative consistency, a member or section must be designated as the TPR processing unit. This will generally be the Criminal Investigation Section or Major Crimes Unit (RCMP).

Police TPR Preliminary Assessment:

- Review file (Please review the Third Party Reporting Process and Police Officer Actions Map - Appendix D of the Third Party Reporting Guidebook).
- Upon receipt of the TPR Form, a preliminary assessment will be conducted to determine where the alleged offence occurred; and if another police jurisdiction will be required to conduct any follow-up.
 - NOTE: Community-based Victim Assistance agencies facilitating Third Party Reports inquire where the alleged offence occurred, and forward reports that are not for the local police agency to the Provincial Police TPR Coordinator. The Provincial Police TPR Coordinator then forwards the report to the police agency of jurisdiction and connects that police agency to the originating Community-based Victim Assistance agency.
- If the offence occurred in another police jurisdiction, forward documentation of your preliminary assessment to the Provincial Police TPR Coordinator and notify the originating Community-based Victim Assistance agency of your actions. The Provincial Police TPR Coordinator then forwards the report to the police agency of jurisdiction and connects that police agency to the originating Community-based Victim Assistance agency.
- If the offence occurred in the local police jurisdiction, determine the investigative viability of the alleged offence by applying investigative principles to the information contained in the TPR. Ensure that the identity of the victim is not jeopardized through any enquiries conducted.

- If it is determined that there is investigative viability, contact the Community-based Victim Assistance agency. Provide the agency with the TPR's tracking number and advise them that police would like to speak with the victim. The agency will act as an intermediary and will advise police if the victim is willing to speak to the police directly.
- If the victim is willing to speak with the police, assign a follow-up investigator to the file.
- If you determine there is no investigative viability, (i.e.: insufficient information, victim is unable or unwilling to provide further information, no crime is alleged), advise the originating Community-based Victim Assistance agency so that they can notify the victim.
- Always provide the Community-based Victim Assistance agency with the police file occurrence number within two weeks of opening the police file, so that they or the victim may follow up in future.

Police TPR Investigation:

- The assigned investigator will prepare an initial General Occurrence (GO) in PRIME.
- The assigned investigator will conduct an investigation, ensuring that s/he protects the identity of the victim.
- The assigned investigator will contact the Community-based Victim Assistance agency to request to speak with the victim.

Police TPR Documentation in PRIME:

- RCMP policy states that all TPRs received by a police agency must be entered on PRIME and an occurrence report created. Municipal police agencies will refer to their PRIME protocols.
- All available details of the incident must be entered on the PRIME report and the TPR Form should be scanned into the "GO" so that it can be accessed by all police in the province.
- The complainant in the file will be the Agency providing the report; include the agency file reference number as part of the entity.
- The assailant's name (if known) will be listed as SOC - "subject of complaint".
- The victim will be listed as "unidentified" in the "entities" field.
- A separate template headed "Third Party Report" will be utilized and will identify to all police if the "victim is unidentified" and that "the information is unconfirmed". This entry can be amended if a criminal investigation is initiated.
- Insert Subject Line: Sexual Assault - Third Party Report - Not for Disclosure.
- Insert Primary Code: Sexual Assault.
- Insert Secondary Code: 8285 - 0 - Third Party Report - Sexual Assault.
- Complete a synopsis.
- Determine viability for ViCLAS: *All TPRs may not require completion of a ViCLAS submission. Each file should be assessed on its own merit to determine if there is sufficient information and detail about the offence; e.g. sexual acts attempted or forced, what was said by the suspect to the victim, and unusual/unique acts or behaviours. The identity of the victim and/or the suspect are not required in order to complete a ViCLAS submission. It is critical that behavioural details are captured on ViCLAS and as such, on a monthly basis, the ViCLAS Centre will review all 8285s, along with the Community Agency reports attached to the respective PRIME files. If a ViCLAS is warranted and had not already been completed by the investigator, the ViCLAS Centre will notify the investigator that a submission is required.*

- The UCR code will reflect the type of offence that is being alleged. X, Y, or Z, codes are the most common clearance codes as they do not show up on a Criminal Record Check.
- The investigator will contact the Community-based Victim Assistance agency and provide the GO number to the agency, to allow them to cross-reference their tracking number with the police report number.

Police Contact with the Victim:

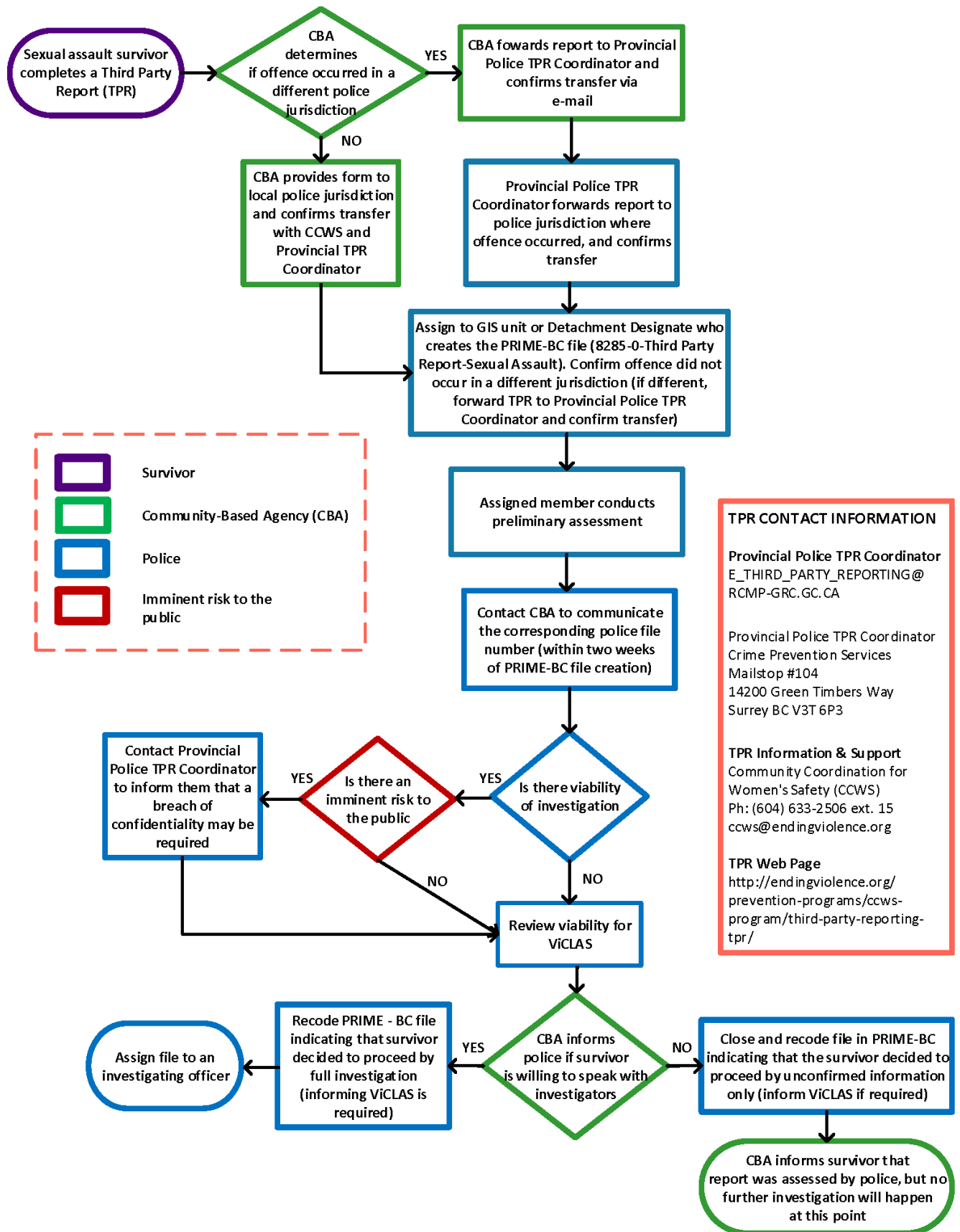
- The police will make contact with the victim through the Community-based Victim Assistance program. The police will provide the program with the TPR tracking number so the program can locate the victim's personal and contact information. The Community-based Victim Assistance program will act as the intermediary, until the victim consents to speak with police.
- Contact with police will remain the decision of the victim, unless very serious circumstances warrant intervention. These circumstances would involve situations where there is a risk of significant harm to the health or safety of the public or a group of people, any other individual, or a child is in need of protection.
- Historically in sex offence cases the courts, and as a corollary of this the investigation, have focused their attention very much on the victim's statement. While the victim's statement is a crucial piece of evidence, the possibility of getting a statement from the victim should not preclude vigorous efforts to obtain other evidence.
- Community-based Victim Assistance programs subject to the Personal Information Protection Act, have the legal authority to disclose client personal information without consent if there are reasonable grounds to believe that compelling circumstances exist that affect someone's health or safety and if notice of the disclosure is mailed to the last known address of the person to whom the personal information relates. Personal client information may also be disclosed by a Community-based Victim Assistance program to a law enforcement agency if the information concerns an offence, assists in an investigation or in the making of a decision to undertake an investigation. (see Personal Information Protection Act ss. 18(1)(j) and 18(1)(k). Community-based Victim Assistance programs are required to report to the Ministry of Children and Family Development any facts and circumstances supporting a belief that a child is in need of protection. See s. 13 of the Child, Family and Community Service Act for circumstances where a child would be deemed in need of protection.

Process for Disclosure of Information when an Access to Information request is made:

- In cases where a request for disclosure of information related to a Third Party Report is received, police and designated disclosure persons shall direct all requests to the Provincial Third Party Reporting Police Coordinator at E_THIRD_PARTY_REPORTING@RCMP-GRC.GC.CA.

Appendix D
Third Party Reporting Process and Police Officer Actions Map

Third Party Reporting Process and Police Officer Actions



Appendix E - Local Interagency Third Party Reporting Protocol

Name of community _____

Third Party Reporting (TPR) is a process that allows adult victims to access support and report details of a sexual assault to police anonymously¹ through a community based agency. The process is offered to sexual assault survivors who are not presently prepared to approach police directly. TPR is to be used only after all other alternatives have been explored.

Agencies Involved

RCMP or Municipal Police - Designated Officer	
Contact Information	
Community Based Victim Services - Manager	
Contact Information	
Police Based Victim Services - Manager	
Contact Information	

We Will Be Responsible for:

RCMP/Municipal Police:

What services will your agency provide related to Third Party Reporting?

¹ In accordance with the BC TPR Protocol, contact with police remains the decision of the survivor unless very serious circumstances warrant intervention. These circumstances would involve situations where there is an imminent risk of serious harm to the health or safety of the public or a group of people, to any individual, or a child is in need of protection.

What services will your agency provide related to Third Party Reporting?

[illegible]

What services will your agency provide related to Third Party Reporting?

[illegible]

What services will your agency provide related to Third Party Reporting?

[illegible]

Be inclusive and provide equal treatment for all people accessing our services, while being sensitive to the challenges of race, ethnicity, gender, age, sexual orientation, socio-economic status, and/or abilities of individuals.

Appendix F

Third Party Report Cover Sheet

TPR Cover Sheet as at March 2019 provided by CCWS for information purposes. Please contact CCWS for electronic copies of the current Cover Sheet and instructions on inserting your agency logo and program name. ccws@endingviolence.org 604 633-2506 ext 15.

[Insert Program LOGO]

Third Party Report Cover Sheet

To be retained by – [insert program name here]

Informed Consent

This Cover Sheet ensures you are made aware of the benefits and risks of the Third Party Reporting (TPR) process so that you make the best and most informed decision based on your own needs.

Sexual Assault Police Reporting Options

1. Full Report
2. Information Only Report
3. Third Party Report
4. No Report

Sexual Assault Support Options - [insert program name here]

If you have experienced a sexual assault, support workers are available to provide emotional and practical support, reporting assistance, navigation of the criminal justice system, and access to appropriate health care and support services. These services are available to you with all police reporting options, including if you decide not to report.

Third Party Reports

Third Party Reporting is an option for adult survivors to anonymously report details of a sexual assault to police. The support worker will act as a bridge between you and the police to keep your identity anonymous and help you navigate the criminal justice system from a place of informed choice.

The Third Party Report (TPR) Form should be filled out by you, in your own words. However, if you are unable, you may dictate answers to the support worker assisting you. They will write your answers exactly as stated and read the report back to you to ensure accuracy. They will not lead or coach while making your statement. Everything you disclose in the report is voluntary and you may stop at any time.

The support worker will assign the report a confidential agency file number before forwarding it to the police without your name or contact details attached. They will securely store the Cover Sheet containing your identifying information which can only be accessed by the support worker or other designated agency staff. The police will contact the support worker with a police file number for your TPR, which we will pass on to you.

If the police agency wishes to contact you to obtain more information, or if you wish to speak with them, we can facilitate this for you.

TPRs offers a safer way to engage with the police after a sexual assault that gives you more control around how you choose to engage with the criminal justice system. Our support worker(s) can help get the information you need from the police to make an informed choice about whether to continue with an information only or a full report. TPRs are also an important tool to help police track and look for repeat sexual predators and gain valuable leads about sexual assaults occurring in the community.

The police use Third Party Reports for general information purposes only. If you decide you would like police to know your identity and to keep the information on file without recommending charges, you can make an information only report. If you decide you want police to engage in a full investigation and recommend charges, you can make a full report. The support worker can give you more detailed information about your reporting options.

Confidentiality and Privacy

Purpose of Collecting Your Information:

The information that you provide on the Third Party Report Form is being collected on your behalf for the purpose of making an anonymous Third Party Report to police for police investigation purposes. This Cover Sheet and any other information collected that could connect you with your file number is confidential and stored in a secure location accessible only to the support worker or other designated agency staff and in accordance with Agency Privacy and Record Management policies.

There are a few situations which limit the confidentiality outlined above. In the following serious situations, TPR is not available, police must be contacted immediately, and information may be disclosed without your consent:

1. Where you or anyone else is in imminent danger from the assailant;
2. When a child (anyone under 19) is in need of protection due to risk of physical harm, sexual abuse or sexual exploitation

There are also a few situations in which TPR is not available because the police agency is unable to maintain confidentiality and therefore we cannot ensure your anonymity:

1. Where the sexual assault involves domestic violence: Police agencies in BC have a pro-charge policy for domestic violence, which means if they become aware of domestic violence they must do a full investigation. This investigation involves speaking to the survivor and therefore, we cannot ensure your anonymity.
2. Where the perpetrator is a police officer: If a police officer is accused of sexual assault, the Independent Investigations Office is required to do an investigation, which means we cannot ensure your anonymity.

3. In rare cases where information you disclose in the TPR provides valuable information on a repeat offender, and the police need to act on it for public safety.

In these situations, support workers will support you through every step and ensure you have as much choice and safety as possible.

If you have any questions about the above situations, let your support worker know and we will work with you to answer any questions and make sure you feel safe throughout the Third Party Reporting process.

I have read and understand the above:

Signature of Survivor/Victim making TPR

Date

Support Worker Signature (Witness)

Date

Support Worker Name: _____

Agency File Number: _____

Date: _____

Survivor Contact Information:

*all information provided is voluntary

Name: _____

Date of Birth: _____

Phone Number(s): _____

Is it okay for us to leave a message? _____

Email: _____

Address: _____

Next of Kin/Emergency (phone and email):

For Agency Use Only

Date sent to police: _____

Name of Police Detachment/Department: _____

Date email alert sent to CCWS and CPS: _____

Date confirmation of receipt by police: _____

Police file #: _____

Appendix G
Third Party Report Form

TPR Form as at March 2019 provided by CCWS for information purposes. Please contact CCWS for electronic copies of the current Form for use in completing Third Party Reports.
ccws@endingviolence.org 604 633-2506 ext 15.

Third Party Report Form

- **RCMP Detachments:** Before proceeding with this, please refer to E Division Operational Manual - Sexual Offences - Part 2-2.1.2 Third Party Reporting.
- **Municipal Departments:** please consult your applicable policy section regarding Third Party Reporting.

Submitted by: _____
(Agency and Worker)

Agency File Number _____

Date: _____

Was this form filled out by the victim? ☐ Yes
☐ No

If not, by whom? _____

INCIDENT INFORMATION

In the following section, information about the incident will be gathered. To assist with this, questions will be asked regarding the assault. This information is gathered to assist the police in tracking and analyzing the behaviour of the assailant, including how they responded to your words and actions. The questions **are not** intended as a judgement of you, nor how you behaved to survive the assault. You are free to skip any questions you do not wish to answer. Also feel free to continue your answer on the back of this sheet or another piece of paper. At the end of this section there will be space for you to add anything you feel is important that has not come out through these questions.

1. VICTIM/SURVIVOR INFORMATION

Only answer those questions with which you feel comfortable. *Note that the questions about appearance are asked with the purpose of identifying serial predators, who often target survivors with a similar physical appearance to each other, which may include aspects such as age, race/ethnic heritage, hair, height, weight, eye colour and clothing.*

AT THE TIME OF THE ASSAULT:

Age:	Height:
Race/Ethnicity:	Build:
Weight:	Eye Colour:
Hair Colour:	Hair Length:
Hair Type:	Gender:
Clothing:	<input type="checkbox"/> Male
	<input type="checkbox"/> Female
	<input type="checkbox"/> Transgender
Occupation:	<input type="checkbox"/> Non-binary
	<input type="checkbox"/> Two-Spirit
	<input type="checkbox"/> Prefer not to say

What are the barriers to reporting to police at this time, including any safety concerns?

2. OFFENCE INFORMATION (If you have been assaulted by more than one person, please fill out separate forms for each assailant)

Date:	Day:
Time:	
Location (city/municipality/community):	
Approximate time and length of assault:	
Was the assailant known to you?	

3. As precisely as possible, please describe what happened before the assault. What where you doing before it happened, and how did the assailant come in contact with you? How was the assailant able to gain control over you?

4. Did the verbal, physical or sexual behaviour of the assailant change during the assault? Do you know what might have led to that change?

5. Were you injured? Please describe.

6. Was the assailant injured? Please describe.

7. Assault Information:

ASSAILANT

VICTIM/SURVIVOR (please circle)

- ☐ Digital Penetration-----Vagina Anus Mouth Unknown N/A
- ☐ Penile Penetration-----Vagina Anus Mouth Unknown N/A
- ☐ Ejaculation-----Vagina Penis Anus Mouth Unknown N/A
- ☐ Other Sites: _____
- ☐ Condom Used-----Yes No Unknown N/A
- ☐ Oral Contact-----Vagina Penis Anus Mouth Unknown N/A
- ☐ Other Sites: _____
- ☐ Object Penetration-----Vagina Penis Anus Mouth Unknown N/A
- ☐ Specify Object: _____

Other Assault Information (please circle):

- ☐ Possible Drugging (including alcohol)----- Yes No Unknown N/A
- ☐ Strangled ----- Yes No Unknown N/A
- ☐ Weapon Used ----- Yes No Unknown N/A
- ☐ Describe Weapon: _____

8. As precisely as possible, please describe the assailant's interactions with you in greater detail. Do you remember anything specific about what the assailant said or did to you (rely on sight, sound, smell, taste)? Did the assailant's behaviour change at all during the assault?

9. Do you think anyone witnessed the assault? If so, did you know them? Where were they compared to where you and the assailant were?
10. What did the assailant do after the contact ended?
11. Did the assailant take any of your personal belongings?
12. Did you see a doctor or nurse for medical attention as a result of the assault? If so, where did you go, what doctor or nurse did you see and when did you attend there? Did the doctor or nurse examine you physically? Did they take any samples during the examination?
13. Had you or the assailant consumed drugs or alcohol prior to the assault? If so, what substances were consumed by each of you? *Substance use by the assailant or survivor is not an excuse for assault, the question is asked to track assailants who use substances to facilitate sexual assault, including targeting people who are impaired.*
14. Is there anything else about what happened that you would like to add?

15. ASSAILANT INFORMATION

KNOWN ASSAILANT

Name: _____

Alias: _____

Address: _____

Occupation: _____

Contact information: _____

How do you know the assailant?

15. ASSAILANT DESCRIPTION

Have you ever seen the assailant before? If so, when and under what circumstances?

Have you been assaulted, either physically or sexually, by the assailant before?

GENDER:

- ☐ Male
- ☐ Female
- ☐ Transgender
- ☐ Non-binary
- ☐ Two-Spirit
- ☐ Prefer not to say

WHAT RACE DO YOU THINK THE ASSAILANT WAS? _____

AGE: Best estimate _____

BUILD:

- ☐ Small (thin)
- ☐ Medium (average)
- ☐ Large (stocky)
- ☐ Obese

WEIGHT:

- ☐ Up to 140 lbs. (64 kg)
- ☐ 141 to 165 lbs. (65 to 75 kgs)
- ☐ 166 to 180 lbs. (76 to 82 kgs)
- ☐ 181 to 220 lbs. (83 to 100 kgs)
- ☐ 221 lbs. and above (100 kgs)

HEIGHT: Best estimate _____

HAIR COLOUR:

- ☐ Black
- ☐ Blonde
- ☐ Brown
- ☐ Grey and/or White
- ☐ Red
- ☐ Dyed _____
- ☐ Other _____

HAIR LENGTH:

- ☐ Bald and/or shaved
- ☐ Ear length
- ☐ Collar length
- ☐ Shoulder length

HAIR TYPE:

- ☐ Straight
- ☐ Wavy
- ☐ Curly
- ☐ Styled
- ☐ Balding
- ☐ Wig/toupee
- ☐ Eyebrows (describe) _____

FACIAL HAIR:

- ☐ Clean shaven
- ☐ Moustache
- ☐ Beard
- ☐ Goatee
- ☐ Sideburns
- ☐ Unshaven

EYE COLOUR:

- ☐ Black
- ☐ Blue
- ☐ Brown
- ☐ Green
- ☐ Grey
- ☐ Hazel
- ☐ Other _____

TEETH:

- ☐ Good
- ☐ Missing
- ☐ Chipped
- ☐ Discoloured
- ☐ False
- ☐ Braces
- ☐ Other _____

SPEECH:

- ☐ Normal
- ☐ Slurred
- ☐ Lisp
- ☐ Stutter
- ☐ Accent (describe) _____

OTHER DESCRIPTORS:

<input type="checkbox"/> Clothing (describe)
<input type="checkbox"/> Jewelry (describe)
<input type="checkbox"/> Tattoos (describe including location)

Any noticeable physical disabilities (describe)

Any noticeable odours (describe)

Any noticeable scars (describe)

16. VEHICLE INFORMATION:

VEHICLE STYLE:

- ☐ Passenger vehicle
- ☐ Truck/Commercial
- ☐ Pick-up truck
- ☐ Van
- ☐ Recreational vehicle/camper
- ☐ Sport utility vehicle
- ☐ Motorcycle

TYPE:

- ☐ 2 Door
- ☐ 4 Door

Make of vehicle: _____

Model: _____

Vehicle plate: _____ Province/State: _____

Age of vehicle: _____ newer (1-7 yrs) _____ older (8+ yrs)

THE VEHICLE CONDITION IS DESCRIBED AS:

- ☐ Good
- ☐ Fair
- ☐ Poor/beaten up
- ☐ Colour _____

THE VEHICLE INTERIOR CONDITION IS DESCRIBED AS:

- ☐ Clean
- ☐ Dirty
- ☐ Cluttered
- ☐ Colour _____
- ☐ Other _____

DESCRIBE ANY DISTINCTIVE FEATURES OF THIS VEHICLE; INSIDE AND OUT: