



TRANSIT POLICE

THIRD PARTY REPORTING – SEXUAL OFFENCES

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Office of Primary Responsibility: Inspector Patrol

POLICY

1. Transit Police recognizes that there are a variety of reasons why victims of sexual offences may not want to interact with the justice system, including systemic barriers and/or a victim's status as a vulnerable person or member of a racialized group. Transit Police also recognizes that information concerning sexual offences is important intelligence that may assist police in preventing and/or investigating other crimes.
2. The purpose of the Third Party Reporting ("TPR") Process is to provide an alternative means by which an adult victim of a sexual offence/assault can report an incident to police while remaining anonymous. This reporting process through a Community-Based Victim Services Program ("CBVSP") allows victims who would otherwise not report to police to access support and to report details of a sexual assault to police through a community-based victim services program or other designated community program. This reporting process is an important and effective resource for reluctant sexual offence/assault victims who are not prepared to interact with the justice system and report the incident directly to police in a manner that protects the victim's identity and that does not necessarily lead to a criminal investigation of the alleged offence against that victim. In order for the TPR Process to function as it is intended, Transit Police is committed to interacting with the CBVSP and handling the TPR in a manner consistent with this Policy and the procedures contained herein, the BC Provincial Policing Standards, and in accordance with provisions of the Transit Police - Jurisdictional Police Memorandum of Understanding.
3. The TPR Process is not a substitute for calling 911, nor is it a police investigation. The TPR Process is solely a means of engaging a reluctant victim and providing a way for the victim to pass on information about a crime to police, while at the same time remaining anonymous.
4. The TPR process should not be used when intimate partner violence ("IPV") is present or is suspected to be present, if the suspect is a police officer, or if the victim is under the age of 19. In some exceptional circumstances, a TPR may be taken from younger victims. CBVSP and police must be satisfied that there are no child protection concerns involved which would require a report to the Ministry of Children of Family Development. Section 13 of the *Child, Family and Community Service Act* lists the circumstances in which a child needs protection. In addition to child protection concerns, CBVSP and police considering TPR for victims under 19 must:

- (1) Determine whether the child/youth is capable of making their own decisions about the privacy of the information they provide without parents or guardians having to be notified;
- (2) Make a preliminary assessment as to the physical and mental wellbeing of the child; and
- (3) Determine whether or not other children would be endangered by not proceeding with a full investigation.

These complex variables could not adequately be addressed through the generic TPR Protocol which applies to adult victims. Therefore, decisions about these TPRs will be determined on a case by case basis by the Watch Commander and/or General Investigation Unit Sergeant.

5. Transit Police will notify the Jurisdictional Police Department (“JPD”) upon receipt of a TPR and transfer the file as so determined by the JPD.

PROCEDURES

Definitions

6. For the purposes of this policy, the following definitions apply:

CBVSP – “Community-Based Victim Services Program” or other designated community program that provides direct services to victims and that receives funding either in whole or in part by the provincial and/or federal governments, and which is responsible for criminal justice matters. Some agencies serve a specific clientele such as victims of family and sexual violence, ethno-specific and diverse communities, and assisting child victims. Services offered may include providing emotional support, practical assistance, information, court orientation and referrals (e.g. Women's Sexual Assault Centre).

JPD – Jurisdictional Police Department.

Member – A Designated Constable (all ranks), the Chief Officer or a Deputy Chief Officer of the Transit Police.

Metro Vancouver Transit Police (“Transit Police”) – The South Coast British Columbia Transportation Authority Police Service Designated Policing Unit.

PBVS – “Police-Based Victim Services” which provide services to victims of crime following their first contact with police. These services are provided on behalf of a Jurisdictional Police Department, as required under the provincial Victims of Crime Act.

TPR – “Third Party Reporting” or “Third Party Report”, as appropriate in the circumstance.

TPR Process – “Third Party Reporting process”, the process which allows victims who would not otherwise report to police, to access support and to report details of the sexual assault to police through a CBVSP or other designated community program.

Victim Services Unit – A Victim Services Unit of a Jurisdictional Police Department, which is a PBVS, and includes employees and volunteers.

Initial TPR Intake and Processing

7. An adult victim of a sexual offence may attend any CBVSP in BC and complete a TPR, which will be forwarded to the police agency in the jurisdiction where the report was completed.
8. PBVS agencies cannot accept or process TPRs because, according to provincial PBVS program policy, a PBVS must report to a police officer any situation of violence in relationships, sexual assaults/offences, child abuse, or suicidal/homicidal behaviour. In addition, PBVS are not able to store TPR victim contact information confidentially, as police may on occasion access PBVS files. As such, a PBVS cannot guarantee confidential communication with the victim.
9. If an adult victim of a sexual offence attends or contacts a PBVS and requests to complete a TPR, the common protocol is for the PBVS to provide the victim with information about the TPR process, and refer the victim to the nearest CBVSP.

***NOTE:** Pursuant to the Part 3.1 (formerly s. 4.1) designation under the Police Act and Transit Police Policy Chapter OM050 – Victim Assistance, the Transit Police does not operate a PBVS. The Transit Police provides access to a victim assistance program through JPDs or VictimLink BC.*

[See Transit police policy chapter [OM050 – Victim Assistance](#)]

Documentation and Processing if a TPR is received by Transit Police

10. In the event that Transit Police receives a TPR, the Watch Commander, or designate, will ensure that:
 - (1) An assist file is created in PRIME;
 - (2) The JPD is notified;
 - (3) The TPR and any other documentation is forwarded to the JPD;
 - a. this includes verifying with the JPD that responsibility resides with the JPD to submit the encrypted version of the TPR to the RCMP via Sec 15(1)(c) FOIP/PA - Disclosure harmful to Law Enforcement for tracking, reviewing and analyzing in relation to ViCLAS requirements; and
 - (4) The originating CBVSP is notified of Transit Police actions, unless otherwise instructed by the JPD.

Confidentiality and Protection of Information

11. CBVSP programs are governed by contractual obligations, agency policy and either the provincial *Personal Information Protection Act* or the *Freedom of Information and Protection of Privacy Act*. For CBVSP programs, personal information provided by clients is confidential subject to certain basic exceptions:
 - (1) Duty to report under s. 13 of the *Child, Family and Community Service Act*;
 - (2) Reason to believe the client is likely to cause serious physical harm to themselves or another; and
 - (3) A requirement to release information pursuant to a court order or a requirement to attend court and give evidence.
12. The decisions about whether to provide the victim's name and contact information to police and whether to speak to the police is the victim's to make, unless dire circumstances warrant police intervention. "Dire" circumstances would involve a grave concern for public safety and intervention would occur only after police have exhausted all other investigative avenues.

NOTE: In this last resort, police would have to produce a court-ordered search warrant to the CBVSP in order to gain access to the victim's name and contact information.

[See also Transit Police policy chapter [OD020 – General Criminal Investigations](#)]

References:

BC Association of Municipal Chiefs of Police - Third Party Reporting Protocol, May 5, 2008

BC *Child, Family and Community Service Act* [RSBC 1996], c. 46

BC *Police Act* [RSBC 1996], c. 367

RCMP correspondence from Supt. Brewer to BC Association of Municipal Chiefs of Police re Third Party Reporting, Feb. 2, 2017