



IM33

THIRD PARTY REPORTING OF SEXUAL ASSAULTS

IM33

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POLICY

1. The Delta Police Department (Department) recognizes that a victim of a sexual offence may not want to interact with the justice system, but reporting information concerning the offence may, nonetheless, be important to the victim and to society, and may assist in investigating or preventing other offences.
2. The Department will allow complaints of sexual offences to be submitted not just by victims in person, but in ways that meet the victims' needs, and will deal with any sexual offence complaint on a priority basis.
3. In order to allow a victims of a sexual offences to report the offences to police in a manner that protects the victim's identity, the Delta Police Department will allow adult victims to report such offences anonymously, by the Department accepting sexual offence reports from a Community-Based Victim Assistance Agency.
4. The Department shall, in every instance where a report of a sexual offence is received from an anonymous victim, make a determination as to whether the report can, and is to be investigated, recognizing that in not all instances will an investigation proceed or an investigation can only be limited in scope.

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Third Party Reporting of Sexual Assaults

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5. The Department shall inform its members of the services provided to adult victims of sexual offences, by Community-Based Victim Assistance Agencies, and the reporting and confidentiality requirements of those Agencies.

REASON FOR POLICY

6. The purpose of this policy is to allow and support adult victims anonymously reporting sexual offences to the Department.

RELATED POLICIES

CS30 – Victim Services
CS32 – Protection of Children
IM10 – Criminal Investigations
IM31 – Intimate Partner Violence
IM32 – Sexual Assault Investigations
IM40 – Anonymous Complaints

DEFINITIONS

7. For the purposes of this Policy, the following definitions will apply:

Community-Based Victim Assistance Agency (CBVAA): an agency, not associated with a police agency that provides support services to victims in relation to criminal justice matters and is funded either in whole or in part by the provincial and/or federal governments.

Police-Based Victim Services (PBVS): means a service to victims in relation to criminal justice matters, provided by or on behalf of a police department.

Third Party Report (TPR): means a report of an alleged sexual offence, provided by an adult victim to police anonymously, through a third party Community-Based Victim Assistance Agency, as a result of the victim not being prepared to report the incident directly to police or otherwise interact with the justice system.

Uniform Crime Reporting (UCR): means the standardized data collection system utilized by the Canadian Centre for Justice Statistics (CCJS) to collect statistics of police-reported and police-substantiated crime, through the Uniform Crime Reporting Survey.



PROCEDURES

Receiving Third Party Reports (TPRs)

8. The Victim Services Unit (VSU), as a PBVS service, shall not accept or process TPRs, and VSU staff must report, through the chain of command, information made known to them about any possible sexual offence.
9. VSU staff are not to provide assurances as to the confidentiality of information provided by victims or any other person, except to advise that provided information will be protected or may be required to be disclosed, as legally required.
10. Members and VSU staff are to advise adult victims of sexual offences, who seeks to make a TPR, that, only a CBVAA can accept and prepare a TPR, and refer the victim to the nearest CBVAA.
11. The Department will accept a TPR from a CBVAA, usually in the form of a written statement in question and answer style, but regardless of form, if it concerns a sexual offence reported to have occurred within the City of Delta.
12. The supervising officer of the Department's Sexual Offences Section is the designated officer responsible for receiving TPRs, and shall assign the same for assessment as to investigative actions to be taken and oversee any resultant investigation.
13. If the TPR or follow-up investigation indicates that the offence did not occur within the City of Delta, the supervising officer shall ensure that the TPR and the Department's file number and details are sent to the Provincial TPR Coordinator, and that the submitting CBVAA is notified (email: E_THIRD_PARTY_REPORTING.PO13.EDIV2@rcmp-grc.gc.ca).

Investigation

14. Given the expected absence of direct testimony by the victim, if the offence is prosecuted, the investigating member shall consider all other possible avenues of investigation, and pursue those that are reasonable in the circumstances.
15. When pursuing other possible avenues of investigation, the investigating member shall seek to ensure that the identity of the victim is not jeopardized through any enquiries conducted, and shall seek supervisory direction if



- there is uncertainty relating to investigational avenues that may reveal the identity of the victim.
16. In order to ensure thoroughness and consistency in reporting on the investigative steps taken in response to a TPR, the investigating member shall:
- a) review the TPR;
 - b) create a General Occurrence (GO) report in PRIME;
 - c) contact the reporting CBVAA (name, contact information and CBVAA file number will be noted on the TPR and contact can normally be done by email) to advise them of receipt of the TPR and provide them with the police file number and investigating member's name;
 - d) confirm with the CBVAA whether the victim still wishes to remain anonymous, and request the CBVAA to contact the investigating member if the victim changes his/her mind and wishes to provide a statement to police (this applies even after the file is concluded);
 - e) ensure that the GO report is given the primary reporting code 'Sexual Assault' and the secondary reporting code '8285 – 0 – Third Party Report – Sexual Assault' (seek assistance from Department Records staff to ensure proper coding);
 - f) for the "Complainant" in the GO's entities field, enter name of the CBVAA that provided the TPR form, e.g., Complainant = 'Women Against Violence Against Women';
 - g) specify "unknown" for the victim in the GO's entities field;
 - h) specify the alleged offender's name as 'Subject of Complaint' (SOC) in the entities field, as this does not trigger flags on Criminal Record Checks (as opposed to 'Suspect' or 'Of Interest'), and protects the Department against the risk that the person may lose an opportunity for employment and/or volunteer work without cause;
 - i) complete a synopsis of the information contained in the TPR, with the subject line 'Sexual Assault – Third Party Report,' and ensure the synopsis includes the CBVAA file number for cross-referencing, states that the victim is unknown and the 'the information provided is



unconfirmed,' and highlights that the actual TPR is scanned as an attachment to the file;

- j) scan the entire TPR form to the PRIME file as an attachment so the report can be accessed by police in other jurisdictions;
- k) ensure the UCR code reflects the type of offence that is being alleged (seek assistance from the Department Records staff to ensure correct coding); and
- l) assess whether there is sufficient information and detail about the offence to complete a ViCLAS report, and where appropriate complete a ViCLAS, giving consideration to the fact that the identity of the victim and/or suspect are not required to be known, but also that not all reported offences may require a ViCLAS submission (examples of when a ViCLAS submission should be submitted include when details of the attempted or forced sexual act are reported, or what was said by the suspect to the victim or any unusual or unique acts or behaviors are reported).

Disclosure of Victim Names & Undisclosed Information

- 17. The investigating member or supervisor shall consider seeking the name of the victim who provided the TPR, or other information that may be held by the CBVAA, but has not been provided, if there is reason to believe that the TPR offence:
 - a) involves a situation that poses a risk of significant harm to the health or safety of the public;
 - b) causes a child to be in need of protection; or
 - c) is otherwise of serious enough to warrant police intervention.
- 19. If required, the investigating member or supervisor shall seek to obtain additional information from a CBVAA by:
 - a) requesting the CBVAA to exercise its discretionary legal authority under the provincial *Personal Information Protection Act* to disclose information, including a victim's personal information, without consent, based on a compelling health or safety risk, or to assist in an investigation; or
 - b) applying for a Production Order.



Delta Police Department Policy

*Revised Dates:
N/A