



FORSAKEN

The Report of the Missing Women Commission of Inquiry

VOLUME III

Gone, but not Forgotten:
Building the Women's Legacy of Safety Together

The Honourable Wally T. Oppal, QC
Commissioner

British Columbia
November 15, 2012

Library and Archives Canada Cataloguing in Publication

British Columbia. Missing Women Commission of Inquiry
Forsaken [electronic resource] : the report of the Missing Women
Commission of Inquiry / Wally T. Oppal, Commissioner.

Complete contents: Vol. I. The women, their lives and the framework of inquiry, setting the context for understanding and change - v. II. Nobodies, how and why we failed the missing and murdered women - v. III. Gone, but not forgotten, building the women's legacy of safety together - v. IV. The Commission's process. - Executive summary. Issued also in printed form.
Includes bibliographical references.
ISBN 978-0-9917299-7-5

1. Serial murder investigation--British Columbia. 2. Missing persons--Investigation--British Columbia. 3. Murder victims--British Columbia. 4. Pickton, Robert William. 5. British Columbia. Missing Women Commission of Inquiry. 6. Downtown-Eastside (Vancouver, B.C.). 7. Governmental investigations--British Columbia. I. Oppal, Wallace T II. Title.

HV6762 B75 B75 2012

363.25'9523209711

C2012-980202-6

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TABLE OF CONTENTS

PART 1 – WORKING TOGETHER TO BUILD A LEGACY FOR THE MISSING WOMEN	2
A. Introduction.....	2
B. Approach to Framing Recommendations	5
C. Four Principles to Guide Reforms and Implementation Processes.....	8
D. Overview of Volume III	10
E. Taking Action to Directly Address Women’s Vulnerability to Violence and Serial Predation.....	11
PART 2 – BRIDGING THE GAP FROM 2002 TO 2012: OVERVIEW OF POLICE REFORMS AND CURRENT INITIATIVES	20
A. VPD Initiatives in Response to the Missing Women Issue – 2002-2012	20
Commitment to being a best-practices learning organization	20
Reform of Missing Persons Unit, policies and practices	21
An integrated and effective community policing approach.....	21
B. RCMP Initiatives in Response to the Missing Women Issue – 2002-2012	23
C. Overview of Other Current Governmental and Community Initiatives	25
National	26
Native Women’s Association of Canada	26
Federal Provincial Territorial Coordinating Committee	26
Provincial	27
Highway of Tears initiatives.....	27
Advisory Council on Aboriginal Women.....	28
Cities and Neighbourhoods	30
City of Vancouver	30
DTES community-based initiatives	30
PART 3 – LAYING THE FOUNDATION FOR EFFECTIVE CHANGE: ACKNOWLEDGING THE HARM AND FOSTERING HEALING AND RECONCILIATION	34
A. Introduction.....	34
B. Assessment of Harm	34
Personal losses	36
Ambiguous loss	38
Loss of ceremonial rites	39
Severing of cultural connections in Aboriginal communities	39
Ongoing physical and emotional distress	41
Heightened sense of insecurity	42
Cynicism about police, government and community capacity to care about marginalized people	42
Profound loss of faith in police	44
Harmful effects on police officers	45
Loss of faith in justice system and government in terms of response	47
C. Restorative Measures	48
Recognition and acknowledgement	48
Redress and support.....	49
Healing.....	50
Reconciliation	52
D. Recommendations for Restorative Measures	52

PART 4 – RENEWING OUR COMMITMENT TO EQUAL PROTECTION OF THE LAW THROUGH PRACTICAL MEASURES	56
A. Introduction.....	56
B. Equality in Policing Audits	58
C. Establishment of Positive Duties.....	60
General Duties of Non-Discrimination.....	60
Police	60
Legislative recognition of the duty to warn.....	64
Specific Recognition of Duty to Aboriginal Peoples	65
Prosecution	67
D. Measures to Facilitate the Participation of Vulnerable Witnesses	71
E. Police Orientation, Training and Discipline.....	76
Reorientation of policing	76
Training	78
Informal discipline.....	79
F. Recommendations for Equality-Promoting Measures.....	81
PART 5 – LISTENING, LEARNING AND RESPONDING: STRATEGIES TO PREVENT VIOLENCE AGAINST MARGINALIZED WOMEN IN THE DTES AND OTHER URBAN AREAS.....	86
A. Introduction.....	86
B. Transforming the Police-Community Relationship in the DTES.....	88
Lessons learned	91
Principles to guide collaborative engagement	92
Measures to foster and support community-police initiatives	93
C. Elements of a Comprehensive Strategy to Protect Vulnerable Women	95
Community liaison function and positions	95
Voluntary identification databases and warning systems	98
Law enforcement strategies that prioritize harm reduction	100
Structured discretion regarding enforcement of warrants.....	103
Legislative protection for exploited women.....	108
Monitoring high-risk offenders	110
D. Recommendations for Enhancing the Safety of Vulnerable Women.....	111
PART 6 – STANDING TOGETHER AND MOVING FORWARD: STRATEGIES TO PREVENT VIOLENCE AGAINST ABORIGINAL AND RURAL WOMEN	114
A. Introduction.....	114
Missing and murdered girls and women in Northern British Columbia	115
Strong community commitment to collaboration and action.....	117
Contextual factors.....	118
Overview of Northern Community Consultations	119
B. Transforming the Police-Community Relationship Along the Highway of Tears.....	122
C. Components of a Comprehensive Strategy to Protect Aboriginal and Rural Women	124
D. Ensuring Safety During the Rural-Urban Transition.....	126
E. Recommendations for Measures to Prevent Violence Against Aboriginal and Rural Women.....	128
PART 7 – FOSTERING INNOVATION AND STANDARDIZATION: A FRAMEWORK FOR BEST PRACTICES IN MISSING PERSON INVESTIGATIONS	130
A. Introduction.....	130
Overview of Canadian trends	131
Overview of changes to VPD and RCMP policies and practices	133

BC Police Missing Persons Centre	136
National initiatives.....	138
B. Provincial Standards for Missing Person Investigations	138
The Need for Provincial Standards	138
Standardization in Other Jurisdictions	140
Process for Developing Provincial Standards	142
Components of the Provincial Standards	143
Definition of “missing person”	143
Criteria for the acceptance of reports	144
Jurisdiction	144
Missing person risk assessment tool	145
Provincial missing person reporting form	147
Initial steps – background information	148
Supervisory responsibility/quality control.....	149
Standards related to interaction with family/reportees	150
Forensic evidence standards	151
Coroner Liaison	151
Monitoring outstanding missing person cases	151
Automatic annual review of unsolved cases.....	152
Closing missing person files	153
Prevention and intervention	153
The role and authority of the BCPMPC.....	154
C. Best Practices in Missing Person Investigations.....	154
Best Practices Priorities	155
Victimology	155
Investigative steps	156
Collaborative investigations	157
Collection, storage and analysis of missing persons data	158
Training	158
Fostering Innovation	159
Provincial partnership committee	159
Independent agency for analysis of missing person statistics and trends	161
D. Working with and Supporting Families and Other Reportees	163
Facilitating Reporting and Information Sharing	163
Prevention and situation of concern.....	163
Reporting a person as missing.....	164
Investigation/response.....	167
Outcome	170
Meeting the Support Needs Throughout Missing Person Investigations.....	171
Interactions with the Media	173
E. Weighing the Merits of a Civilian Operated Missing Persons System	175
F. Recommendations for Improved Missing Person Policies and Practices	177
 PART 8 – ENHANCING POLICE INVESTIGATIONS OF MISSING PERSONS AND SUSPECTED MULTIPLE HOMICIDES	 180
A. Introduction.....	180
B. Missing Persons Legislation	180
Overview of existing legislation in other provinces	181
C. Provincial Standards for Major Case Management and Electronic Case Management	182
D. National Support Systems	183
E. Recommendations for Enhanced Police Investigations	185

PART 9 – COMMITTING TO A REGIONAL POLICE FORCE IN GREATER VANCOUVER	188
A. Options and Issues.....	189
Integration is an Insufficient Response	190
Reasons in Support of Creating a Regional Police Force	191
Cooperative enforcement and improved effectiveness in providing safety and security	191
Improved communication, access to information and accountability	193
Capacity to deliver specialized services	193
Financial benefits.....	194
Professional and career development.....	195
Community relations and law enforcement equity	195
Multiple Options for a Regional Police Force	196
Issues and challenges.....	196
Process issues	197
B. Recommendations for Regional Policing.....	198
PART 10 – FACILITATING EFFECTIVE MULTI-JURISDICTIONAL RESPONSES TO CRIME ...	200
A. Multi-Jurisdictional and Multi-Agency Major Case Management Standards.....	202
B. Regional Crime Fighting	203
C. Recommendations for Effective Multi-Jurisdictional Policing.....	204
PART 11 – ENSURING POLICE ACCOUNTABILITY TO THE COMMUNITIES THEY SERVE .	206
A. Accountability Themes.....	206
B. Toward Empowered Community Oversight.....	207
C. Recommendations to Increase Police Accountability to Communities	209
PART 12 – ASSURING THE WOMEN’S LEGACY: IMPLEMENTATION, CHANGE MANAGEMENT AND EVALUATION.....	212
A. Introduction.....	212
B. Best Practices in Managing Change in a Complex Policy Environment.....	213
C. Recommendations for Measures to Assure the Women’s Legacy	214
PART 13 – CONCLUSION AND SUMMARY OF RECOMMENDATIONS.....	216
A. Conclusion	216
B. Summary of Recommendations	216
Restorative Measures	217
Equality-Promoting Measures	217
Measures to Enhance the Safety of Vulnerable Urban Women	219
Measures to Prevent Violence Against Aboriginal and Rural Women	221
Improved Missing Person Policies and Practices	221
Enhanced Police Investigations	223
Regional Police Force	224
Effective Multi-Jurisdictional Policing	224
Increase Police Accountability to Communities	225
Measures to Assure the Women’s Legacy	225
ENDNOTES	226
Part One.....	226
Part Two	226

Part Three	226
Part Four.....	227
Part Five	228
Part Six.....	229
Part Seven	229
Part Eight.....	230
Part Nine	230
Part Ten	231
Part Eleven	231
Part Twelve.....	231
GLOSSARY.....	233

PART ONE

WORKING TOGETHER TO BUILD A LEGACY
FOR THE MISSING WOMEN

PART 1 – WORKING TOGETHER TO BUILD A LEGACY FOR THE MISSING WOMEN

A. Introduction

The story of the missing women is a tragedy of epic proportions. The women were forsaken: first, by society in general in failing to provide them with the basic conditions of safety and security to which every human being is entitled; second, by the police who are entrusted with the responsibility of protecting all members of society, particularly the vulnerable, and for solving crimes perpetrated against everyone. While this Inquiry focuses on the police failure to fully and effectively investigate the disappearances of the women from the DTES, ultimately all of society shares the responsibility for allowing this tragedy to unfold.

Throughout this report, I have emphasized that the police are not separate from us: they are the public and we are the police. The partition of the police and community into “us” and “them” contributed to the failed missing women investigations. The police failures echo the ways in which the community at large renounced and discounted these women. My aim is that this report is a mirror, reflecting our horrific failures – not for the purpose of condemnation and blame, but for the purpose of acknowledgment. It is only through the unflinching recognition of past errors and systemic failings and the examination of the underlying causes that steps can be taken toward healing, reconciliation and change. And take these steps we must.

It is urgent to move forward: women continue to disappear in circumstances in which foul play cannot be ruled out. At the very beginning of my report, I highlighted the importance of connecting the tragedy of the missing and murdered women from the DTES to the broader phenomenon of disappeared women across British Columbia, Canada and other parts of the world. Project Evenhanded continues to investigate the disappearance of some of the women reported missing during my Terms of Reference. Project E-Pana continues to investigate numerous other women and girls who disappeared, some of whom have been found murdered along Highway 16. The vast majority of this group of missing persons and homicide victims is Aboriginal. There is not even a question of whether there will be a “next time.” Serial predators are committing violence today; that is an inescapable fact.

Society does not have the means to eradicate serial predators; as much I as would like to say *never again*, I cannot do so in good conscience. However, as a society, we can and we must take steps to substantially reduce the marginalization that makes particular groups of women vulnerable to becoming their prey. We can and must take all available steps to ensure police have an increased capacity to work with the community to both protect women who are particularly vulnerable to serial predation and to fully and effectively investigate these crimes with the ultimate goal of

eradicating violence against women.

No one can undo the past; no one can bring the women back. No one can bring back:

Marlene Abigosis
Sereena Abotsway
Sharon Abraham
Elaine Allenbach
Angela Arsenault
Sherry Baker
Cindy Beck
Yvonne Boen
Andrea Borhaven
Heather Bottomley
Heather Chinnock
Nancy Clark
Wendy Crawford
Marcella Creison
Dawn Crey
Sarah de Vries
"Jane Doe"
Sheryl Donahue
Tiffany Drew
Elaine Dumba
Sheila Egan
Cara Ellis
Gloria Fedyshyn
Cynthia Feliks
Marnie Frey
Jennifer Furminger
Catherine Gonzalez
Rebecca Guno
Michelle Gurney
Inga Hall
Helen Hallmark
Ruby Hardy
Janet Henry
Tanya Holyk
Sherry Irving
Angela Jardine
Andrea Joesbury
Patricia Johnson
Debra Jones
Catherine Knight
Kerry Koski
Maria Laliberte
Stephanie Lane
Kellie Little

All of us can, however, work together to build a legacy for the missing women: a legacy of safety and security for vulnerable women; a legacy through which we can reclaim the abandoned promise of equal protection.

Laura Mah
 Jacqueline McDonell
 Diana Melnick
 Leigh Miner
 Jacqueline Murdock
 Lillian O'Dare
 Georgina Papin
 Tania Petersen
 Sherry Rail
 Dianne Rock
 Elsie Sebastian (Jones)
 Ingrid Soet
 Dorothy Spence
 Teresa Triff
 Sharon Ward
 Kathleen Wattle
 Olivia William
 Angela Williams
 Taressa Ann Williams
 Mona Wilson
 Brenda Wolfe
 Frances Young
 Julie Young

All of us can, however, work together to build a legacy for the missing women: a legacy of safety and security for vulnerable women; a legacy through which we can reclaim the abandoned promise of equal protection. My recommendations are designed to provide a blueprint for building this legacy and to promote genuine collaboration toward this end. This legacy of equal protection for vulnerable women is, in my view, the best means to demonstrate respect and honour for the missing women, and to contribute to remedying the terrible harms inflicted upon the women's family members, friends and broader communities.

The Commission's Terms of Reference explicitly task me with recommending changes in the initiation and conduct of investigations of missing women and suspected multiple homicides in British Columbia¹ and also of homicide investigations by more than one investigating organization, including the co-ordination of those investigations.² My policy role in making these recommendations is broader than my fact-finding role in that I must consider the situation in the province as a whole. For reasons explained in greater detail below, I interpret my mandate to make recommendations respecting the initiation and conduct of investigations to extend to the police function of working as part of and with the community to protect vulnerable women. The police responsibilities for preventing and investigating crime are inextricably linked; in the context of stopping serial predators, concern for protecting potential victims is paramount. I also interpret my policy mandate to extend to making recommendations facilitating continuity between the policing and prosecutorial functions. As this tragedy makes it abundantly clear, the gap between the police and the

prosecution can contribute to unequal protection.

B. Approach to Framing Recommendations

The Commission has received a huge volume of input on potential recommendations from a wide variety of individuals and organizations through both its hearings and study commission processes. During the hearings, every witness was encouraged to provide ideas for change and to reform priorities based on their direct experience with the missing women investigations in their capacities as police officers, family members and community members. The vast majority of witnesses candidly shared their proposed recommendations during the hearings, and many participants did so in their closing oral and written submissions.

The Study Commission was specifically designed to assist me in my policy-making function. It consisted of three main initiatives: consultations, publication of policy discussion reports to solicit and facilitate public submissions, and research and interviews. Sixteen reports were prepared and published on the Commission's website over the course of our mandate to enable further dialogue about these critical issues.

The Commission researched areas within its mandate:

- A literature review and analysis of published reports and studies in Canada and abroad on the phenomenon of missing and murdered women;
- A survey of 20 Canadian police services concerning their historic and current missing person policies and practices; and
- Cross-jurisdictional research on a number of issues including policing standards, missing person policies and practices, standards related to police duties under Canadian and international law, and procedures for dealing with vulnerable and intimidated witnesses within the criminal justice system.

Commission staff also expanded this knowledge base through interviews with community informants and experts, both within British Columbia and in other provinces.

The Commission solicited written submissions through a public notice on its website and through written and verbal requests to a large range of individuals and organizations with a known interest or expertise on topics within the mandate. Commission staff took proactive steps to meet with organizations and individuals who required additional information and/or assistance to provide their submissions. Approximately 100 written submissions were received ranging from short e-mails, to letters, to detailed reports.

The Commission undertook six public consultation programs:

- Seven Northern Community Forums in September 2011;

- Individual and group consultations in the Downtown Eastside of Vancouver from October to December 2011;
- Consultations with victims' families from February to May 2012;
- An expert roundtable on the structure and organization of policing in British Columbia, co-sponsored by the Ting Forum on Justice Policy, Department of Criminology, Simon Fraser University, in April 2012;
- Six Policy Forums in Vancouver in May 2012; and
- Five focus group consultations in the Northwest in April and May 2012.

Approximately 385 individuals made submissions through these consultation processes, and many more participated in these events or watched them through webcasts. Consultation reports were prepared; these reports include summaries of the participants' recommendations in each consultative process.

In order to stimulate discussion and to facilitate the development of submissions, the Commission prepared five policy discussion reports on the major policy themes arising from its mandate. These themes are:

- Police protection of vulnerable and marginalized women;
- More effective missing women investigations: police relationships with victims' families, the community and the media;
- Policies and practices in the investigation of missing persons and suspected multiple homicides;
- Issues related to the structure and organization of policing arising from the missing women investigations; and
- From report to substantive change: healing, reconciliation and implementation.

The Commission planned the Policy Forums with a view to focusing discussion and recommendations from the community and police on these major policy themes, which were divided into subthemes:

Forum 1: Ensuring the safety of vulnerable women, specifically:

- a) Preventing violence against sex trade workers;
- b) Preventing violence against Aboriginal and rural women; and
- c) Building strong police-community relationships.

Forum 2: Vulnerable and intimidated witnesses in the criminal justice process.

Forum 3: Improving missing person practices, specifically:

- a) Accepting and investigating missing person reports; and
- b) Police relationships with victims' families, the community, the public and the media.

Forum 4: Inter-jurisdictional collaboration and co-ordination among police.

Forum 5: Enhancing police accountability.

Forum 6: From report to substantive change – healing, reconciliation and implementation.

In order to facilitate participation in the forums, the Commission prepared an overall guide to participation, individual short written guides to each forum, and a short video series highlighting some of the issues to be discussed at each forum.

During the Policy Forums, discussions knitted together recent changes to police practices and new police initiatives; these discussions often aimed to improve relationships with community members and increase community participation in policing. Discussions highlighted the ongoing gaps, problems and barriers that contribute to community disengagement, disaffection and distrust, and the ongoing vulnerability of marginalized women. Police officers described initiatives to increase the safety of women, to improve the investigation of missing persons, and to adapt the structure and organization of policing to enhance co-ordination and accountability while speaking of their dedication to continue to collaborate with communities to make women safer. Community speakers, conversely, described ongoing challenges. Many community speakers expressed their frustration with the structure of policing and their concerns about approaches to policing. They also emphasized the extent to which women are still targets for violence; police and the greater community and society have a long way to go to ensure that women are safe.

However, both community members and police officers alike engaged in productive discussions to put forward recommendations to improve the current situation and, ultimately, the safety of vulnerable and marginalized women.

Although the Commission received a large volume of input from a wide variety of sources, it is important to acknowledge that many organizations actively engaged in these issues did not participate in the Commission process. A number of participants who were granted standing but denied the funding needed in order to participate in the hearings withdrew from Commission activities. Showing solidarity, other groups also chose not to participate in the study commission processes. Input from this broad range of individuals, community organizations, service providers, advocacy groups, and Aboriginal organizations was sorely missed. In my view, the process for implementing this report must take into consideration this unsatisfactory state of non-participation; I will return to it in the final section of this volume.

Long-term solutions to the complex issues at hand will require the involvement and substantive work of many of the people and organizations that withdrew from participating in the Commission. Despite their objections to participation, these groups are actively engaged on these

issues, and it can reasonably be expected that they will continue to help prevent or resolve the underlying or overt issues that result in women going missing or being murdered.

Despite these constraints, the Commission received over 800 recommendations, from general guidance to very concrete actions. I wish to thank everyone who took the time to provide thoughtful and often thought-provoking ideas and suggestions. All of this input has been reviewed and considered. Some of the recommendations overlap; some conflict. Quite a few touched on matters that are outside of the Terms of Reference, but many of these were useful in providing additional context, helping me to frame recommendations that are inside my mandate. Given the large volume of input, this report cannot summarize and analyze each recommendation. Instead, I focus on the main directions for reform; and the specific recommendations, I conclude, must form the basis upon which to build the missing women's legacy of increased safety and security.

In framing the legacy's components, I have paid particular attention to recommendations that appear to have the greatest potential to directly address the Commission's main findings and conclusions as set out in Volumes I, IIA and IIB. I have also focused on recommendations that are achievable in the short to medium term, bearing in mind the current fiscal environment.

C. Four Principles to Guide Reforms and Implementation Processes

The missing women's legacy should be built on the foundation of lessons learned from the investigative failures. Policing systems failed because unintentional, but unchecked, systemic bias led to faulty risk assessments, an inadequate emphasis on proactive prevention strategies, an inadequate allocation of resources, and significant oversights in pursuing investigative strategies, including not taking into account the Aboriginal status of a significant proportion of the missing women in policing strategies. The inability of police to engage the community in the investigations was also a significant contributing factor. Fragmentation of policing in the Greater Vancouver area and the lack of adequate mechanisms to ensure cooperation within and between policing agencies created barriers to the fully collaborative effort required in such a large-scale, multi-jurisdictional case. Poor policing systems, approaches and standards, particularly with respect to missing person cases and Major Case Management principles, negatively impacted all aspects of the investigations. I attribute many of the failings to the systemic disengagement of senior managers, an almost unfathomable want of leadership resulting in an overall lack of oversight and direction, and continual failure to effectively review the investigations over many years.

Only one of the underlying causes, poor policing systems approaches and standards, is about ensuring that police have the right tools to do their

job. Addressing the other causal factors requires a more fundamental reorientation in policies, practices and organizational structures both within and across policing structures and the broader relationship between the community and the police. Based on my findings concerning how and why the missing women were failed, I conclude that this reorientation should be guided by four principles: equality, community engagement, collaboration and accountability. These principles both describe the objectives of my recommendations for reform and the process by which the recommendations should be implemented.

I identify numerous practical changes required to remove roadblocks to the effective initiation and conduct of investigations of missing women and suspected multiple homicides. Some obvious ones are enacting missing persons legislation to remove barriers to timely police access to personal information to assist with the investigation of suspicious disappearances, and the implementation of a 1-800 number and enhanced website to facilitate reporting a person missing and getting information about a missing person's file. It is not simply a question of resolving technical policing issues. Reform has to be carried out within a principled framework. The tragedy of missing and murdered women questions our basic values as Canadians; a principled response is necessary.

Equality is the first guiding principle for building the women's legacy. I have set out a framework for understanding equality in policing in this report. This framework sets the context for both understanding what went wrong and the change required to fix the underlying problems. It is founded on the acceptance that law enforcement agencies mirror the society they serve and that the historic and continuing racism and sexism within Canadian society is likely to be reproduced within law enforcement. This results in discriminatory policing policies and practices, unless and until steps are taken to promote and actively work toward bias-free policing.

The police have an obligation to provide an impartial service to all people without regard to race, national or ethnic origin, colour, religion, gender, age, sexual orientation, belief or social standing. In order to provide equal and unbiased services, police have a positive duty to take into account the specific needs of segments within a community: more vulnerable groups or persons should receive particular protection. Specifically, police must demonstrate due diligence in responding to violence against women and girls by developing and implementing adequate crime prevention measures and prompt and effective investigative procedures.

I have taken steps to apply this equality lens throughout my report, including in developing the recommendations for change. I propose a number of specific steps to integrate this positive obligation to move toward preventing violence against vulnerable women and to effectively investigate crimes perpetrated against them. Additionally, I have attempted to build this equality perspective into other proposals and into my process recommendations. The requirement to take into account the needs of

Based on my findings concerning how and why the missing women were failed, I conclude that this reorientation should be guided by four principles: equality, community engagement, collaboration and accountability.

vulnerable and marginalized women, particularly Aboriginal women, in a meaningful way is a crosscutting recommendation addressed in each section.

Community engagement is the second guiding principle. I have explained the importance of community policing approaches and have highlighted how the failure to work together with the community contributed to the failures of the missing women investigations. As Chris Joseph, brother to Olivia William, told the Commission, the women might still be here today if police “really listened to the people.”³ I make several recommendations regarding more effective community policing, but I also emphasize for a broad community engagement strategy to develop the relationships required to build the women’s legacy of safety. The police are an integral part of this broader community engagement.

Collaboration is closely related to community engagement: they are aimed at facilitating multiple parties working together to a shared goal. Collaboration involves moving beyond the mere intersection of common goals to a deep collective determination to reach a shared vision. True collaboration requires sharing knowledge, learning, effective communication and building consensus. In addition to enhancing police-community collaborations, my recommendations focus on collaborative policing. Fragmentation in policing and gaps in co-ordination between policing agencies contributed significantly to the police failures, as did silos within policing agencies. My recommendations focus on breaking down silos and bridging gaps in communication and co-ordination within a police agency, between policing agencies, and between police and non-police agencies.

Accountability is the fourth and final guiding principle; it relates to the acknowledgment and assumption of responsibility for actions. The tragedy of the missing and murdered women revealed the structural deficiencies in police accountability. These deficiencies were seen in inadequate internal mechanisms and external oversight. Unique oversight issues are raised by the Commission’s mandate because the issues center on police failures to act in a fully responsive manner. Measures to increase accountability and transparency are closely tied into building equality norms in policing. For example, greater standardization of policing practices contributes to both equitable treatment of victims and answerability for process and outcomes in the investigation of missing women and suspected multiple homicides.

D. Overview of Volume III

More than a decade has passed since the arrest of Robert Pickton on February 22, 2002. This date marks the close of the Commission’s period of reference but not the end of the missing women investigations, which are ongoing to this day. Both the VPD and the RCMP have implemented many reforms over the course of the past decade, some of them in direct response to this

tragedy. Governments at the municipal, provincial and federal level have undertaken initiatives to address the issue of missing and murdered women, as have international bodies. Community groups, service providers, and non-governmental organizations in the DTES have taken action; so have various advocacy groups across Canada. My policy recommendations have to take into account the passage of time and recognize that significant progress is underway. Part 2 provides an overview of the progress and initiatives bridging the gap between 2002 and 2012.

In the remaining parts of this Volume, I set out my recommendations in relation to ten components of the missing women's legacy:

- Laying the foundation for effective change: acknowledging the harm and fostering healing and reconciliation;
- Renewing our commitment to equal protection of the law through practical measures;
- Listening, learning and responding: strategies to prevent violence against marginalized women in the DTES and other urban areas;
- Standing together and moving forward: strategies to prevent violence against Aboriginal and rural women;
- Fostering innovation and standardization: a framework for best practices in missing person investigations;
- Enhancing police investigations of missing persons and suspected multiple homicides;
- Committing to a regional police force in Greater Vancouver;
- Facilitating effective multi-jurisdictional responses to crime;
- Ensuring police accountability to the communities they serve; and
- Assuring the missing women's legacy: implementation, change management and evaluation.

I recognize that addressing issues of women's safety in urban and rural settings in separate sections creates an artificial distinction: Aboriginal and non-Aboriginal women are vulnerable to violence in all environments. I recognize the intersectionality of issues faced by urban Aboriginal women. Violence prevention issues are set out under these two themes to recognize the separate input the Commission received in its Northern Community Consultations and the unique challenges facing women, community members and police in urban and rural settings.

E. Taking Action to Directly Address Women's Vulnerability to Violence and Serial Predation

A commission is only empowered to make recommendations on matters within its mandate; here the focus is clearly on policing and, more particularly, the initiation and conduct of investigations into missing women and suspected multiple homicides, whether by one or multiple investigating organizations. My mandate extends to ancillary matters such as police-community and police-prosecution relationships, but no further. While I fully appreciate and accept the limitations on my mandate, I cannot completely ignore the broader social, political and legal context

It is not police's responsibility to address the conditions of marginalization. As a society, we must take action to directly address these underlying causes that contribute to women's vulnerability to violence and serial predation.

of this Inquiry. As I noted at the outset, the story of the missing women is shaped by their marginalization, which is synonymous with conditions of endangerment and vulnerability to predation. Three overarching social and economic trends contribute to the women's marginalization: retrenchment of social assistance programs, the ongoing effects of colonialism, and the criminal regulation of prostitution and related law enforcement strategies. The outcome of these combined marginalization processes was that the missing women, as a group, were abandoned by society as a whole. This tenuous status was reinforced by police failings that further discounted and discarded the women. As a result, they were forsaken.

It is not police's responsibility to address the conditions of marginalization. As a society, we must take action to directly address these underlying causes that contribute to women's vulnerability to violence and serial predation. All of the police resources, the best organizational structures, and the best policing practices cannot do that. Moreover, it is heartless, unfair and wrong-headed to ask the police to do better without concurrently ensuring that we, as a society, do better. This perspective was voiced and echoed repeatedly throughout the hearings and the study commission processes. I must bring it forward as a clear consensus and conclusion of this public inquiry.

I would be remiss if I did not comment on the abysmal conditions of the DTES. My first recollections of the DTES go back to the early 1970s, when I practiced criminal law in the court on Main Street. Regrettably, the conditions have not really changed. As a society, we have miserably failed the DTES. Through neglect, we have created the very conditions upon which the Robert Picktons of the world thrive. Women involved in the survival sex trade exist under essentially the same conditions that existed at the time Pickton was soliciting and murdering women. Much has been said about Vancouver being the most livable city in the world. I wonder if we can legitimately make that claim given the poverty, the homelessness and squalor of the DTES. Clearly, making meaningful change in those conditions has not been on the list of priorities for policy makers. Other than collective hand-wringing, we need to ask ourselves what we have done to effect real change. While these comments may seem harsh, I make them after much thought and deliberation and because I deeply care for this city.

To be sure, there is much good work being done in the DTES, particularly by community-based groups such as WISH, PACE and, until recently, PEERS. I want to commend the work of the Odd Squad, a group of VPD officers who, with great dedication, worked with compassion and understanding with many drug-addicted persons in the area. As well, the Province has been involved in a major housing strategy in order to address the serious problem of homelessness. At the same time, the DTES has long been a hotbed for political activities, with many groups often working at cross-purposes with one another. There is much distrust and dislike of the police. More is needed. Unless we, as a society, come together and address the

dire conditions that exist amidst our city, no real change will happen. I urge the parties to reconcile their differences. The community must lead the movement for change.

The Commission received submissions about the importance of addressing the underlying causes of marginalization from across the spectrum of witnesses and participants in the study commission processes. Many of the police witnesses spoke in open and moving terms about the difficulties faced by residents of the DTES due to the repercussions of a failed drug strategy and the lack of an effective mental health strategy. Retired Deputy Chief Constable John Unger described the neighbourhood as the “last frontier.”⁴ We have left police to deal with the havoc wreaked by failed social and criminal law policy. As Retired RCMP Deputy Commissioner Gary Bass stated:

In my view, there is a need in British Columbia to increase access to effective treatment programs for people suffering from drug addictions or other mental health issues. Reactive police investigation may be less effective from a crime prevention and economic standpoint than proactive treatment of addiction and mental health problems. In my opinion, a proactive approach that focuses resources upon these root problems would provide significant benefits in the form of reduced crime and victimization, and cost savings relating to emergency services, the justice system, health care and in society generally.⁵

I agree with Deputy Commissioner Bass’ statement.

The need to address these problems directly, rather than through problematic law enforcement strategies, was also highlighted in many of the final oral and written submissions at the close of the hearings.

Many, including retired VPD Sergeant Geramy Powell (formerly Geramy Field), spoke about the importance of treating drug addiction and mental health issues, including the need for long-term treatment and “recognizing that it’s a health issue and not necessarily a crime issue.”⁶ She asked that the Commission reinforce this message for a simple reason: “because none of those women wanted to be where they were. They were there because they were sick from their drug addiction or their alcoholism and the abuse, and it all has to be treated that way and dealt with that way.”⁷ From the on-the-ground police perspective:

There doesn’t seem to be any long-term treatment facilities available when they’re needed. If somebody needs treatment they’re told that they’re in line and in six weeks they’ll get treatment long term. By then they’re back out there, they’re back in that cycle of drug abuse, and there isn’t that treatment that needs to take place along with mental health treatment together. The federal, the provincial, the city governments have to get that going. There’s no point in treating the drug problem. It’s just going to continue unless you can treat the addictions and the mental health issues that go along with it.⁸

Other officers recognized that the core problems extend beyond addiction and mental illness to poverty. For example, Retired VPD Staff Sergeant MacKay-Dunn spoke about addiction and poverty going hand in hand and hence there is a need to focus on both proper treatment and safe housing. I was struck by his comment:

We're concerned about our salmon and we're concerned about our forests and we spend a lot of time protecting the salmon, protecting the forests, protecting our environment, but we spend almost no time in recovering what's the most invaluable resource that we have, and that's the human being. And that to my -- is my way of saying is a mortal sin of this society. I can't say it any stronger than that.⁹

To end his impassioned statement about the need for a fundamental change, Staff Sergeant MacKay-Dunn said:

It's a simple answer, a very expensive one. Now it's time for us to put our money where our mouth is.¹⁰

Other non-police witnesses agreed with and expanded upon this police perspective. Although witnesses expressed differences over solutions, almost all police, family members, community members and experts agreed that an integrated focus is a need and a priority.

Donnalee Roberta Sebastian, daughter of Elsie Sebastian, told the Commission that it had an important opportunity to emphasize the need to take a "real look" at the existing social and health care programs and what can be done for people "who are struggling on the Downtown Eastside, struggling as Aboriginal women, struggling as low income, struggling with a health issue."¹¹ She emphasized the need for a comprehensive approach to treatment and after-care:

They need a strong network, and when you look at social programs and you look at health care programs like that, then you are building a network of support for that individual to rebuild their life. And it's not going to go away. And you can't say that the residential school was then, this is now. No, it's here, it's now and it's going to continue because it is multi-generational. And as individuals, it's our responsibility for that self-care, but we need to do it with a good support network.¹²

Bonnie Fournier, a retired nurse who worked for many years in the DTES and knew many of the women, spoke for many when she stated that the "three levels of government – city, provincial and federal – let us down."¹³

Echoing this sentiment, Ms. Bonnie Fowler, Georgina Papin's sister, stated that the key to forging real solutions demands "accountability and action from the investigative policing, judicial and governing bodies to stop this ongoing violence against women" and working together in each community to protect all women and children:

We want to achieve building a good strong relationship with our

police, government and leaders to ensure the safety of the well-being of every woman, child and man in today's society, to acknowledge that they are valued through all efforts of society.¹⁴

Dr. Kate Shannon spoke of the importance of both decriminalizing and regulating prostitution and the need “to scale up violence prevention efforts including police/sex worker partnerships.”¹⁵ She explained that evidence shows that displacement of women engaged in the sex trade into isolated spaces contributes to their vulnerability. She concluded that changing the current legal restrictions to allow sex workers to work in safer indoor spaces and the communicating provisions of the *Criminal Code* will reduce their endangerment. Dr. Shannon also emphasized how decriminalization could assist these women to access health programs, including drug treatment.¹⁶

Professor John Lowman broached these issues within an even broader context:

We have to find solutions to poverty, the feminization of poverty, we have to find solutions to addiction, we have to find solutions to the effects of 200 years of colonization on West Coast Aboriginal peoples, we need to rationalize our law so that we understand what it is that it's trying to do, our prostitution law, because if people are going to be involved in prostitution, until we solve those other issues we could see very similar things happening in the future. When we wrote a report in 1996 for the Federal Department of Justice we were already describing 50 homicides. Our purpose in doing that was to raise a red flag over what we saw as serious issues. ... In 1985 the Special Committee on Pornography and Prostitution said we had to rationalize our prostitutional law. Is prostitution legal or is it not? If it is legal we have to decide where and under what circumstances it can occur. You have two sets of problems. One is nuisance and the other is the problem faced by women in sex work, particularly women. What we did was prioritize public propriety and property values over human life. That's what we've done. My main advice is that that's what we stop doing, plain and simple, but it's multi-layered efforts that we need.¹⁷

Many of these same issues were addressed in submissions received through study commissions processes. I provide a summary overview of these issues and recommendations.

Many of the recommendations revolved around government provision of funding and services to promote the safety and health of women involved in the sex trade. These recommendations included increasing or establishing services, expanding funding for service agencies, providing training for those in health care, and creating education programs. Recommendations were also made to increase the social safety net for vulnerable and marginalized people. These recommendations included increasing welfare rates, providing more housing options, and expanding health care services, particularly focusing on drugs and mental health services. Many submissions also made recommendations that focused on providing education and awareness to combat stigma and prevent violence against women. Regionalization and integration of support services was favoured,

as was sustainable funding for groups trying to do this work.

Many participants in the study commission process spoke out passionately about the legacy of colonialism and ongoing discriminatory treatment and hardships suffered by Aboriginal people in Canada. Community members discussed the legacy of residential schools and the ongoing removal of Aboriginal children from their families by the government. They stated that injustices against Aboriginal peoples continue and are perpetuated by various means: the court system which requires Aboriginal peoples to engage in the adversarial process to establish their rights over their ancestral lands; the government's failure to abide by the United Nations Declaration on the Rights of Indigenous Peoples; and the poor conditions on reserves, which feature diminished access to clean water and adequate nutrition, poor housing, and inadequate or unavailable education. Individuals spoke movingly about how the injustices suffered by Aboriginal peoples have contributed to their deaths and high rates of alcoholism and addiction. They noted that many of the missing and murdered women were adopted or separated from their families and lands, and perhaps alienated from their cultures and roots.

Many submissions also stated that without fair and equitable treaties, the affirmation of their rights and title to their land, and without peace and reconciliation, Aboriginal peoples would continue to migrate to the DTES and to suffer from alcoholism and drug addiction. The Commission heard that Aboriginal peoples do not want an industry of help; they want equality, land and resources.

There was a consensus at the Policy Forums across the divide on the issue of decriminalizing prostitution; however, it should be recognized that there would have been a greater divergence of opinion if some groups and individuals who are in favour of abolishing prostitution, and who participated in the pre-hearing phase of the Inquiry, had not boycotted the Inquiry after the hearings began. Most participants agreed that assisting women to exit the survival sex trade is the most effective way of ensuring women's safety. This view was not the view of all of those engaged in the sex trade who participated, most notably Susan Davis and Jamie Lee Hamilton.

Many participants, during different phases of the Inquiry, talked about the kinds of supports required to allow those who want to exit the sex industry to do so. PEERS Vancouver, the only organization in Vancouver devoted solely to providing support to exit, was forced to close its doors to clients on March 31, 2012, as it was no longer able to secure funding that would allow it to deliver programs in a way that was appropriate to its clients' needs. Prior to its closure, PEERS staff shared their views in interviews with Commission staff about the process of exiting, stressing that "exiting is a process, not an event." For those who have been out of the traditional job market, possibly for their entire lives, and who may have suffered from physical and emotional abuse, as well as addictions, exiting can be

a slow process. A range of practical, economic and personal supports, from clothing, shelter and appropriate health care, to skills training, to counselling and self-esteem building, are all part of the process.

During the Policy Forums, Michelle Giordano, Executive Director of the Warm Zone Resource Centre in Abbotsford, shared with the Commission the outcome of her graduate research on what works to assist individuals to exit the survival sex trade.¹⁸ According to her research, there are three essential requirements: drug treatment; safe and affordable housing; and education, training, and employment programs. There are some promising models operating in several Canadian cities to promote women's safety by addressing the challenges women experience when leaving prostitution, all of which depend on the collaborative efforts of the communities, mayors and police chiefs. However, Ms. Giordano noted that the criminalization of some forms of prostitution hinders progress, as does poverty. The failure to stem "the growing gap between the rich with money to buy sex and the poor desperate to survive" is the root cause because "[a] culture that enables poverty amid affluence is fuelling sexual exploitation in all its forms."¹⁹

This is not to say that there are easy short-term solutions or that there is a consensus on what needs to be done. What is absolutely clear is all three levels of government, including Aboriginal governments, must take concerted action with a focus on the Canadian urban community in which the conditions of marginalization are most prevalent and visible: the DTES. I focus on the DTES because that is central to my mandate, but I recognize that Aboriginal women and marginalized women are more vulnerable to predation wherever they live; thus these conditions must be addressed through both local and broader strategies. In the face of the tragic story of the missing women, we can no longer stand by or take half measures.

Given the clear links between conditions of inequality for women and the vulnerability to violence, there must be a renewed commitment to economic security and equality for all women. As Aboriginal women are particularly affected, this renewed commitment must directly redress the long-lasting effects of the colonialism of Aboriginal peoples and cultures. Since 1992, the few modern treaties that have been concluded have focused on control of natural resources and not necessarily on social, gender and economic inequities introduced through colonialism.

The political log-jam that has stalled the movement away from the historical morality-based approaches to prostitution and drug use to a harm-reduction approach must be broken. As we stand, teetering on the edge of which way to proceed, it is safe to say, on behalf of all who have been affected by this Inquiry, that there is no doubt that a harm-reduction approach must prevail. This statement does not advocate the decriminalization of prostitution or drug use: it simply recognizes what is obvious – that all social policy and law enforcement strategy should work to eliminate and prevent the conditions of marginalization that render women vulnerable to violence, particularly serial predation.

Given the clear links between conditions of inequality for women and the vulnerability to violence, there must be a renewed commitment to economic security and equality for all women.

Confronting the threefold process of marginalization is complex, but this complexity cannot excuse inaction. It is not the role of the Commission to propose solutions to these larger problems, but it is my responsibility to add the clear and consensual evidence gathered by the Commission on the need to take action. This does not mean further studies, but bringing people together to develop action strategies that integrate sound social policy.

A territorially-based social justice strategy aimed at the DTES is essential, as is recognition of the DTES as a transition zone for many people, particularly Aboriginal people, moving to Vancouver from other parts of the province and the country. Solutions need to be rooted in the experience of the women themselves; although I recognize that there is no universal set of demands and that there are complex and sometimes competing views on the problems and solutions. While my mandate is to focus on policing, it is absolutely clear to me, as I think it would be to anyone who had heard and reflected upon the tragedy of the missing and murdered women, to characterize this as solely a question of breakdowns in policing is incomplete (or would be unfair). To do so would be to misdiagnose the problem, grossly understate the scale of the tragedy, and hide from the pressing action required by all.

Over the course of the study commission process, I spoke out publicly in favour of two specific measures. I urge the Provincial Government to commit to these two measures immediately upon receipt of my report:

- 1) To provide funding to existing centres that provide emergency services to women engaged in the sex trade to enable them to remain open 24 hours per day.**
- 2) To develop and implement an enhanced public transit system to provide a safer travel option connecting the Northern communities, particularly along Highway 16.**

I implore the immediate implementation of these two measures, based on this Commission's strong and disturbing findings concerning the many ways we have failed in our duty to protect vulnerable women from serial predation. These recommendations are closely connected to, but not clearly encompassed within, my Terms of Reference. Nevertheless, I anticipate that my findings offer sufficient moral suasion: the need to save women's lives should be sufficient to counter arguments based on fiscal limitations. To a large extent, it's a matter of priority choice. The safety and security of citizens, especially those most vulnerable, should be defensible priorities. Yes, these recommendations must be implemented in an efficient, rational manner; however, the need for these services is so clear, and the support for them is so broad and undisputed, that no debate or further discussion is needed. All we need is a public commitment to prioritize the safety of women engaged in the survival sex trade and women who do not have ready access to transportation along the Highway of Tears.

PART TWO

BRIDGING THE GAP FROM 2002 TO 2012:
Overview of Police Reforms and
Current Initiatives

PART 2 – BRIDGING THE GAP FROM 2002 TO 2012: OVERVIEW OF POLICE REFORMS AND CURRENT INITIATIVES

This section provides a snapshot of the changes that have taken place within policing practices since the period under review by the Commission. Both the VPD and the RCMP have already taken extensive steps to integrate lessons learned from the missing women investigations. This section also contains an overview of the major governmental and community initiatives related to the issue of missing and murdered women.

Specifics concerning these police, governmental and community initiatives relating to the recommendations considered by the Commission are discussed in greater detail in later sections of this Volume.

A. VPD Initiatives in Response to the Missing Women Issue – 2002-2012

Commitment to being a best-practices learning organization

The VPD has demonstrated its capacity to learn from past failures and has introduced a series of effective reforms since 2002. I commend the VPD for its openness to self-critique and for its dedication and commitment to improving police investigations, reducing the risk of victimization for all individuals in the community, and ensuring that tragedies such as the one addressed in my Terms of Reference are avoided in the future. I single out Chief Constable Jim Chu and Deputy Chief Constable Doug LePard for their leadership in this process. Their post-2002 approach is, in many ways, a model of policing and I encourage other British Columbia police forces to emulate this commitment to being a best-practices learning organization.

The VPD's work in this regard began with the Department's very prompt decision by then Chief Constable Jamie Graham to undertake an internal review of the missing women investigations in 2002, as well as a focused audit of the Missing Persons Unit. This work has been of great assistance to the Commission; although, of course, I have taken a broader approach as required by my Terms of Reference and I have relied on other evidence gathered through the Commission's work. These reviews were unprecedented in the extent of the criticisms contained, and the VPD has implemented all of the recommendations emanating from the internal review and audit within its power to do so.¹ In addition to its internal review processes, the VPD steadfastly called for and supported this public inquiry and recognized that ongoing review and change is needed to meet the challenges of ensuring the safety of vulnerable women and the effective initiation and conduct of investigations of missing women and suspected multiple homicides. As the VPD points out, part of being a learning organization is to constantly be working toward renewing and updating best practices, policies and institutional structures.

Reform of Missing Persons Unit, policies and practices

Within the VPD, chiefly, the following changes have been made since 2002 with respect to missing person practices:

- The creation of a full-time sergeant position in the Missing Persons Unit (MPU);
- A complete turnover in MPU staff with new staff selected on the basis of an improved selection criteria ensuring necessary qualifications were met;
- A requirement for appropriate investigative experience for sergeants and inspectors in all areas of the Investigation Division, particularly those areas responsible for crimes against people;
- The addition of a staff sergeant position in the Major Crime Section to provide for additional oversight, including of the Missing Persons Unit;
- Policy changes to ensure that missing persons reports are treated as suspicious unless there is evidence that a report is not suspicious, to improve the thoroughness of investigations, and to recognize the increased risk faced by marginalized and Aboriginal people;
- Representation from the VPD in the BC Police Missing Persons Centre (which was created in 2005 in the RCMP's Behavioural Sciences Group to co-ordinate missing persons cases when they cross jurisdictions, to recognize anomalous patterns of missing persons, and to promote best practices);
- Requiring Major Case Management training for inspectors and sergeants in the Major Crime and Special Investigation Sections;
- Promoting provincial accreditation in Major Case Management in the VPD, resulting in numerous accredited team commanders, including the three inspectors in charge of the Major Crimes, Special Investigation and General Investigation Sections;
- Significant improvements in front line and investigative resource levels, including many specially trained civilian crime analysts;
- The implementation of a debriefing and documentation process for major cases;
- The creation of a "Knowledge Database" to electronically store information that promotes investigative excellence, including reviews of failed investigations;
- Practices were changed to improve the flow of information from the operational staff up to the VPD Executive, including a daily review of significant overnight occurrences by the Executive; and
- Practices were improved to ensure management accountability.²

The VPD now has more trained staff and resources to both proactively and reactively address complex crimes. However, what remains lacking is the ability, on a regional basis, to quickly analyze data and identify patterns or new details to direct investigations crossing jurisdictional boundaries, given that there is no regional police force in the Vancouver metropolitan area to provide a more seamless exchange of information.

An integrated and effective community policing approach

In its policy submissions to the Commission, the VPD outlined a number

of additional initiatives developed and implemented since 2002 that are particularly relevant to my mandate. In its submissions, the VPD states that it has “worked hard to improve communication and collaboration between partner agencies, and to build improved relationships with vulnerable citizens in the DTES, particularly marginalized women.”³ I see clear evidence of this, particularly with respect to the VPD’s SisterWatch project and the draft *Sex Work Enforcement Guidelines*, which are currently the subject of further community consultation. I review these initiatives below. The VPD makes a number of additional recommendations for change, which I address throughout this report.

Since 2002, the VPD has built on earlier diversity initiatives by establishing a number of new initiatives to connect and collaborate with marginalized communities. The Diversity Advisory Committee was formed in 1996 and is now housed within the VPD’s Diversity and Aboriginal Policing Section (DAPS), which works with Aboriginal and marginalized populations with significant public safety issues, such as the LGBT (lesbian, gay, bisexual and transgender) community. The DAPS is currently comprised of an inspector, two sergeants, three constables (a hate crimes investigator, an LGBT liaison officer and an Aboriginal liaison officer), a program planner and an administrative assistant. The mandate of the DAPS is to “make real improvements in issues concerning marginalized populations,” including addressing the following issues:

- a) Over-representation in illegal behaviours;
- b) Over-victimization;
- c) Under-reporting of crimes;
- d) Participation in investigation and in courts as victims/witnesses;
- e) Involvement in crime prevention activities;
- f) Provision of information/intelligence on criminals, crime groups and crimes;
- g) Perceptions of safety/fear; and
- h) Confidence in the police.

The police officers within the DAPS work directly with community members to improve their circumstances and provide support. In addition, the VPD’s Neighbourhood Policing Team for District 2 includes the VPD’s Sex Industry Liaison Officer, Constable Linda Malcolm, and the VPD’s Homelessness Outreach Coordinator, Constable Jodyne Keller. I heard many positive comments about the work of these two officers during the Commission’s consultations and Policy Forums.

B. RCMP Initiatives in Response to the Missing Women Issue – 2002-2012

The RCMP has also implemented many substantive changes since 2002. The key changes identified in the Government of Canada's policy submissions are:

- Modifications to missing person policies to ensure that when vulnerable persons are reported missing, appropriate investigative resources are assigned;
- Full implementation of Major Case Management principles for high-risk missing person investigations;
- Improved supervisory oversight of missing person investigations;
- Creation of specialized centres of expertise for missing person investigations (BC Police Missing Persons Center and National Police Support Centre for Missing Persons and Unidentified Remains);
- Technological advances in various investigative techniques, including DNA analysis, surveillance methods and behavioural science;
- Improved information sharing through standardized databases; and
- Greater investigative integration between police agencies.⁴

During the Policy Forums, members of the RCMP spoke to the issue of preventing violence against women involved in the sex trade, providing information on many of the RCMP's policy changes and projects devoted to prevention or investigation of violence against, and disappearances and murders of, women involved in the sex trade. The RCMP also noted the existence of the Provincial Prostitution Unit, which is currently housed in the RCMP's BC Missing Person Centre. The Unit works closely with sex trade workers to understand issues they face and to provide support and resources. The RCMP emphasized that prostitution is not confined to the DTES, but occurs across the province in many forms.

The RCMP acknowledged the ongoing challenges they face in policing Aboriginal communities. Importantly, the RCMP acknowledged its challenges in working with the community because of its history as a colonial police force. Ongoing challenges include ensuring there are enough resources in Aboriginal communities to deliver specialized programs, such as drug and alcohol addiction programs; culture-based programs that recognize the importance of cultural awareness and Elder wisdom; and youth education programs to avoid violence, to ensure the communities are as healthy as possible. The RCMP resource allocation to community and Aboriginal policing must be balanced with resources for front line policing.

In 2010, as a key part of the seven concrete steps announced by the Government of Canada to improve the law enforcement and justice system response to cases of missing and murdered Aboriginal women, the RCMP received specific funding for a number of initiatives to deal with missing persons and unidentified remains, with a focus on missing Aboriginal

persons. With these resources, the RCMP is:

- Establishing a new National Police Support Centre for Missing Persons and Unidentified Remains (“NPSCMPUR”). The Centre’s funding was in response to calls by the Canadian Association of Chiefs of Police (in resolutions 2008-06 and 2006-07) and the reports of the Native Women’s Association of Canada, identifying concerns with inter-jurisdictional sharing of information. The Centre employs a dedicated experienced Aboriginal police officer from National Aboriginal Policing Strategy to ensure a continuing focus on the specific issue of missing Aboriginal women;
- Providing additional training to law enforcement agencies on the effective use of the NPSCMPUR and on best practices regarding these types of investigations. The first Advanced Missing Persons and Unidentified Human Remains Investigators Course was held in March 2012;
- Creating the national Missing Children/Missing Persons and Unidentified Remains database, so police have more comprehensive information on missing persons across jurisdictions;
- Making enhancements to the Canadian Police Information Centre (“CPIC”) database (as part of a Canadian Strategy on Missing Persons and Unidentified Remains developed in cooperation with the Committee of the Canadian Association of Chiefs of Police). The enhancements will capture additional data on missing persons, including photographs, and will be accessible to law enforcement agencies in Canada, including provincial coroners’ offices;
- Developing a national public website which will contain information on specific cases. The website will allow the public to provide information/tips on these cases;
- Compiling investigative best practices in consultation with various law enforcement agencies and coroners/medical examiners in Canada. A guide will be made available to investigators in the near future; and
- Piloting a multi-discipline, multi-agency missing persons investigation triage initiative, bringing together subject matter experts in various investigative practices to meet with investigators on outstanding investigations with a view to identifying new investigative avenues.

Other activities being developed under this initiative include:

- Amendments to the *Criminal Code* to streamline the application process when specific court orders or warrants need to be issued in relation to an investigation for which a judge has given a wiretap authorization;
- Supporting the development of school and community-based pilot projects to help heal, move forward and provide alternatives to high-risk behaviour for young Aboriginal women, including young offenders;
- Funds for the development or adaptation of Victim Services for Aboriginal peoples and specific culturally-sensitive Victim Services for families of missing and murdered Aboriginal women;
- Additional investments in the Victims Fund available to Aboriginal community groups to respond to the unique issues faced by the

- families of missing or murdered Aboriginal women at the community level;
- The development of a national compendium of promising practices in the area of law enforcement and the justice system to help Aboriginal communities and groups improve the safety of Aboriginal women across the country;
- The development of materials for the public on the importance of breaking inter-generational cycles of violence and abuse that threaten Aboriginal communities across Canada; and
- The development of community safety plans to improve the safety of Aboriginal women within Aboriginal communities.

The federal government's 2012 budget announced that funding for these initiatives would be available to March 31, 2015.

The RCMP also leads a number of task forces across the country dedicated to actively reviewing files of missing women, including Aboriginal women. The RCMP also works closely with Aboriginal organizations, such as the Native Women's Association of Canada (NWAC), to develop resources to assist Aboriginal peoples in navigating the missing persons system.

Representatives from the Assembly of First Nations (AFN) and the RCMP met in March 2011 to develop a joint work plan to specifically address the issue of missing and murdered Aboriginal persons. On December 15, 2011, AFN National Chief Shawn A-in-chut Atleo and RCMP Commissioner Bob Paulson signed a jointly developed agreement enabling the RCMP and the AFN to work collaboratively on issues related to missing and murdered Aboriginal persons. This agreement will address the ability to resolve historical and contemporary cases; enhance crime prevention initiatives; and improve communication with victims, families and communities.

C. Overview of Other Current Governmental and Community Initiatives

This brief overview of VPD and RCMP developments since 2002 illustrates how both police forces are working more closely with community groups and others to enhance the protection of vulnerable women and to improve the initiation and conduct of investigations of missing women and suspected multiple homicides. Many other governmental and community projects and programs have been initiated over the past ten years, as the issue of missing and murdered women has gained public attention.

In this section, I outline a few of these initiatives at the national, provincial and local levels. This landscape is ever-changing; many new developments took place throughout the Commission's mandate. I have gathered information about these initiatives in order to ascertain the gaps in what remains to be done; I do not purport to, in any way, evaluate these projects or programs. The Commission's recommendations aim to complement these existing initiatives and do not mean to displace this important work in any way.

National

Native Women's Association of Canada

In Volume I, I reviewed the groundbreaking work carried out by the Native Women's Association of Canada (NWAC) to develop a research database and statistics on missing and murdered Aboriginal women across Canada through its Sisters In Spirit initiative. NWAC continues to work with the RCMP to update and refine this information base. Sisters In Spirit was a research, education and policy initiative. NWAC has also developed a series of resource kits for the families of missing women on topics such as what to do during a missing person investigation, how to deal with the media, and a community resource guide advising community members on how they can assist families of missing and murdered Aboriginal women.

Although the Sisters In Spirit initiative ended in 2010, NWAC continues in a new "Evidence to Action" phase. Through this, NWAC is taking additional concrete actions to end the cycle of violence, particularly the disappearance of Aboriginal women and girls. In 2011, NWAC worked with the BC Ministry of Aboriginal Relations to hold a symposium on this topic. I discuss this in greater detail under provincial initiatives. NWAC has also been active at the international level, working with various United Nations bodies to spur Canadian governments to take stronger measures to address these serious problems.

Federal Provincial Territorial Coordinating Committee

At their meeting in February 2006, Federal Provincial Territorial (FPT) Deputy Ministers Responsible for Justice endorsed the establishment of a working group of the Coordinating Committee of Senior Officials to review issues related to the high number of murdered and missing women in Canada. Alberta and British Columbia were asked to co-chair this working group. The FPT Missing Women Working Group (FPT MWWG) includes members from the justice and public safety departments of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, Nova Scotia and Canada. The members of the MWWG include police and prosecutors who have had experience with cases involving predators, as well as members with expertise in criminal law policy analysis and social science research.

In June 2006, FPT Deputy Ministers approved the mandate of the FPT MWWG: to consider the effective identification, investigation and prosecution of cases involving serial killers who target persons living a high-risk lifestyle including, but not limited to, the sex trade.

The identified goals were as follows:

- Share information and expertise with personnel across Canada who are responsible for identifying, investigating and prosecuting these cases;

- Develop strategies and proposals that would assist in addressing current barriers that hinder the resolution of cases involving victims of serial predators;
- Promote the development of resources and training to assist personnel who are responsible for handling cases of missing and murdered persons; and
- Ensure that the *Criminal Code* and other relevant federal and provincial legislation provides the best tools for investigating and prosecuting cases of serial killers who target “marginalized” persons.⁵

The FPT MWWG worked for a number of years and considered strategies for determining the best way to intervene and prevent further predatory homicides of women. These strategies included protection of persons who are at high risk of being victimized by these predators; early reporting and improved responses to cases of missing women who may become victims of violence; evidence-based identification of those who may be considered suspects in an investigation; intervention with those who may become predators; management of prosecutions in high-profile cases; and improved databases, records-management policies, training and information sharing.

The FPT MWWG released its report to the public in January 2012.⁶ It contains many practical recommendations that I discuss in this Volume as they relate to my policy reform themes.

The work of the FPT MWWG contributed to the federal government initiative on missing and murdered women, which is outlined in the update on RCMP activities since 2002.

Provincial

Highway of Tears initiatives

Over the past decades, women (predominantly Aboriginal young women and girls) have been going missing, and some have been found murdered, along Highway 16. This pattern of disappearances has led to Highway 16 being labelled as the “Highway of Tears.” This crisis has led to a number of community awareness initiatives building toward a symposium in 2006.

The Highway of Tears Symposium was organized by Lheidli T’enneh First Nation, Carrier Sekani Family Services, Carrier Sekani Tribal Council, Prince George Nechako Aboriginal Employment and Training Association, and Prince George Native Friendship Center. It was held in Prince George in March 2006. Ninety organizations sent delegates and over 500 people participated. The Symposium Report is “first and foremost a community call for action.” The Highway of Tears Governing Body was established to oversee and facilitate implementation of the recommendations. I discuss these recommendations below, in the section on strategies to prevent violence against Aboriginal and rural women.

The Highway of Tears has been in the news a lot recently for a number of reasons, not the least of which is that they have identified a man they believe to be responsible for the murder of one young woman who disappeared in 1974 and potentially others.

Above, I strongly supported the immediate move to funding public transportation in that region. Smithers City Council passed a motion to this effect in September 2012.⁷ Smithers Mayor Taylor Bachrach and his council have asked the Union of British Columbia Municipalities (UBCM) to petition the Province to establish and fund public transit along the lonely stretch of Highway 16 between Prince George and Prince Rupert, saying it would offer a safer option for people travelling between the Northern communities. Mayor Bachrach said:

As communities, we really have a responsibility to work on this issue and make sure the highways between our communities are safe for women. ... Lots of people are low-income - transportation isn't an option, it's a necessity. The fact a number of women have gone missing on our northern highway is of provincial significance.⁸

However, the UBCM has referred the issue to the North Central Local Government Association, saying it's a regional issue and should be dealt with locally first. The issue remains on the UBCM agenda.

After a promising start, the Highway of Tears Governing Body has been unable to move forward with implementing the Symposium recommendations. As the Commission's hearings ended, the Provincial Government announced renewed funding for this follow-up.

In September 2012, UNBC researchers announced a collaborative study of hitchhiking practices along the Highway of Tears.⁹ It is anticipated that the study will enhance safety by leading to a better understanding of hitchhiking in that area and developing appropriate solutions.

Study data will be gathered through roadside surveys, online responses and personal interviews. RCMP officers will be stopping to talk to hitchhikers whenever they see them and will go through a list of questions to ask each of them why they are hitchhiking, where they are going, whether anybody else knows their travel plans, and whether they've had any bad experiences while thumbing for rides. The study is separate from any other ongoing police investigations on the missing women. Data will be shared with the researchers, but the identities of the hitchhikers will not be revealed.

Advisory Council on Aboriginal Women

The BC Ministry of Aboriginal Relations and Reconciliation has established a Minister's Advisory Council on Aboriginal Women to assist in developing policy on ending violence against Aboriginal women in this province, including addressing the prevention of the disappearance and murder of Aboriginal women. This initiative grew out of the June 2011 National

Aboriginal Women's Forum, Collaborating to End Violence. This forum was co-hosted by the Province of BC and NWAC.

More than 250 people from all provinces and territories in Canada attended the forum, including representatives of provincial and territorial government departments and agencies; national Aboriginal organizations; First Nation, Métis and Inuit communities; and community-based organizations. The agenda included three working sessions in which participants developed recommendations for actions to address violence against Aboriginal women and girls. The first session focused on post-incident support, the second on intervention, and the third on prevention. This report summarizes the outcomes of the working sessions.

The *Collaborating to End Violence* report reinforced the need for a holistic and community-driven network of responses, with strengthened relationships and improved accountability. Participants in the forum working sessions identified leading practices and lessons learned, and generated key recommendations relating to the main themes. The following points are particularly relevant to this report:

- The need for all responses to be community-engaged and community-led;
- A continuum of programs and services that assist women and girls who are at risk of or have experienced violence and their children, families and communities, and that can be accessed throughout an individual's full life cycle, should be available in every community;
- Increase women's access to services that are designed and delivered by Aboriginal women, including in-community victims services, advocacy services and activities that build capacity for Aboriginal women;
- Establish single points of access where women can connect to integrated services;
- Working in partnership with Aboriginal communities and leadership, establish a virtual centre, clearinghouse or similar online resource, where information and resources on violence against Aboriginal women can be aggregated and made publicly available;
- Federal, provincial and territorial governments and national and regional Aboriginal leadership need to develop and implement a multi-year national strategy to facilitate collaboration and partnerships with Aboriginal organizations to develop and implement community-based solutions to address violence against Aboriginal women;
- Police services, Aboriginal leaders and grassroots community organizations should explore ways to establish mutually empowered and accountable working relationships; and
- Cultural competency and sensitivity training (including components focused on Aboriginal history and historical trauma) and anti-racism and anti-oppression training should be instituted for employees in all positions and at all levels of police and criminal justice systems.¹⁰

Cities and Neighbourhoods

City of Vancouver

In the wake of Pickton's arrest in 2002, then Vancouver Councillor Lynne Kennedy chaired a committee and facilitated six meetings that included sex trade workers and grassroots advocacy groups. The Committee's goal was to identify ways to prevent such situations from occurring in the future. One of the recommendations of the committee's report to Vancouver Council was to create a 1-800 phone number. This recommendation has yet to be implemented.

On Sept. 22, 2011, the City of Vancouver released the report, *Preventing Sexual Exploitation and Protecting Vulnerable Adults & Neighbourhoods Affected by Sex Work: A Comprehensive Approach and Action Plan*, and adopted the recommendations in it. The report aimed to provide a comprehensive framework and action plan to address sexual exploitation and negative effects of sex work. The memo prepared by the City Manager to Council adopted at that meeting states:

The report identifies the need for a comprehensive and coordinated approach that includes the following key elements: enhanced prevention and awareness, access to health and safety services, investment in social services and supports, including adequate resources to assist individuals to exit sex work, and strengthened regulatory and enforcement approaches that can better address complex challenges and meet the needs of individuals at risk and neighbourhoods across Vancouver. While immediate, locally-based actions can be realised through the City's leadership, the report also identifies actions and resource needs most appropriate for senior governments' consideration.¹¹

The report suggests a number of strategic actions, including existing ongoing work by the Vancouver Police Department, Park Board and other City programs.

DTES community-based initiatives

The police do not operate in a silo. Services for vulnerable and marginalized women can contribute to their safety and enable police to better protect them. Service organizations, community centres and drop-in centres are an integral part of keeping women who are engaged in the sex trade safe.

A great deal of discussion at the Policy Forums focused on the lack of centralized, accessible services available to sex workers. The dearth of services is caused by the lack of operational funding, a result of provincial reorganization of funding for non-profit services. Because funding of services is patchwork, many existing services for sex workers were at risk of closing down during the Inquiry, including the Warm Zone in Abbotsford. WISH and PACE, the two primary organizations that serve women in the sex industry in Vancouver, have faced repeated funding shortfalls over the

past several years. There are similar initiatives in other parts of the province, including Victoria (PEERS Victoria) and Prince George (New Hope Society). It would not be an understatement to say that all community organizations providing assistance to those in the sex industry and, indeed, all women's organizations, face regular funding shortfalls. Over the last ten years, many of these organizations have had to withdraw services, even as demand grows.

As the former Executive Director of PEERS (a non-profit dedicated to assisting sex workers to exit the trade) Ty Mistry highlighted in her submissions, healthy community relationships are built when organizations such as PEERS work alongside police, and opportunity for relationship-building is lost when these organizations disappear. (PEERS closed in 2012 due to lack of funding.) She voiced the opinion that long-term justice for those engaged in sex work demands support to exit the survival sex trade since "exiting is the ultimate safety strategy." She noted the irony that as sex workers have become more empowered, and media attention has been focused on the abuses of sex workers (including through this Inquiry), funding for support organizations has decreased.¹²

The Living in Community (LIC) project began in 2004 as a two-year community-based project; the project has continued into 2012. LIC was designed to create an ongoing dialogue with neighbourhoods on all aspects of sex work through town halls, online surveys, individual discussions, and to build relationships. LIC engages many community stakeholders including sex workers, neighbourhood residents, businesses, police and governments; representatives of these stakeholder groups sit on a steering committee that guides LIC activities.

In 2007, LIC recommended a number of key actions including:

- Funding a community-based position to oversee implementation of recommendations;
- Expanding the MAP (Mobile Access Project) Van to daytime hours;
- Developing and funding safe spaces providing treatment and support to sex workers wishing to exit the trade;
- Providing safe houses for sexually exploited children and youth, and male, female and transgendered sex workers; and
- Developing a curriculum in the education system focusing on healthy sexuality, self-esteem, prevention of recruitment into sex work and positive parenting.¹³

LIC has significant interaction with the City of Vancouver and the VPD. In 2011, LIC implemented SAFE (Sex Work Awareness For Everyone) in the Collingwood Demonstration Project. The aims are:

- Reduce residents' and businesses' health and safety concerns surrounding sex work;
- Improve health and safety of sex workers;
- Improve healthy lifestyle decision-making of children, youth and

- parents; and
- Reduce the sexual exploitation of youth.¹⁴

The approach taken by LIC is consistent with the principles of equality, community engagement, collaboration and accountability upon which I have based my recommendations for reform, which I see as building on proven community-based approaches. Organizations such as WISH, PACE, Aboriginal Front Door Society and others, who work closely with and for vulnerable women on a daily basis, are key participants in the strategies for enhancing safety and improving police investigations outlined in my report.

PART THREE

LAYING THE FOUNDATION FOR EFFECTIVE CHANGE:

Acknowledging the Harm and
Fostering Healing and Reconciliation

There is no question that we must recognize and acknowledge the harms caused by the investigative and institutional failures and take active steps to foster healing and reconciliation.

PART 3 – LAYING THE FOUNDATION FOR EFFECTIVE CHANGE: ACKNOWLEDGING THE HARM AND FOSTERING HEALING AND RECONCILIATION

A. Introduction

The Commission heard testimony from witnesses representing the victims' families, community members and police, and received numerous oral and written submissions concerning the tragic impact of the missing and murdered women. There is no question that we must recognize and acknowledge the harms caused by the investigative and institutional failures and take active steps to foster healing and reconciliation. These restorative measures are essential for two reasons. First, it is critical that support is provided to individuals who are suffering from unresolved trauma as a consequence of these events, both in order to break the cycle of violence and to restore connections between survivors and their community. Second, restorative measures are needed to rebuild public trust in the police, particularly to overcome the ruptured relationship between police and communities most affected, the DTES and Aboriginal communities.

Restorative measures are a necessary precondition for substantive change to take place: they are the foundation for the other recommendations made in this report. Practical, conscientious reform will also contribute to healing and rebuilding the public trust, but it cannot replace a direct emphasis on reconciliation.

It is my hope that this report will contribute to the restorative process by helping to foster a shared understanding of what went wrong in the missing women investigations and why this was so. Another specific contribution is to recognize the harms that resulted from the police failures as distinct from the harms directly caused by Pickton's criminal acts. I set out a general assessment of the evidence and information relating to this broader category of harm to aid in the recognition and acknowledgement of the wide-ranging repercussions of these tragic events. Based on this assessment, I make recommendations to lay the foundation for effective change through a restorative process comprised of four elements: acknowledgment, redress, healing and reconciliation.

B. Assessment of Harm

Independent Counsel for Aboriginal Interests began their closing submissions with a stark reminder:

The loss of these women has and will continue to result in devastation and extreme hardship to the survivors in their communities, especially to their children and to their families, who have and will continue to experience emotional and spiritual loss. The legacy of loss will not be limited to this generation, but will continue in the generations that follow.¹

We cannot undo the terrible harm caused by Robert Pickton, the most prolific serial killer in Canadian history, nor by the other killers responsible for the violent deaths of the missing and murdered women. Nor can we wholly put ourselves in the place of those who knew and loved the victims: the mothers and fathers, daughters and sons, brothers and sisters, grandmothers and grandfathers, aunts and uncles, nieces and nephews, cousins, and friends. We cannot fathom the experience of the women's children: some of whom were too young to have clear memories of their mothers, all of whom experience loss of care, guidance and support on a daily basis. However, we can and we must acknowledge that the police and government's failure to react appropriately intensified the harm. The loss of loved ones is compounded by being ignored and discounted. The Aboriginal experience with police and government has been coloured by a legacy of four generations of assimilationist policy and its effective marginalization of Aboriginal people. To put it bluntly, it has been marked by distrust. As I noted in Volume I, the origins of that distrust was stated quite succinctly by Grand Chief Ed John in his opening statement that his community referred to the police as *nayachuknay*: "those who take us." Positive and proactive measures by government and the police are needed to counteract such powerful and pervasive practices.

Here, I make an initial attempt to assess the harm wrought by the inadequate police investigations and the broader public and political indifference. It is impossible to separate harms caused directly by the violent offences from harms caused indirectly by the lack of adequate response. It is also hard to distinguish between individual and community losses; they bleed into each other. Nor is it necessary to do so for the Commission's purposes. My assessment is meant to contribute to an understanding of the broad repercussions of the missing women investigations, not to find liability and quantify damages.

This section provides an overview of the evidence and information received by the Commission pertaining to the various types of harms suffered by individuals, the most directly affected communities, the police, the justice system and the public as a whole. Ten types of harms or losses are discussed: personal losses; ambiguous loss; loss of ceremonial rites; severing of cultural connections in Aboriginal communities; ongoing physical and emotional distress; heightened sense of insecurity; cynicism about police, government, and community capacity to care about marginalized people; profound loss of faith in police; harmful effects on police officers; and loss of faith in the justice system and government. I conclude that we must take all steps available to address these harms in order to lay the foundation for the changes required to build the missing women's legacy of safety.

Over the course of the Commission's work, I became increasingly concerned about the general desensitization to horror resulting from repeated exposure to the gruesome details of Pickton's heinous crimes and the recitation of the numbers of missing and murdered women, particularly Aboriginal women, across Canada. These tragic events should evoke disbelieving gasps, angry

outbursts and righteous anger. Submissions to the Commission did not address this dynamic in detail; however, it is important to record the grave concerns we all share about living in a community in which responses to these horrors are so muted.

Personal losses

The families and friends of the missing and murdered women have experienced profound emotional trauma and grief. Many family members continue to suffer from depression and suicidal feelings. In some families, suicides followed revelations of women's murders or participation in the Pickton trials. Many blame themselves for not doing more to help their loved ones, but also blame the police for taking such a long time to catch Pickton.

I am deeply honoured that many family members shared with me their personal losses in their testimony during the hearings, in my meeting with family members, and at the Northern Community Forums and Policy Forums. Each and every one of us who bore witness to these expressions of grief and frustration, Commission staff, Commission and Participants' Counsel, those who engaged in the forums, members of the public who were present or watched via live stream video online, and I, were profoundly moved by these words. The testimony was heart wrenching. We will not forget. I also fully respect the many family members who chose to remain silent because they preferred to keep their losses private or because it was simply too difficult for them to participate in these venues. Each of us grieves in her or his own manner. We recognize that these personal losses exist regardless of whether they are shared publicly.

I cannot hope to capture the depth of emotion from these first-hand accounts of personal loss, emotions that resonate within the deepest part of our humanity. Nor can I do justice to the many voices heard by the Commission. I can share with you a few of the many submissions that I heard and read over the course of the Commission's work.

First, I quote from a written submission from Michele Pineault, mother of Stephanie Lane:

Where to start...

I was 17 years old when I gave birth to my beautiful daughter, Stephanie.

Good memories are endless. It is the bad that will haunt us for the rest of our lives. The life of her son who was only 8 months old, forever not knowing the loving caring person his mother was. Her brother who was 10, robbed of a sister who he loved dearly and idolized. Her father, a man that will never be the same without his baby girl. Myself, her mother, where on days felt that I myself did not want to live without her.

Her beautiful baby boy that she left behind gave me the fight to keep going on.

Stephanie was only 20 years old when she was taken from us. She was early on into a horrible addiction that we believe she would eventually beat and return to care for her son that she was just getting to know. Unfortunately, she never had that chance, for that decision was no longer hers to make. I wrote during the Inquiry:

Her life was over the moment she laid eyes on him.

I did not want to think about how she was taken from us, but it didn't work.

Fifteen years later her son is 16 without a mother, her brother 26, too hurt to barely mention his sister, her father a man that misses his baby girl, and me her mother still having days where I don't want to live without her.

Good, great, precious memories we have, we will always have.... It's the nightmare we have to live with for the rest of our lives that is the hard part.

Commissioner Oppal, please take this into consideration as I was unable to speak at the Inquiry due to emotional distress.

I also reproduce a poem, written by Marilyn (Kraft) Renter, stepmother to Cindy Feliks, that she read out during her testimony at the evidentiary hearings:²

Cindy's Poem

*As I sit in heaven and watch you every day,
I try and let you know with signs I never went away.
I hear you when you're laughing and watch you as you sleep,
I even place my arms around you to calm you as you weep.
I see you wish the day away begging to have me home,
So I try to send you signs so you know you're not alone.
Don't feel guilty that you have life that was denied to me,
Heaven is truly beautiful just you wait and see.
So live your life and laugh again, enjoy yourself, be free,
Then I know with every breath you take you'll be taking one for me.*

Ms. Renter went on to say:

Mr. Commissioner, I know you've heard from some of the families of our murdered women. I want you to also know the heartbreak that this past fifteen years has done to decimate the very core of family life. Like a pebble thrown into a quiet pool the ripple effect is enormous. At the start it breaks the centre of their universe, the immediate family. Then as the months and years go by the grief goes out to the next circle, the cousins, aunts, uncles and grandparents. After that the other relatives and friends are encompassed and so on. We have heard the past two days of other deaths in families, deaths that I am sure are indirectly contributed to by the horrific killings of one man. All I can say is it's just too bad Canada doesn't have the death penalty anymore.³

Many family members describe themselves as still in the process of healing. There is no doubt about the corrosive impact of living with trauma and anger over a period of years or even decades. It is also important to acknowledge that many of the families of the missing women were economically disadvantaged. Their poverty deepened the difficulties they faced in pursuing investigations and participating in justice system processes, forcing them to incur financial costs they are not positioned to bear. Limited financial assistance and other forms of aid were provided to family members, particularly to facilitate their participation in the criminal justice system, but did not alleviate the stress caused by financial burdens. This is another example of the interlocking dimensions of poverty: it can magnify personal loss. It is an issue that must be addressed in order to ensure equal protection of the law and equal access to the justice system.

Ambiguous loss

The personal loss experienced by family members and friends of missing women whose fate is unknown is also complex because it is a type of loss that is not fully recognized by the community:

Families and friends of missing persons often find they can't negotiate the normal grieving process as there is no identified death of their loved one. When a relative is missing there is no resolution, only what families have termed 'continuous grieving' or ambiguous loss.⁴

Several of the participants in my meeting with family members told me that because there are no graves for the women who were murdered or who are still missing, it is challenging for family members to associate memories of their loved ones with any physical space or memorial. This absence has made it more difficult to reach a spiritual or emotional resolution.⁵

The Commission heard many expressions of hardship related to ambiguous loss in its consultations in Northern British Columbia, both during the Northern Community Forums and in private consultations. During the forums, several speakers spoke about the haunting nature of living with the unsolved, unexplained disappearance of a relative or close friend, finding they were always searching for the person's face in a crowd.⁶ I recall one woman at the Gitanyow forum telling us about always expecting to see her niece when she turned the corner of an aisle at the supermarket more than a decade after her disappearance. We also heard about family members scanning the faces of people in their community wondering if they were responsible for, or in some way connected to, the terrible absence of their loved one.

These feelings of anger and helplessness persist in individuals and families because most of the missing women have never been found. As noted in the report on the Northwest Consultations, in most cases there is not even any strong evidence from which to draw conclusions about what happened to the women. Even supposition would help to resolve the questions and

anguish of the remaining family and friends.⁷

Lilliane Beaudoin, adoptive sister to Dianne Rock, also spoke about the impact of ambiguous loss on her family:

On April 2nd, 2002, when my mother got a message on her answering machine from Dianne's oldest daughter that Robert Pickton had been charged with Dianne's murder, she had no knowledge that Dianne was ever missing and the [news was] incomprehensible to her. The mere fact that no remains has been found and the norm of a funeral or burial that never took place could not be believed by my mother. After nine years this took a horrendous toll on her health. This year we laid my mother to rest with her always believing in the depth of her soul that some day Dianne would call or visit.⁸

Loss of ceremonial rites

Both Aboriginal and non-Aboriginal communities have been denied the opportunity to mourn. The repercussions of the loss of ceremonial rites were voiced most strongly by Aboriginal relatives. Aboriginal culture emphasizes recognition of death, loss and closure, and follows certain rites and customs that have not been possible in these circumstances. Donnalee Sebastian told the Commission:

You have to understand that, as an Aboriginal person from the West Coast and the Northwest Coast, there is an order and a cycle of life that we follow. We were told not to give a memorial for [my mother] because it would jeopardize the investigation. Traditionally, our people will mourn for four days. They will have a prayer service or a memorial. They will have the funeral and then they will have the feast. Elsie never got any of that, and Elsie deserves that. It's in her inherent right to have that and she hasn't been granted that.⁹

This form of loss and the breadth of its impact were discussed extensively in all of the consultations in the Northern communities. It is clear that the entire community experiences trauma when they "lose one of their own." Tribal connections are very close – a loss affects everyone. A loss must be acknowledged and mourned in order to heal the grief. Otherwise the grief becomes generational.¹⁰

Severing of cultural connections in Aboriginal communities

Matrilineal lineage is a facet of many Aboriginal peoples, including many in British Columbia. A community's loss of young women has additional cultural dimensions given the role of women as bearers of culture within these communities. Intergenerational continuity of territorial and governing authority, property and resource rights, and cultural knowledge is largely a female role in many Aboriginal societies. In these circumstances, when women disappear from society, that cultural transmission is lost.

Participants in the Commission's focus group consultations in Northwest British Columbia communities emphasized how the tragedy of missing

and murdered women resulted in the severing of cultural connections in Aboriginal communities. In her report on these consultations in her capacity as Adviser to the Commission, Linda Locke, QC, wrote:

For Aboriginal communities, the experience of losing their young women inflicts a deep trauma. All of the Aboriginal groups in the Northwest are matrilineal – women are seen as the ones who carry the culture, history and lineage forward; they play an important role in continuity. The women pass down the family history, stories, and songs from generation to generation. This history stays strong through the women and keeps the family unity alive. As a result every member of the Aboriginal communities knows who they are and where they come from. When a woman is lost there is a disruptive ripple throughout the clan and nation. As a result, there is a wound that does not heal, and many generations lose their sense of belonging.¹¹

Many spoke of the intergenerational effects of the murders of women and their lasting repercussions for families during the hearings, the family meeting and in other Commission forums. In her testimony, Lila Purcell, the aunt of Tanya Holyk, described both the impact and her hope that a healthier intergenerational chain could be rebuilt based on understanding and addressing what went wrong. She told the Commission:

Having played the role of mother, father, single parent, and observing others in the same capacity, I have come to realize just how faded the boundaries have become for parental guidance to a child. We now understand how, once a familial chain, the familial chain has been broken, it will take a few generations to begin to secure it once again.

The Aboriginal family chain is still in indeterminate stages. Most, if not all, have been witness to someone we know and love dismissing their dignity or self-love for drink, drugs or companionship. It becomes a self-medication -- a self-medicated shroud. We should all be able to see that this is done to deflect hurt, anxieties, powerlessnesses put upon them at some time or another in our society, and we call them ignorant.

Initiative always began with an individual and worked its way up to universal. If what has happened on the Pickton pig farm has taught our society and law enforcement anything, that all of those lives are not lost in vain. Please help those that can't help themselves any longer.

...

I hope that perhaps we can reflect on what has happened at the Pickton pig farm and have -- when women go missing, that perhaps we could do a little more about it and not sweep it under the rug, and remember that those people are attached to others. We always call our families "circles" and when that circle is broken, it takes a very long time to mend. And I hope that now, when they go forward to search for women, they don't look at their background, they look at the person. Thank you.¹²

There is no question that the loss of so many women of all ages has resulted

in devastating intergenerational loss, a loss that has particular cultural implications for many of the First Nations communities within the province.

Ongoing physical and emotional distress

The loss of the missing women and the unsatisfactory police, government and public response has resulted in widespread physical and emotional distress, particularly within families but extending to other important relationships.

One dimension of this distress is the guilt and shame at having failed to protect loved ones. In some cases, these emotions have caused what appears to be irreparable damage to families. In some cases, the schisms are attributed to the fact that one family member has been consumed by the stressful judicial or other processes and other family members do not share the same level of involvement. In other cases, it is because family members blame each other for the woman's disappearance or for contributing to the situation which made her vulnerable to predation.

Many participants in the study commission consultations spoke about the many health conditions experienced by family members as a result of a missing or murdered loved one in their family; many of these are long-term health problems.¹³ Some described personal struggles with addiction, some described the agony of watching other family members using alcohol or drugs to cope with their pain, and some experienced both of these situations.

Health problems and the practical requirements of dealing with surviving children have meant that family members have been unable to work; these financial concerns have sometimes caused further health impacts on families. For me, the following statement of Margaret Green at the family consultation meeting really underscores the cyclical and ongoing impact of violence:

When children of missing or murdered women, especially marginalized women who society has kind of written off, then the -- there's so much trauma involved in that within the family that people have to either leave their jobs or -- you know, or certain people can't even raise the [children left behind] because they're so broken themselves. Some of the relatives can't step in. Those who do step in will have to step out of the workplace.¹⁴

The majority of the missing and murdered women were mothers, meaning their children must now cope not only with that loss, but also with the negative media focus on their mothers as drug-addicted sex workers. Children are left with resentment, confusion and feelings of hatred for the way they have been exposed in the media.

Media coverage of the Pickton victims in particular has focused on the women as drug-addicted sex workers, rather than as daughters, wives, sisters, mothers, aunts, and friends, women with their own

The majority of the missing and murdered women were mothers, meaning their children must now cope not only with that loss, but also with the negative media focus on their mothers as drug-addicted sex workers.

unique attributes and abilities, who loved and were loved. Often media stories have been accompanied by unflattering “mug shots” taken of women when they were being arrested, perpetuating negative public images. Repeated media stories accompanying various trials and testimony at the Inquiry have meant that children have sometimes grown up waiting for the next disruptive media event or legal milestone that could put them or their families back in the spotlight.¹⁵

Several of these young persons expressed their anger and feelings of injustice to the Commission in no uncertain terms; the wounds of hearing their mothers further discounted, even in death, were livid and raw. These profoundly felt experiences cannot be ignored.

Heightened sense of insecurity

Women in the DTES experience a lack of safety. That is their reality: violence in the DTES is as routine as society’s complacency with this situation. This insecurity was heightened during the period of reference when women were disappearing at a noticeably increased rate. As Elaine Allen told the Commission:

[I]t was sort of like this dark force out there no one could really figure out. It was like there was this monster out there we couldn’t really figure out. You could feel the presence of this evil force that seemed to be swallowing up women, but we couldn’t really figure out what it was.¹⁶

Many members of the community did not believe the police responded adequately to their sustained requests for assistance. Others did not view the police as a source of protection because of historic tensions in the community-police relationship. Independent Counsel for DTES Interests made this very plain in his opening submissions:

Sex workers and drug addicts felt disposable because in the scheme of official priorities, they were disposable. Sex workers and drug addicts did not trust the police to protect them because in the scheme of official priorities, the police were not supposed to protect them.¹⁷

The inadequacy of the police and governmental response has deepened this sense of insecurity in a long-lasting manner. One family member summed it up when she told the Commission during the consultations: “I don’t know what happens to you when you realize that someone tried to kill you, and there are no consequences – what does that do to your sense of safety?”¹⁸

Cynicism about police, government and community capacity to care about marginalized people

Many of the families and community members who spoke with the Commission expressed a sense that they are not valued by the community at large, and that this translated into government and police inaction in the

missing women investigations. In some cases, Aboriginal people believed this was a product of racism. In a voice wracked with pain, despite the passage of years since her sister Ramona went missing and was found murdered, Brenda Wilson told the Commission:

When Melanie Carpenter went missing, the town held a benefit concert for her. Don't you think the town should have been holding a concert for two girls who had gone missing? Both girls were under 19, children. Did it make a difference that Melanie had long blond hair and blue eyes and my sister, Ramona Wilson, didn't?¹⁹

The lack of equitable response has served to reinforce attitudes about discriminatory behaviour in the community, which further corrodes our ability to work together.

In other cases, families believe that the unequal official and public responses were linked to women's poverty, drug abuse and engagement in sex work.

People don't realize how much it affects our lives to live through and what we had to deal with, the loss of our loved ones. And it made me very bitter because the system was -- mostly failed her. And, again, I'll say that. She was left to die out there. And why? Because she was never -- she was never important to anybody, the society or to -- or to whoever.²⁰

Angel Wolfe, daughter of Brenda Wolfe, read a poem that she had written to the Commission, which reads in part:

*First I'm a daughter of a mother, and
I don't think I should be asking myself why,
Why no one wanted to protect these women
and let them die.
No one -- I used to blame myself all the time
for all her wrongs and all her crimes.
I'll never forget and
I'll always try
For now I hardly ever cry.
I wish you were still here with me instead
of being held as evidence.
I have a smile and don't hide each day
for now I know there's a secret place you lay.²¹*

Trust in police has been destroyed because people feel that they were never believed or taken seriously. This is true of both Highway of Tears and DTES victims and is linked to the overarching tendency to blame the victim for "high-risk" behaviour:

Somehow it has been made excusable for these women to go missing because they may be involved in some risky behaviour such as hitchhiking or prostitution. This is unacceptable to blame the victim. We ask our government to take the steps necessary to hold the offenders accountable.²²

It is clear to me that the inadequate police response to the missing and murdered women in the DTES and in Northern communities has contributed to a profound loss of faith in the police.

Society must remain vigilant against this pervasive tendency toward victim blaming; it is a highly problematic, deeply unjust response that brings with it the negative consequences of distancing the victim from “people like us” and holding the victim responsible for the actions of others. Blaming a crime on a victim’s actions, or using it as a shield against criticisms of failed police and governmental responses, is wholly unacceptable.

The general cynicism about the police response deepened over the course of the Commission’s work, as all involved gained a better appreciation of the many ways that our justice system had failed the women. For example, the story of the police investigation of the Anderson assault and the prosecution’s treatment of this case reinforced the belief in unequal treatment of women based on their status:

I just want to say that about the women that the most recent hearing about the woman who escaped just stirs our hearts, because there’s a way that we could see our loved one, you know, if she had been able to turn and get a knife and get away. And then to see what happened to [Ms. Anderson], I think, is a very powerful lesson that the system will crush women who even escape from there and will disregard what they have to say. And it really questions right at the heart of what the police and what our judicial system have to offer anyone who’s already so labelled and so hated from absolutely every corner.²³

In both public and private Northern Forums, people expressed frustration over all aspects of the missing and murdered women investigations. First, there is the unrelenting hurt and pain caused by the length of time that has passed and the fact that there are still no answers in the investigations themselves. As several participants noted: many people died before they figured out what had happened to their loved ones. The question, “*Why has it taken so long?*” rang loudly and clearly in all the halls and friendship centres visited by the Commission.²⁴

Additionally, the government has conducted surveys and consultations on root causes of hitchhiking, such as poverty and lack of transportation infrastructure, but never does anything to implement programs. Many people expressed dissatisfaction at the failure to fully implement the 33 very practical recommendations contained in the *2006 Highway of Tears Symposium Report*. This kind of disbelief undermines belief in government and willingness to participate in programs for change. As one speaker told the Commission: “I do not understand how certain lives seem less valuable than others; this is the message the government is giving by ignoring these issues and not providing funding.”²⁵

Profound loss of faith in police

It is clear to me that the inadequate police response to the missing and murdered women in the DTES and in Northern communities has contributed to a profound loss of faith in the police. Along with a number of other incidents in which police have not met community expectations,

these cases confirm the belief that police are not working in good faith for the safety of all members of our communities. When asked what impact the police investigations into the missing women had on the community, Wayne Leng, who created and maintains a website devoted to the missing women, said:

It's -- that's a difficult one for me to speak to but a lot of mistrust, I think, a lot of police mistrust. The families I don't think are getting the answers they want. It seems that for so many years these women were slipping through the cracks and many of us knew many women who were going missing and it appeared nothing was being done, the police weren't doing anything, at least that's the way it appeared. I think there's a level of mistrust there now.²⁶

This loss of faith is worsened by the position taken by some individual police officers who were unable to acknowledge that errors had been made, and who told the Commission that they wouldn't have done anything differently today than they did at the time. Jamie Lee Hamilton appeared to speak for many when she said:

I thought we were moving forward when Deputy Chief Doug LePard issued his report and invited us, many of us, to the boardroom for that report, and I mentioned at that time that I was very happy there was the issuing of the apology, but I think it was last week I sat at work watching the hearings and I heard from high ranking police officers that we wouldn't have done anything differently. I thought that was very telling. I thought somehow they still feel that what they did was the right thing, that they were following proper processes and policies, and at some point they have to acknowledge their shortcomings. But at the end of the day somehow we have to move forward, Mr. Commissioner. It can't be them and it can't be us and somehow we've got to figure out a way to move forward so we can ensure that there's trust and with that trust will come a movement to ensure that these types of heinous crimes are not committed.²⁷

Maggie de Vries, who lost her sister Sarah, was also saddened to hear that some police did not think changes needed to be made:

It breaks my heart, it just crushes my heart to hear police officers say they would do nothing differently when clearly they know that there were things that could have been done differently.²⁸

Harmful effects on police officers

I have focused on assessing the harm suffered by both individuals with close relationships with the women, as well as the broader community, due to the inadequate police, governmental and community responses to the missing women. It is also critical to acknowledge the impact of the crimes and the investigations on police officers. It is important to recognize that police officers are also part of our communities, not separate from them. Police investigating the cases were exposed to horrific information and thus were subjected to direct and vicarious trauma; this is also true for forensic analysts who gathered and analyzed evidence from the Pickton farm.

Over the course of the Commission's work, I saw first-hand the wide variety of individual responses: some police officers have developed defensiveness on behalf of the force in reaction to community response, while others are deeply affected by the belief that they have failed. Despite the passage of many years, several investigators who had spent a lot of time working on these cases became overwrought and cried during their testimony. DC Evans expressed the opinion that it was unusual that many of the officers she interviewed were still struggling to such an extent:

I was so surprised -- I think that was probably one of the biggest things that I found surprising, was that when I interviewed the officers, that I could see so many of them are still struggling with this and are, in my view, suffering from, I would say, post-traumatic stress as a result of this. Yes. They were very impacted.²⁹

Given her years of experience with investigating serious crime and her role in assisting in the Bernardo review, I take DC Evans' comments to underscore the unique, profound impact that the missing women investigations have had on the police officers involved in them.

It is fair to say that some of the investigators who worked on this case are tormented by the fact that they were unable to stop Pickton sooner. In responding to a question from Mr. Ward indicating that the reason the women's relatives had attended hearings every day was to discover what went wrong in the Pickton investigation, Retired Detective Constable Chernoff told the Commission in brief but moving terms about the severe distress he experienced:

And I totally understood when I was called into the office in 2002 and told that Mr. Pickton was arrested and would be charged with these murders. I was devastated I'll tell you. I know exactly, exactly, but I can't -- I can't tell you what happened. I don't know. All I can say is that at the time it didn't make a lot of sense to me and I thought it should have been pursued.³⁰

In her testimony, Detective Constable Shenher, while acknowledging that she is cognizant that the impact on her "is very minor compared -- in comparison to what the families and friends of the missing and murdered women have gone through,"³¹ shared her grief at learning that Pickton was responsible for the murders of so many of the missing women:

And, and, you know, every time someone's DNA was found on that farm, it was just, I was right back there. And, and I, you know, I was counting. You know, I was counting women. How many women went missing from, from, you know, August, September '99, from that time I really felt like we were really closing in on him. And I, you know, I felt very, very, very, very much, very much grief stricken I think.

And so, you know, since that time, I've really kind of hidden away at the police department. Uh, it's been difficult. And I think, you know, I suffer from some trauma around this.³²

Detective Constable Shenher was clearly devastated by what had happened. There was no question that she cared deeply about the women and felt that Pickton should have been apprehended sooner. Retired Staff Sergeant Connor was also frank in testifying about the impact of the investigation. He said in a somewhat halting voice:

A. ... I do have post-traumatic stress disorder. It's quite severe, and it's attributed to my years of dealing with homicide cases, bloody crime scenes and the like. I'm being treated for that -- that illness weekly with a psychologist who's working with me. I live with the -- I live with the fact that -- that 13 women, roughly, disappeared from the Downtown Eastside since I became involved in the Pickton file, and it was, in my view, my responsibility to put the bad guy in jail. I couldn't catch a break, and I failed to put the bad guy in jail. I just -- I couldn't do it, and for that I'm sorry. I did what I could.

Q. You said you think about this every day?

A. Every day.³³

Loss of faith in justice system and government in terms of response

The Commission heard a great deal about a general loss of faith in the justice system and government because of the lack of adequate response. I was disheartened by the many times people told me that there was no point in talking to the Commission, no point in putting forward recommendations, because they did not believe action would be taken. During the Northern Community Forums, many participants noted that there seemed to be little progress on the Highway of Tears Symposium report's recommendations – practical, implementable recommendations that received broad consensus in 2006. As I noted above, additional funding has been provided by the Provincial Government to follow up on these initiatives, but there has been no major commitment to some of the central recommendations such as increased public transportation.

These concerns have also been widely raised by DTES community groups and advocates who feel that processes to address the failed investigations of the missing women are not truly open, and that they are designed to control the response due to government-imposed constraints. The Commission itself is seen as a biased exercise because of the government's unprecedented decision to not fund all participants granted standing at its hearings. Many who did participate questioned the motivation and ability of the Commission to affect substantive reform. For example, Maggie de Vries said: "You make recommendations but if the people that you're making the recommendations to don't have the proper spirit those recommendations won't be implemented in a positive way."³⁴

Despite this extensive disheartenment, many, many individuals and organizations brought their good faith to the Commission hearings and the Study Commission process in an effort to bridge this situation of mistrust.

For some, there is an overriding belief that the shared need to move forward will create the necessary conditions for real, collaborative engagement. Many expressed the belief that we must and could move beyond “them” and “us.” Maggie de Vries expressed the wish and the belief that this movement could be substantially assisted by the Commission’s work:

An inquiry is supposed to be an inquiry where we all inquire together, and I hope that this inquiry ultimately can achieve that purpose and the police can really enter into the spirit of that both here and following when they receive your recommendations.³⁵

I have written this report with this spirit in mind and commit to taking all steps available to me to live up to this responsibility.

C. Restorative Measures

Building the women’s legacy of safety requires authentic and sincere collaboration between a wide cross-section of individuals and groups representing the police, government, and communities that have been directly affected by the inadequate missing women investigations. I have identified concrete steps necessary to build the legacy, but I conclude that they cannot be properly implemented in the current context of anger and mistrust that marks the police-community relationship and the prevailing cynicism that marks the broader relationship between the public and government. Healing and reconciliation will not happen overnight. My recommendations do not require that restorative measures be taken *before* other steps; rather that they go hand in hand. This requires a long-term commitment on behalf of all parties.

In the sections below, I set out the steps required for a genuine restorative process, taking into account the need for recognition and acknowledgement, redress and support, and healing and reconciliation.

I would like to particularly acknowledge the *In Memory of Our Fallen Angels* report prepared by a small group of family members and other interested participants. This report resulted from their wish to continue the healing and reconciliation conversation begun at the last policy forum and to their advocacy for the related issues of implementation and evaluation of change. I very much appreciate these additional efforts, which have contributed to my reflections on these topics. While I have not adopted all of the recommendations contained in this report, I urge others to read and consider its contents.

Recognition and acknowledgement

Relatives of the missing and murdered women and many community members called for further recognition and acknowledgement of the harms caused by the inadequate police, government and public response to the missing and murdered women.³⁶ Their voices join with those of many family members of missing and murdered women across Canada who have

called for greater public acknowledgment of the trauma and terrible loss they have experienced.

During the Commission hearings, many individual VPD officers apologized to the families and to the community for the shortcomings of its investigation into the missing and murdered women, and for the impact that had on the failed investigation into Pickton as a suspect specifically. Counsel for the VPD have, in this Inquiry, expressed that apology both at large and to family members individually. The VPD acknowledges and accepts that its investigation was inadequate in many respects, and it bears deep regret for the pain and trauma that this has caused the families and the community. In its policy submissions, the VPD has told the Commission that it is willing and interested in participating in further steps toward healing and reconciliation with the families and the community.

Representatives of the RCMP did not apologize during the hearings, despite a specific invitation by Commission Counsel to do so.³⁷ I was most disappointed at that reaction. I think at the very least the families were entitled to some form of apology or contrition. The RCMP issued a limited, qualified formal apology relating to its role in the missing and murdered women investigations on January 27, 2012.³⁸ Much of the Government of Canada's submissions on behalf of the RCMP focused on blaming the VPD for the investigative failures. Again, I was disappointed by this position. Taking responsibility for the failures is a crucial first step in the healing and reconciliation process and lays the foundation for reform.

A broader public acknowledgment could also be accomplished through tangible steps, such as building an official memorial site for all family members to provide a place for families to mourn their loved ones in the absence of graves, or establishing an official day of mourning.

I recommend that Provincial Government appoint two advisors, including one Aboriginal Elder, to consult with all affected parties to determine what form and content the apologies and other forms of public acknowledgement should take. This is required as a first step in the healing and reconciliation process.

Redress and support

The Commission received submissions recommending two types of redress: general compensation to the relatives of the missing and murdered women and the establishment of a legacy fund for the children of the victims.

Given the compelling evidence that I heard concerning the intergenerational impact of these crimes and the need to break the hold of violence on families, I recommend that Provincial Government establish a compensation fund for the children of the victims. The need for such a fund was simply but powerfully put before the Commission by Angel Wolfe, daughter of Brenda Wolfe, who was six years old when her mother was last seen and

18 when she gave her testimony. Robert Pickton was convicted of second-degree murder in the death of Brenda Wolfe. Ms. Wolfe said the victim compensation process of putting a “price tag” on her mother was, in her view, hurtful. However, she also recognized victims’ children’s very real need of support, particularly for those who were not as fortunate as she was to be cared for “in society” rather than in the child welfare foster system. She emphasized the need for both counselling and broader support for the missing women’s children in recognition of their losses:

...ongoing support and funding for the children of the victims that -- and get the guidelines and all the, you know, things you need, because it’s really horrible, and have our traditional counsellors we want to work with and go through our sorrow with. And, yeah, I want more traditional counsellors for kids and more supports for the kids and the victims of these kids.³⁹

I agree with Bonnie Fowler, who emphasized that, as a society, we need to assist the children of the victims in two ways. First, “the children who are left behind... need to know what changes will be made to protect the future generations... [that] [t]he initiatives are in place with each community to safeguard women and children from violent situations.”⁴⁰ Second, we need to ensure that the children themselves are provided with compensation to redress their loss in some measure so that they are better able to care for themselves. During the Commission’s consultations with victims’ family members, participants recommended that such compensation take the form of a fund for children of missing and murdered women to enable them to engage in a range of activities including post-secondary education, recreational and cultural programs, vocational training and therapeutic programs. I was also urged to ensure that the program be accessible across Canada.⁴¹

Healing

In the context of dealing with the aftermath of violence and the ongoing cycles of violence, healing is a process by which unresolved trauma can be addressed in meaningful terms and that works toward breaking the cycle of abuse. The healing process is thought to consist of three stages: establishing safety, reconstructing the trauma story (referred to as remembrance and mourning), and restoring the connection between survivors and their community. Healing can prevent future violence and facilitate reconciliation.

The *In Memory of Our Fallen Angels* report identifies a long list of groups and individuals who need healing. In no particular order, the list framed by this group includes:

- Police and RCMP involved;
- Men and women, girls and boys who still work on the streets of the DTES;
- Missing women’s families, and friends;
- Children of the missing women;
- Project SisterWatch;
- Wally Oppal and all the Commission lawyers, staff;

- First responders, victim service workers;
- Workers who worked on the Pickton farm, forensics;
- WISH Foundation;
- Agencies who work with women on the streets;
- Volunteers who helped out;
- Ms. Anderson and any other survivors;
- Lawyers, those who worked the trial and/or the Inquiry;
- Friends, family of Pickton and Robert Pickton;
- Wider community of the DTES;
- Citizens of BC who have been let down or affected by this in their community, even those with no involvement... this city needs to heal;
- 911 operators;
- Media and authors who have written about the missing women;
- All families of victims – expanded out to all... not just the missing women families;
- Aboriginal families – First Nations peoples; and
- Friends of the victims i.e.: Missing Persons of BC on Facebook and Vancouver Missing.net.⁴²

There is an enormous need for services that promote healing including counselling, grief counselling, spiritual guidance and support from other families experiencing similar situations. These services need to be “accessible, accommodating, timely and flexible” and they must be culturally appropriate, especially for First Nations persons.

I have learned that there are many roads to healing and encourage all touched by this tragedy to pursue those that resonate with them. I thank the family members for this teaching. A great number of specific recommendations to facilitate healing were proposed to the Commission. These include:

- A healing retreat or camp program for children and other surviving relatives that would allow them to meet regularly with others, talk, grieve and engage in social activities and memorializing activities;
- A public fund for ongoing support services and to support family gatherings;
- Reform aimed at ensuring that compensation, access to Victim Services and access to healing activities take into account the extended nature of Aboriginal families;
- A web-based, social networking site for the families to continue to be in touch and share information; and
- A five-day symposium so that family members can gather and further develop their recommendations, including for healing; ensure that the symposium includes time for family members to present their ideas to relevant officials and government agencies and that it ends with a feast celebrating the lives of the women.

Public funding is required to assist family members in their healing processes on a long-term basis; these funds could be used both for individual ongoing support services and to finance family gatherings. I recommend that Provincial Government establish a healing fund for families of the missing and murdered women. These funds should be accessed through an

There is an enormous need for services that promote healing including counselling, grief counselling, spiritual guidance and support from other families experiencing similar situations.

application process pursuant to established guidelines.

Reconciliation

Reconciliation means coming to accept each other and developing mutual trust. The focus here is on forgiveness, acceptance, and seeing and building upon the possibility of a constructive relationship. It is my hope that this report contributes to public acknowledgment by creating a shared narrative about the facts.

Further, restorative measures in the form of a broader facilitated reconciliation process for families, communities and police are also required. One possibility is for this process to focus on reviewing this report and to consider specific ways to work together to overcome cynicism and mistrust. More creative options have also been suggested, including a non-traditional process such as collaborative community drama and/or recreational activities.

In her written and oral submissions at the Policy Forums, community member and former sex worker Kerry Porth asked the Commission to acknowledge that the DTES as a community “has experienced an egregious wound due to this tragedy,” but that there is also some willingness from the community to find a way to heal and move forward:

Social activities involving community and police such as the soccer games played by the VPD and the Vancouver Street Soccer League go a long way to “humanizing” the police for community members. Events like these should be scheduled more often and have the added benefit of providing some “fun” for residents of the DTES. The VPD blogs written by individual officers are valuable but I note that most DTES residents do not have access to them. This could potentially be resolved by a newsletter for the community by the VPD that is specific to the DTES.⁴³

The Commission has identified many potential process options, but recognizes that the participants themselves should make the choice of process. **I therefore recommend that Provincial Government appoint two advisors, including one Aboriginal Elder, to consult with all affected parties regarding the structure and format of this facilitated reconciliation process and to make recommendations, including for funding, in this process.** These consultations and development of recommendations could be undertaken together with the other recommendations in this section.

D. Recommendations for Restorative Measures

I make the following recommendations in order to lay the foundation for effective change through acknowledging the harm and fostering healing and reconciliation:

- 3.1 That Provincial Government appoint two advisors, including one Aboriginal Elder, to consult with all affected parties regarding

the form and content of the apologies and other forms of public acknowledgement required as a first step in the healing and reconciliation process.

- 3.2 That Provincial Government establish a compensation fund for the children of the missing and murdered women.
- 3.3 That Provincial Government establish a healing fund for families of the missing and murdered women. These funds should be accessed through an application process pursuant to established guidelines.
- 3.4 That Provincial Government appoint two advisors, including one Aboriginal Elder, to consult with all affected parties regarding the structure and format of this facilitated reconciliation process and to consider mechanisms for funding it. These consultations and recommendations could be undertaken together with recommendation 3.1.

(Please note that recommendations are numbered according to the Part in which they are introduced, recommendations from Part 3 begin with 3, those from Part 4 begin with 4, and so on.)

PART FOUR

RENEWING OUR COMMITMENT TO EQUAL
PROTECTION OF THE LAW THROUGH
PRACTICAL MEASURES

PART 4 – RENEWING OUR COMMITMENT TO EQUAL PROTECTION OF THE LAW THROUGH PRACTICAL MEASURES

A. Introduction

One of the central questions addressed by the Commission is whether the missing women investigations were initiated and conducted in a manner that is fully consistent with the guarantee of equality and, in particular, if the police met their obligation to provide equal protection, specifically to vulnerable groups. I have concluded that the investigations did not live up to this obligation in several important ways. The failings are attributable neither to overt or intentional police bias nor to a generalized institutional bias, but to the operation of negative stereotypes and systemic biases.

During the Commission's hearings, the missing and murdered women's family members emphasized the need to treat all victims and potential victims of crime as equals as being the central component of recommendations for reform. It was clear to them that the police failed because they did not view the women as fully deserving of the respect and concern to be accorded to all human beings. Marilyn Kraft Renter, stepmother to Cindy Feliks, said:

And don't treat prostitutes and drug addicts as if they're second class citizens and throwaway people. It's not right. They are people and they're daughters, they have daughters of their own, they have children of their own that we're left to raise, and it's a tragedy.¹

Lisa Bigjohn, Mona Wilson's sister, spoke of the need for a fundamental shift in the justice system to ensure that everyone is treated with equal concern and respect and as deserving of protection:

There needs to be more awareness of who these people are and they need to -- they need to start focusing about their safety... I want these guys to start paying attention about lives, lives that get taken for no reason. They deserve to be recognized [for] who they are. They deserve to have that system work with them.²

Angel Wolfe, Brenda Wolfe's daughter, used even stronger terms: "Canada needs to wake up and see the body count. 600 plus missing or murdered Anishnawbek women in Canada. It's an atrocity. This is genocide. What can we do so that these women are accounted for?"³

The *Canadian Charter of Rights and Freedoms* guarantees every person equal benefit and protection of the law⁴ as well as the right to life, liberty and security of the person.⁵ The right to life, liberty and security of the person must be protected in accordance with the principles of fundamental justice; and people cannot be deprived of these rights through arbitrary or discriminatory actions or failures to act by governments or officials, including police agencies and officers.

Lawyers and judges have a tendency to think of the constitutional right to equality and provincial, federal and international human rights protections as something declared from time to time by the courts, generating a flurry of attention and activity. The more important ways to protect human rights are through non-legalized avenues: equality must be integrated into everyday practices and policies as well as law. Integration of equality norms by all authorities, particularly those who exercise discretionary powers, is essential to overcoming inequalities in society and creating substantive equality step by step. The Supreme Court of Canada has recognized that substantive equality is the ultimate goal of these protections.⁶

Rights that are declared in courtrooms – particularly in courtrooms that are far removed from the day-to-day existence in Vancouver’s Downtown Eastside or along Northern BC’s Highway of Tears – mean little if they are not respected in daily practice. Sophisticated legal analysis needs to be translated into language that everyone understands and rendered operational in real life. In order to be effective, these evolving legal standards must be incorporated into all aspects of the justice system, including police and prosecutorial practices, procedural law and the law of evidence, and integrated into the professional development and institutional capacities of all individuals and organizations working within the justice system.

This part of my report focuses on renewing our commitment to equality, particularly for marginalized and Aboriginal women, through practical measures. Consistent with my mandate and findings, I focus on actions to be taken by police and the prosecution to renew their commitment in this regard. I fully accept, however, that it is not only police forces or, more broadly, the justice system that needs to change. As I have noted throughout this report, the missing women investigations were shaped, in part, by the political and public indifference to the women’s plight.

The victims were from “a low or a marginal group, a low power group of society,”⁷ a consequence of a number of structural inequalities within Canadian society including those based on sex, poverty, inadequate treatment of addiction as a health issue, and the way these three forms of discrimination push women into the survival sex trade. In addition, a disproportionate number of the missing women were Aboriginal. We need to address these broader inequalities collectively and until they are eradicated; police and other justice system personnel must do everything within their power to take into account and address the vulnerabilities of marginalized women and Aboriginal women.

I completely reject suggestions that the women’s “lifestyle” is to blame. As Lynn Frey, stepmother to Marnie Frey, told the Commission:

I really would like to see a lot of changes, and unless you’ve been there and walked a mile in our shoes to understand the addictive person, it’s a disease. These women didn’t like the lifestyle they lived; they didn’t like what they had to do. We have to make

Integration of equality norms by all authorities, particularly those who exercise discretionary powers, is essential to overcoming inequalities in society and creating substantive equality step by step.

changes. We have to make society realize that these people are human beings no matter what walk of life they walk, and that's why I'm here. We need to make changes. Somebody needs to be held accountable for what happened to all the missing women.⁸

B. Equality in Policing Audits

The Commission's focus was on a specific series of investigations undertaken by the VPD and the RCMP more than a decade ago. I have found, at that time, systemic bias, particularly in the form of negative stereotyping within the exercise of discretion and individual and collective decision-making processes, existed. Counsel for the Families, DTES Interests, and Aboriginal Interests all made submissions concerning the pervasive operation of a broader range of biases including sexism and racism in the workplace and the existence of an "old-boys" network that contributed to the inadequacy of the investigations. The Commission did not have the mandate or the capacity to gather and analyze evidence on these larger questions; however, I acknowledge that if they were present, these internal dynamics likely had a detrimental impact on police actions, omissions and interactions with marginalized members of our communities.

Furthermore, as outlined in Part 2 of Volume III of this report, both police forces have taken many steps to update their policies and practices to overcome bias and discrimination in the interim, but I am not presently in a position to assess the extent to which these measures have been enacted or effective. I am also mindful that I cannot make findings with respect to the RCMP's management, policies and administration because it is a federal institution and the Commission is a provincial inquiry; therefore, my jurisdiction is limited to recommending measures to the Provincial Government and entities to which it has delegated provincial powers.

As a result, I can neither pronounce nor stay silent on the issue of whether wider equality-promoting measures are required to ensure fair and just policing in British Columbia. I have concluded that the best way to overcome this apparent impasse, created by past findings and present unknowns, is to recommend that Provincial Government direct the Director of Police Services to undertake equality audits of police forces in British Columbia with a focus on the police duty to protect marginalized and Aboriginal women from violence. An external reviewer working in collaboration with representatives from the community should carry out these reviews. This is the only measure of which I am aware that will put to rest ongoing serious concerns about whether police institutions are currently fulfilling their responsibilities to ensure equal protection of the law to women who are particularly vulnerable to serial predation. These audits would provide an essential baseline of British Columbian police forces' capacity to fully meet their equality-promoting obligations.

Audits are one important avenue for assessing whether there are cultural and systemic barriers to reporting and investigating missing person cases and

determining how to improve police responses to better protect vulnerable and marginalized women. The VPD has carried out both an internal audit of its Missing Persons Unit and a review of the missing women investigations,⁹ as well as recent internal and independent reviews on other issues.¹⁰ These reviews appear to have greatly contributed to the VPD's ability to identify and facilitate learning and change with a highly positive impact on its effectiveness as an organization.

Experience in other jurisdictions suggests that a systemic review or audit may be more effective when carried out by an external agency *and* with meaningful community involvement. In the United States, for example, the Federal Department of Justice is tasked with a systemic review of municipal police departments for compliance with legal obligations arising from the Constitution and federal civil rights legislation. The City of Toronto's main response to the court ruling in the *Jane Doe*¹¹ case was to direct the City Auditor to audit the Metropolitan Toronto Police and to work with an Audit Reference Group comprised of community representatives with expertise in the field of sexual assault and violence against women and other expert advisors.

The independent audit of the Metropolitan Toronto Police recognized that progress had been made in the decade since the investigation of the *Jane Doe* case, including the implementation of some of the recommendations made in Mr. Justice Campbell's review of the Bernardo investigation. Nevertheless, the auditor found that systemic barriers continued to exist in the investigation of sexual assaults and made 57 recommendations for change. The auditor noted the significant assistance provided by the Audit Reference Group. This is the model I recommend be employed to assess the current situation in British Columbia.

The City of Toronto carried out a second audit in 2004 to review progress made since the implementation of the 1999 report recommendations. This follow-up audit concluded:

While certain recommendations from the original 1999 report have been implemented, it is apparent that there are others which have not been addressed or implemented satisfactorily. Of significant concern is the fact that even though specific recommendations have been addressed in directives issued by the Chief of Police, police officers in certain cases are not complying with these directives.¹²

The City of Toronto's experience with the audit process emphasizes the difficulty in achieving systemic change within an institution such as a police force, but also the importance of the external review function, community input, and continuous implementation in the change process.

In its policy submissions, the VPD noted that it strongly believes in the value of regular reviews and audits so that possibilities for improvement can be identified and implemented. The VPD has a full-time civilian-staffed Audit Unit and has carried out a number of audits over the past

few years.¹³ The VPD submits that the utility of an audit or review can, in some circumstances, be increased when it is conducted by an independent agency, as opposed to internally, but that there can also be disadvantages. Some of the advantages are that an independent review may be more pointed in its criticism and, as a result, it may have greater credibility among some sectors of the community. From the VPD perspective, there are also potential disadvantages. An external agency may have less knowledge of the practices of the police force under review, and therefore the review may be more superficial; additionally, an external review may have less credibility among members of the police force. It is further suggested that recommendations from an internal review may be more fully implemented for these reasons. I accept the VPD's premise that internal reviews may have more credibility with police, but it is equally true that external reviews will have more credibility with the public, especially in a situation where trust needs to be rebuilt following the significant failings of the missing and murdered women investigations. I recommend that an external auditor work in collaboration with a reference group of community representatives with expertise in the field of sexual assault and violence against women and other expert advisors. Representation of Aboriginal women in this reference group should be assured.

I am mindful of the issue of the time, cost and expertise considerations affecting the practical availability of external reviews. However, I have concluded that equality in policing audits is indispensable in building the women's legacy and ensuring equal protection of vulnerable women in the future. **I recommend that the Minister of Justice direct the Director of Police Services to conduct an audit under s. 42 of the *Police Act*. These audits should be carried out on all police forces operating in British Columbia.** There is no sound rationale for focusing only on the VPD, especially in light of the many positive steps it has already taken to improving its policies and practices based on lessons learned from the missing women investigations. Equality in policing should be measured and assured on a province-wide basis. The Director of Police Services should appoint the external auditor and develop the terms of reference for the audit in consultation with community representatives, as well as appropriate agencies, including the BC Association of Municipal Chiefs of Police and the RCMP.

C. Establishment of Positive Duties

General Duties of Non-Discrimination

Police

The evidence before the Commission makes it impossible to ignore that we have a two-tiered justice system resulting in unequal protection of the law in specific circumstances. This Commission report adds another layer to the findings of earlier studies, reports and commissions. Recognition of the general duty of non-discrimination is one practical measure that police

forces can take to ensure that this legal standard is fully integrated in police operations at both the individual and institutional levels.

Policing standards play two important functions. First, standards make police officers aware of the expected actions and attitudes, assisting them to conduct themselves in a manner consistent with departmental policy. Second, members of the public are provided with a general standard by which they can measure the performance of the police force. While policing standards typically refer to constitutional rights in a blanket manner, more detailed standards concerning the roles and responsibilities of police to provide equal protection of the law could play a role in overcoming systemic bias in policing.

The RCMP has adopted bias-free policing directives which state, in part:

Bias-free policing means equitable treatment of all persons by all RCMP employees in the performance of their duties, in accordance with the law and without abusing their authority regardless of an individual's race, national or ethnic origin, colour, religion, gender, sexual orientation, marital status, age, mental or physical disability, citizenship, family status, socio-economic status, or a conviction for which a pardon has been granted.¹⁴

In its policy submissions, the VPD agreed that it is important to explicitly recognize the responsibility of police to fulfill their duties and exercise their powers in a non-discriminatory manner.¹⁵ These submissions also set out the three mechanisms through which this duty is currently made clear to VPD members: the *Police Oath*, the VPD's *Code of Ethics*, and a Statement of Values and Principles contained in the VPD's *Strategic Plan*.

The *Police Oath* contains the following wording:

I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Canada, Her Heirs and Successors;

I will, to the best of my power, cause the peace to be kept and prevent all offences against the persons and properties of Her Majesty's subjects;

I will faithfully, honestly and impartially perform my duties as [an officer].

The VPD's *Code of Ethics*, which derives from the *British Columbia Police Code of Ethics*, states the following:

Fundamental Principles

Police Officers in the Province of British Columbia, along with their respective organizations and agencies, embrace the following Fundamental Principles, which underpin the Guiding Values, Primary Responsibilities and Decision-Making framework.

- democracy

Recognition of the general duty of non-discrimination is one practical measure that police forces can take to ensure that this legal standard is fully integrated in police operations at both the individual and institutional levels.

- *the rule of law*
- *justice and equality*
- *protection of life and property*
- *safeguarding the public trust*
- *that the police are the public and the public are the police*
- *the principles of the Constitution of Canada; the rights enshrined in the Charter of Rights & Freedoms*

Guiding Values

Police Officers in the Province of British Columbia, along with their respective organizations and agencies, look to the following Guiding Values, which should direct all our decisions. Moreover, we recognize that our decisions will be judged according to how well they correspond to these values.

- *citizenship*
- *courage*
- *fairness*
- *impartiality*
- *integrity*
- *loyalty*
- *public service*
- *respect*

Primary Responsibilities

Police Officers in the Province of British Columbia, along with their respective organizations and agencies, affirm the following Primary Responsibilities, which are defined in terms of three key relationships. First, there is the Public, for whom we serve. Next there are Professional Partners, with whom we work, and ourselves personally, to whom we must be true. Moreover, we recognize that responsibility occurs personally and collectively, and that accountability must accompany responsibility for it to be effectual.

(i) The Public

Our basic policing duties are to protect lives and property, preserve peace and good order, prevent crime, detect and apprehend offenders and enforce the law, while at the same time protecting the rights and freedoms of all persons as guaranteed in our Charter of Rights and Freedoms. In fulfilling these duties, we must strive for excellence, which includes the exercise of professional discretion and judgment in a manner consistent with our Fundamental Principles and Guiding Values. Recognizing, however, that the ability of the police to perform their duties is dependent upon public approval, support and willing cooperation, we must also provide open, responsive, impartial and accessible service. In other words, to safeguard the public trust, we will be responsible to the public and accountable publicly for what we do.

Policing is serious work and there are important issues at stake. It

requires not only technical competence but also a willingness to take difficult action in trying times. As well, it requires a recognition that we must act with a concerted commitment to serve and protect using democratic principles in the service of the law while honouring human dignity in the pursuit of justice. And it is this commitment to principled policing that distinguishes us as professionals, both to ourselves and to the public.

Third, the VPD's *Strategic Plan* contains a statement of values, which is encapsulated in the acronym "IPAR":

- (a) *Integrity: "We stand for truth and honesty in all circumstances;"*
- (b) *Professionalism: "We will pursue the highest standards in policing;"*
- (c) *Accountability: "We will maintain the highest ethical and legal standards;" and*
- (d) *Respect: "We will be compassionate and respectful in all our actions."*

In addition, the VPD *Strategic Plan* (2012-2016) also contains a statement on the VPD's Principles:

JUSTIFICATION – Police actions shall be necessary, legitimate, and legally justifiable

PROPORTIONALITY – The risk and impact of police actions shall be proportional to the priority and the severity of the situation in need of intervention

INTRUSIVENESS – Police actions should be the least intrusive required to ensure public safety

While the above excerpts from VPD policy documents do speak to non-discrimination, the statements are too broad and too many documents must be read at the same time. This renders the mechanisms ineffective. In addition, it is crucial that all British Columbian police forces share the same duty of non-discrimination standards. Thus all residents would know that police in this province are committed to this fundamental guarantee at both the institutional and individual levels.

The Commission has reviewed a number of different approaches to establishing a general and binding duty of non-discrimination standards. I have concluded that the best practice in this regard is the approach taken by the Government of Alberta in the *Alberta Policing Standards*. These standards include the broad and expansive recognition of the duty to carry out policing duties in accordance with equality rights that I recommend be implemented in British Columbia. The relevant parts of the *Alberta Policing Standards* state:

ROLES AND RESPONSIBILITIES - PREAMBLE:

....

The police must seek and preserve public trust, confidence and support by exercising impartial service to the law and providing service to all people without regard to race, national or ethnic origin, colour, religion, gender, age, sexual orientation, belief or social standing.

ROLES AND RESPONSIBILITIES - STATEMENT

Police services in Alberta, as part of the criminal justice system, and in accordance with the Canadian Charter of Rights and Freedoms, are responsible for maintaining peace and order, protecting lives and property, preventing and investigating crime, and providing policing services that are responsive to community needs.

Police services should be provided throughout Alberta in accordance with the following principles. Police services are to be:

- *Delivered effectively, efficiently and impartially to all persons;*
- *Delivered on the basis of a partnership between the police and the community, and responsible to community needs;*
- *Sensitive to the needs of victims of crime and other users of policing services;*
- *Sensitive to and strive to represent the diverse character of the community being served; and*
- *Conducted in a manner that maintains the trust and respect of the public (through adherence to strict ethical standards).¹⁶*

I recommend that the Minister of Justice direct the Director of Police Services to develop and implement a non-discrimination standard similar to the Alberta standard. A restatement of the policing standard on roles and responsibilities would provide both an educational function and a direct basis for accountability for individual police officers and the police service as a whole. Based on the distinct makeup of the community served, police forces could then develop specific directives to operationalize equality and non-discrimination norms in their own jurisdiction.

Legislative recognition of the duty to warn

Earlier in this report, I concluded that the failure to take steps to warn women in the DTES of the potential threat of a serial predator was a serious systemic error. This error went uncorrected throughout the terms of reference, and for more than four years after Detective Inspector Rossmo included such a warning in the strategic blueprint first developed to address the issue of missing women. This failure to warn occurred even though police in British Columbia must have been aware of the decision in the *Jane Doe* case which held that the failure to warn women of the threat of a serial rapist infringed on the legal and constitutional rights of women because it was negligent, discriminatory and created additional risks to women's lives and security of the person.

In Great Britain, the National Missing Persons Policy states that there is a positive duty on police to take steps to protect people at risk that could be seen as extending to warnings:

The Human Rights Act 1998 places a positive obligation on police officers to take reasonable action, within their powers, to safeguard the rights of individuals who may be at risk. Those rights that may be relevant to missing persons are: the right to life (Article 2 European Convention on Human Rights (ECHR)); the right not to be subjected to torture or to inhuman or degrading treatment (Article 3 ECHR); the right to prohibition of slavery and forced labour (Article 4 ECHR); the right to respect for private and family life (Article 8 ECHR); the right to freedom of expression, including freedom to receive information (Article 10 ECHR). Failure to properly investigate a report of a missing person may leave an individual at risk and the Police Service vulnerable to a legal challenge under either the Human Rights Act or the law relating to negligence.¹⁷

In Canada, police owe a similar duty arising from the *Charter*. However, in my view, a specific statutory recognition of this duty is required. Given my findings, I recommend that legislation be enacted to structure the police's discretion to issue a warning. As was forcefully put by Dr. Rossmo (former VPD Detective Inspector) in his written submissions, "any series identified should require a warning to the public and media; police do not have authority and responsibility to make judgments about public warnings."¹⁸ Only a clear positive statement of this responsibility can ensure that police adhere to a structured and non-discriminatory policy when faced with the issue of whether a duty to warn exists in specific circumstances.

I recommend that the Minister of Justice direct the Director of Police Services to consult with the BC Association of Municipal Chiefs of Police, the RCMP, and community representatives, particularly women's advocacy groups and Aboriginal organizations, to develop the wording of a statutory provision on the legal duty to warn and a protocol on its interpretation and application.

The Commission also heard from numerous sources about the variety of ways police could effectively issue such warnings to the public. These ways include social media (Facebook, Twitter, etc.) and through community organizations. Police forces should work with their local communities to develop effective communication strategies for the issuance of warnings to ensure that the message is conveyed to community members who are most at risk of the specific threat. As was pointed out both by hearing witnesses and during the Policy Forums, often an effective warning will have to be done through a proactive process of community engagement rather than a passive notice.¹⁹

Specific Recognition of Duty to Aboriginal Peoples

Independent Counsel for Aboriginal Interests asked me to recognize that the RCMP has a fiduciary responsibility to Aboriginal peoples. I regret that I am unable to do so because Canadian courts have specifically rejected this claim.

A fiduciary relationship exists when one party holds a particular discretionary power over another; it usually occurs in the context of private law. Fiduciary relationships are frequently described as “trust-like,” but encompass a range of situations beyond legal trusts including, for example, the relationships between parents or guardians and children, brokers and investors, and lawyers and clients. A fiduciary must always act in the best interests of the beneficiary.

I agree with Ms. Narbonne and Ms. Hunt that the scope of the fiduciary concept was succinctly summarized by the Supreme Court of Canada in *R. v. Sparrow*,²⁰ although the focus of that case was the interpretation and application of Aboriginal rights in s. 35 of the *Canadian Charter of Rights and Freedoms*. The *Sparrow* case cited the Court’s previous judgment in *Guerin v. the Queen*²¹ for the guiding principle that:

the Government has the responsibility to act in a fiduciary capacity with respect to aboriginal peoples. The relationship between the Government and aboriginals is trust-like, rather than adversarial, and contemporary recognition and affirmation of aboriginal rights must be defined in light of this historic relationship.²²

Canadian courts have continued to expand and refine the nature of this fiduciary relationship over the past 20 years or more.

There is no question that the Government of Canada stands in a special relationship to Aboriginal peoples under section 91(24) of the *Constitution Act, 1867*. However, not every aspect of that relationship gives rise to a fiduciary obligation.²³ Specific duties or obligations exist in situations where the Crown has assumed discretionary control over specific Aboriginal interests,²⁴ usually interests in land.

The relationship between the RCMP and Aboriginal peoples in Canada does not invoke any unique fiduciary obligations for two reasons. First, case law has specifically found that the RCMP is not an organ of the Crown while carrying out investigative duties.²⁵ In a recent case addressing this issue, the Federal Court of Appeal held:

[t]he established fiduciary duty owed by the Crown to First Nations is not extended to the RCMP as the RCMP is not... an organ of the Crown. An RCMP officer investigating a crime and acting under his or her police discretion in the course of a criminal investigation occupies a public office and is not acting as a government agent. The status of an RCMP officer in the course of a criminal investigation is independent of control of the executive. An RCMP officer is not subject to political discretion and is not to be considered a servant or agent of the Crown while engaged in a criminal investigation.²⁶

Second, even if the RCMP was an agent or organ of the Crown, fiduciary obligations generally arise only in contexts where the Crown holds a discretionary power over an Aboriginal group or people through control of a specific and defined interest, for example, a specific piece of land. A fiduciary obligation does not arise simply because a person is of

Aboriginal ancestry. The RCMP's purview in policing crime is the general public interest. Neither the organization nor individual officers exercise authority over Aboriginal interests that are distinct from those of the general population.

For both of these reasons, it cannot be said that there is a particular fiduciary duty entrusted to the RCMP with regard to Aboriginal peoples.

The fact that there is no legal fiduciary duty on the RCMP towards Aboriginal people is not the end of the question. The RCMP has acknowledged its special relationship with Aboriginal peoples in various policies and practices. An equally important non-legal "trust" relationship between the police and Aboriginal people exists and should be further refined and developed. I am aware that the RCMP has entered into an agreement with the Assembly of First Nations on the issue of missing and murdered Aboriginal women. I am of the view that there is ample room for improvement and expansion of the RCMP obligations in this regard and that the specific recognition of the RCMP relationship with Aboriginal peoples is necessary.

Prosecution

The basic principle underlying the promotion of non-discrimination standards is that discretion must be exercised in a manner fully consistent with the constitutional guarantee of equality. The guarantee of equal protection cannot end at the police station: it must carry throughout the transmission of an investigation to the Crown prosecution for charge approval; and where a charge or charges are approved, to the discharge of the prosecutorial obligations.

In an expert report submitted to the Commission,²⁷ Dennis Murray QC, a senior criminal lawyer with experience as both Crown Counsel and defence counsel, described the historic difficulties involved in prosecuting offences against vulnerable persons and how the justice system's limitations contributed to an increased risk of violence and predation.

...evidence from such vulnerable people is difficult to marshal because by definition, their vulnerability makes them a difficult witness. Calculating and often violent or cruel offenders target such people in various incarnations. Examples which have been recognized in this regard include: children victims of abuse and sexual abuse at the hands of adults who are afraid to testify; spouses who are victims of abuse at the hands of violent and manipulative partners and who are either afraid to testify, or naively insist their spouse will reform and therefore attempt to recant; the elderly, victims of manipulation and fraud, or abuse, too afraid or superficially appearing too frail to testify; the mentally challenged who, with support, can be entirely capable of acceptable testimony.²⁸

Successful prosecutions of crime against vulnerable people require prosecutorial and police practices that facilitate accommodation by the justice system and support for the individuals. Mr. Murray described for the

The guarantee of equal protection cannot end at the police station: it must carry throughout the transmission of an investigation to the Crown prosecution for charge approval; and where a charge or charges are approved, to the discharge of the prosecutorial obligations.

Commission how reforms drastically improve the fairness of the process and contribute to equal protection of the law:

...whereas, at one point in history, in many instances, such cases were seen as untenable to prosecute, they are now routinely prosecuted using these very witnesses. The difference that developing prosecutorial and police practice has made, is that these vulnerable groups are supported, most often by resources designed specifically to support them, where available, and where not available, by a developing sense in the police and prosecution services, that formal resources or no formal resources, they will provide, by hook or by crook, the support and personal contact through which witnesses who appear vulnerable and untenable at a glance, can fairly simply become committed and effective witnesses.

It is generally recognized that in the case of uniquely vulnerable victims, uniquely interventionist and supportive approaches must be employed by police and prosecutors to afford them the voice in Courtrooms that they are entitled to and the rest of us enjoy. The considerable public benefit to this is that charges are approved against harmful offenders who formerly had the benefit of the "perfect victim" that "no one would listen to anyway." The protection of the vulnerable is among the weightiest and proudest of the public interest roles played by police and prosecutors in charge approval.²⁹

The basic principle is that the exercise of prosecutorial discretion must be consistent with equality. This was a point made in no uncertain terms by Christine Boyle QC, a law professor at the University of British Columbia, in her submissions. She noted that there is no doubt that the equality rights in section 15 of the *Charter* apply to government action in the form of prosecutorial decisions, including the decision not to prosecute. Additional guidance is required to translate that general guarantee into concrete terms in the prosecutorial context. Professor Boyle states:

The British Columbia Crown Policy Manual does not address equality in this overarching, aspirational manner. Rather, British Columbia lists 6 fundamental principles that govern the Criminal Justice Branch in its exercise of prosecutorial discretion: (i) fairness, (ii) independence, (iii) rule of law, (iv) excellence, (v) attitude of respect and courtesy and (vi) commitment. While equality is implicit in several of these principles, it is not explicitly included in the list.³⁰

Professor Boyle also points out that various Crown manuals already include specific policies, which can be seen as reflecting a commitment to equality to some extent:

For instance, the British Columbia Crown Policy Manual, CHA 1, takes the position that the public interest favours prosecution where the offence was motivated by bias, prejudice or hate, based on sex, etc. Listed public interest factors include possible power imbalances such as whether the offender was in a position of trust or authority, or the offence is a hate crime. The public interest also favours prosecution where "the victim was a vulnerable person, including children, elders, spouses and common law partners (see

policies ABD 1, CHI 1, ELD 1, SPO 1)” (Ibid.) There are also policies indicating that the public interest is “clear” in cases of spousal violence (SPO 1) and that there is “generally” a public interest in prosecuting sexual offences against adults (SEX 1). I have not been able to find any policy reflecting the public interest in prosecution of crimes of violence against women (a policy which, if it existed at the time, should have been relevant to the stay decision at issue).³¹

She urged the Commission to consider recommending a “policy addressing violence against women, which includes prostituted women (since most prostituted adults are women).” In her view, “the inclusion of all women is necessary to avoid marginalizing prostituted women in a separate category, such as ‘sex workers.’”

In his submission, Mr. Murray noted that it is well accepted among those familiar with the administration of criminal justice that sex trade workers are immensely vulnerable and are often the target of dangerous and violent offenders. He recommended that this recognition be enshrined in Crown policy to ensure that this treatment is accorded to all who need it to participate in the criminal justice process:

In my opinion, the mechanisms that so many practical police and prosecutors use every day in bringing care and sensitivity to dealing with addicted sex trade workers and other addicts as witnesses, giving them advance time and space to come to trust, giving them access to stabilizing resources in the community, giving them shelter in the days leading up to their testimony, accepting that they will be addicted and using, but stable on the day they testify, ought to be enshrined in policy in much the same way that Crown Child Sexual Abuse Policy developed and Crown Spousal Assault Policy developed, to cite two examples. The unique vulnerability of sex trade workers and the inordinate incidence of violence directed toward them in their work require it, and we are collectively eminently capable of providing it in a policy based way.³²

It is clear that this higher standard of care is required for people who cannot be their own advocates within the criminal justice system. I recommend the adoption of the principles of equality and non-discrimination to assist Crown prosecutors in meeting their obligations to take steps to ensure equal protection of the law in matters within their discretion.

First, **I recommend that Provincial Government adopt an explicit inclusion of equality as a fundamental principle in the BC Crown Policy manual.** This wording of this provision should be developed in consultation with the Crown Counsel Association and community representatives. One example that could be considered in this consultative process is found in the Ontario *Crown Policy Manual*:

*Crown counsel, as key participants in the criminal justice system, play an important role in assisting to overcome any forms of discrimination that deny equal access to the criminal justice system. Crown counsel take a leadership role in ensuring that various forms of discrimination, including homophobia, racism and racial profiling, are not reflected in the criminal justice system.*³³

Second, I conclude that Crown manuals should provide specific policy guidance concerning the duty of Crown Counsel to apply the right to equality in their work in the context of violence against vulnerable women. I prefer the broader definition of recognizing the vulnerability of women, including women engaged in the sex trade, rather than the narrower definition of sex trade workers, which conflates a woman's identity with her occupation. As the evidence clearly shows, the missing women's vulnerability was as much attributable to other factors such as drug addiction and poverty.

One additional challenging problem arises in situations in which Crown Counsel anticipates an important witness may be at risk of discriminatory assessments of credibility by judges or juries. Professor Boyle spoke to this issue, explaining that this potential manifestation of bias is related to a problem of a more general issue: prosecutors tend to focus on weaknesses rather than playing a more proactive role in building a case.³⁴ Some prosecution policy manuals address the concern that devalued witnesses are at risk of the non-prosecution of crimes against them. For example, the Public Prosecution Service of Canada's *Federal Prosecution Service Deskbook*, section 15.3.1, requires that an "[evaluation of how strong the case is likely to be when presented at trial] should be made on the assumption that the trier of fact will act impartially and according to law."³⁵

I agree with Professor Boyle's submission that "it is of course vital that some persons are not caught in a vicious circle, that of being made more vulnerable to crimes against them because they will not be taken seriously by decision-makers in the justice system."³⁶ The Supreme Court of Canada has recently referred to a similar danger with respect to the competence of witnesses with mental disabilities.³⁷

Professor Boyle recommends the adoption of a specific policy addressing "the need to avoid projecting an anticipated lack of credibility based on an s. 15 *Charter* protected ground (such as sex, race, in particular Aboriginality, disability and age, all factors which can compound each other and be compounded by poverty) back onto prosecutorial decisions."³⁸

Professor Boyle spoke to the value of such a policy, stating that it:

... could assist in avoiding the danger of the criminal justice system simply reflecting inequality rather than challenging it. Further, since witnesses likely to be devalued in the criminal justice system are likely to be aware of the risks they face, such a policy should reflect the need for appropriate expectations and supports, both for witnesses and for Crown counsel who may be concerned about judicial disapproval.³⁹

My last recommendation in this section is based more specifically on my finding of facts concerning the difficulties experienced with the appropriate valuation of witness testimony, and more particularly the credibility and reliability accorded Ms. Anderson as a witness. I am mindful of the difficulties faced by both police and prosecutors in making these credibility assessments, given the ways in which the judicial system can operate to

devalue the evidence of some individuals because of their status, including people struggling with addictions. Crown Counsel may adapt their assessment of a witness's credibility in anticipation of whether a judge will believe her or his marginalized status. This is an example of how different components of the justice system can unconsciously compound societal bias against members of these vulnerable groups.

One way to overcome this compounding dynamic of “devaluing” already “devalued” witnesses is to adopt a general policy statement directly addressing marginalized witnesses who are at risk of non-prosecution of offences against them as a result of Crown discretion. **I recommend that Provincial Government adopt this type of policy statement in the BC Crown Policy Manual, in consultation with the Crown Counsel Association and community representatives.** The Public Prosecution Service of Canada policy referred to above is one model to be considered in the formulation of such a policy.⁴⁰

D. Measures to Facilitate the Participation of Vulnerable Witnesses

The Commission record is replete with examples of challenges faced by the police and the prosecution in dealing with marginalized individuals as informants and witnesses. As several police officers reminded the Commission, the goal is to “test the evidence not the person,” but that is not what occurred in several instances over the course of the missing and murdered women investigations.

I have found that the institutional inability to overcome these challenges contributed to the failures in the missing women cases. A whole range of potential measures has been developed through the Commission's research and consultations.⁴¹ These measures were discussed in a preliminary fashion at the policy forum dedicated to this topic. Unfortunately, these discussions were hampered by the lack of participation by various stakeholders including individual Crown Counsel, the Criminal Justice Branch, and the Crown Counsel Association. These stakeholders did not participate in any of the study commission processes, including the Policy Forums, despite specific invitations by the Commission.

I am at a loss as to why these groups who play such vital roles in dealing with vulnerable witnesses and conducting prosecutions would fail to appear at the Inquiry. Their absences are especially egregious in light of the fact that a specific Term of Reference of the Commission's mandate deals with the Crown entering a Stay of Proceedings against Pickton. As well, the Criminal Justice System's treatment of vulnerable witnesses ought to be a matter of concern for all participants in the system. Obviously the Crown plays an important role in preparing and assisting vulnerable witnesses so that they are able to testify. During the Policy Forums, there was some criticism of the Crown's treatment of victims of crime. I found it disturbing that Crown Counsel chose not to appear and offer explanations

on Crown policy. Regrettably this silo mentality is all too pervasive in the system.

From the information available to the Commission, it appears that a number of services and protections are available to assist vulnerable witnesses before and during trials, but it is not clear if they are regularly used or sufficient to adequately support traumatized and reluctant witnesses. Additionally, stigma continues to affect the credibility of those who are marginalized, particularly individuals who are drug-addicted or involved in the sex trade.

During the policy forum on the treatment of vulnerable witnesses, I heard numerous perspectives about the barriers that prevent women from participating in the criminal justice process, including fear of being identified as a sex worker or a drug addict. Women may be put in danger if they are forced to act as witnesses; for example, forcing women who are girlfriends of drug dealers or gang members to testify may jeopardize their safety. It was noted that without support services, women who are forced to testify in court may lie or recant. Because women do not trust the police, the criminal justice system cannot successfully address crimes against women. To participate, women must have an advocate and support systems.

If women do attempt to participate in the criminal justice process, they may face barriers in accessing and benefiting from victim service supports. Women involved in the sex trade who are victims of crime may not be eligible for programs through Victim Services because harms must be attributable to a specific traumatic incident; according to Susan Davis, sex workers who have experienced multiple rapes by multiple perpetrators may be “too raped” to qualify for supports. She said there were also concerns that sex workers are too greedy and will claim too much compensation. Other speakers also echoed the concern that sex workers may not have the same access to support services, particularly counselling, that other victims do. Specifically, there may be barriers to accessing Victim Services depending on where such offices are located.

I also heard from police-based Victim Services about services that are presently available to support women through the criminal justice process. There are some excellent services available, but some victim service workers acknowledged that Victim Services does not meet the needs of all victims. Victim service programs are struggling to support victims due to insufficient funding. I was told that other provinces offer excellent and innovative programs that BC Victim Services is not able to offer due to financial constraints. I also heard about the barrier-free Victim Services offered to marginalized women from community-based organizations such as the Warm Zone in Abbotsford and the Surrey Women’s Centre.⁴²

Associate Chief Judge Nancy Phillips from the Provincial Court spoke about vulnerable and intimidated women in the criminal justice process, providing the perspective of judges. She noted that judges were aware

of these issues: judges regularly work on cases that include vulnerable witnesses and individuals who have challenges regarding mental health, literacy and language. She also noted that judges are a part of the community too, and like other people, count vulnerable people among their families and friends.

Victim service workers identified barriers to the use of special measures for vulnerable and intimidated witnesses. One noted that Crown Counsel do not consistently use the services and accommodations available for vulnerable and intimidated witnesses; some have told victim service workers not to mention the measures available to victims. Maryam Majedi, a staff member of the Surrey Women's Centre, also reported another barrier: some women do not trust Victim Services.

Police officers also discussed the situation facing vulnerable and intimidated witnesses in the criminal justice system. They provided the Commission with information on current processes to help vulnerable women participate in the criminal justice system, including Victim Services. Officers noted that re-victimization of vulnerable witnesses by the criminal justice system is a barrier to reporting and contributes to victims' lack of trust that police will act on complaints. One must consider the system the victim is facing, which includes high charge approval standards and the requirement to undergo cross-examination if the person testifies.

Some officers discussed a holistic approach to providing support that included the community as a whole. VPD Inspector Cita Airth noted that an entire community can be victimized because of the stories that are told. She noted that town hall meetings are a way to dispel myths and rumours and promote community healing. There are other methods to provide holistic, co-ordinated approaches: Inspector Airth noted that child advocacy centres are provided for child abuse and sexual abuse victims. RCMP Superintendent Paul Richards referenced sentencing circles that are used in the Yukon.

I received many specific recommendations for policy reform to accommodate the needs of vulnerable witnesses in the criminal justice system. There was a consensus on the need for more holistic and integrated approaches that would ensure greater consistency in approach and the development of more refined supports for vulnerable witnesses. Vulnerable and intimidated witnesses should be supported throughout their participation in the criminal justice process, including through provision of social supports, counselling and witness accommodations during testimony. For this, greater funding is needed. Through my participation in these discussions, it became clear to me that changes may also be required to evidentiary laws to address some of the barriers to equal participation in the criminal justice system.

I make three recommendations aimed at facilitating and supporting the full and equal participation of vulnerable and intimidated witnesses in all stages of the criminal justice process. First, the Commission's review of

the existing state of knowledge confirms that more research is needed (1) to better understand the effects of drug and alcohol use on memory and how to support those experiencing dependency or addiction to provide testimony; and (2) on bias and perceptions of credibility among police, counsel and the judiciary. I recommend that Provincial Government fund research studies on these topics and that the research teams should include academics, legal practitioners, and community representatives from organizations dedicated to advocating the rights of drug users such as VANDU.

Second, **I recommend that Provincial Government fund a law reform project to consider potential changes to the law of evidence to better allow vulnerable witnesses, including those who have been sexually assaulted, those suffering from addictions, and those in the sex industry, to take part in court processes.** This project may involve, for example, a more flexible interpretation of the hearsay rule to permit admission of corroborating evidence or prior consistent statements.

Third, **I recommend that Provincial Government develop guidelines to facilitate and support vulnerable and intimidated witnesses based on the best practices identified by the Commission through its review of protocols and guidelines in existence in other jurisdictions.** I anticipate that these guidelines would be helpful to both police and prosecutors and would contribute to the smooth and fair functioning of the criminal justice process. It is critical that these guidelines be adopted through a collaborative process of all stakeholders to foster quick and effective implementation. While I fully recognize the importance of further research as recommended above, reform measures cannot wait until my first two recommendations are carried out. The guidelines can and should be refined and adopted over time as more is learned about best ways to ensure the equal participation of vulnerable and intimidated witnesses in the criminal justice process.

For ease of reference, I include a summary of elements that could be considered for inclusion in the guidelines as identified by the Commission in its review of international best practices in the treatment of vulnerable and intimidated witnesses.⁴³ Guidelines or a protocol could include:

- Checklists to help police identify victims/witnesses who are vulnerable and intimidated, whether because of individual characteristics or because of the nature of the crime involved, with specific procedures to be employed in these instances;
- One individual should be identified as the single point of contact in each investigation, among police and Crown Counsel, so that vulnerable and intimidated witnesses experience continuity in their dealings with the criminal justice system;
- Police and prosecutors should be trained in interviewing techniques that minimize victims' trauma;
- Police and Victim Services should maintain close contact with complainants and their families throughout investigations and should be mindful of the importance and sensitivity of communication for

- those who are vulnerable;
- In order that witnesses know what to expect, appropriate materials should exist to walk them through the judicial process, from familiarization with the courtroom layout and the roles played by different parties to an explanation of cross-examination;
 - A holistic approach to victim support should be provided throughout the investigative process, and not merely directly before trial; specifically:
 - Arrangements should be made for witnesses to be accompanied to court and pre-hearing court visits;
 - Prosecutors should be assisted by witness co-ordination support personnel, including specially trained workers and police personnel;
 - Prosecutors should work with Victim Services to facilitate open communication with complainants and witnesses, particularly during periods of unexpected delays during the proceedings;
 - Prosecutors should be able to engage specially trained community organizations to ensure thorough preparation of complainants and witnesses, including role-plays; and
 - Victim Services could provide intermediaries for witnesses who experience difficulties in communicating.
 - Practical recommendations, such as putting strict limits of a maximum of two hours for complainants waiting to give evidence, would help to reduce stress;
 - Due attention should be paid to witnesses' privacy concerns and the relevance of health, counselling and other records for which disclosure is sought;
 - Special measures to facilitate providing testimony in court should be made more readily available for those with drug and alcohol issues;
 - Use should be made of expertise from non-government organizations and personnel in specialized courts (such as Vancouver Drug Treatment Court and Community Court) in designing programs for witnesses who are vulnerable because of addictions;
 - Victim Services should be funded more consistently to allow for victim care and support throughout the court process, including referrals to counselling, housing, appropriate drug treatment prior to testimony, and other services as necessary;
 - Community organizations that are expected to play an intermediary role with complainants should be properly funded. Law enforcement agencies should refer complainants to organizations that can serve their needs, but also should be prepared to learn from these organizations about best practices;
 - An evaluation process should be established whereby complainants and witnesses can provide feedback, preferably to a neutral third party, on how they were treated by police and Crown Counsel, and what their testifying experience was like; this could be included in regular performance reviews and could also provide baseline data for a reconsideration of current policies and practices; and
 - Complainants need to be assured that they will not face retaliation for participating in trials. If complainants are difficult to locate because of insecure housing, special systems should be established to ensure they can be informed about offender releases.

The VPD expressed general support for these guidelines and strong support for many of the elements, particularly a more holistic approach to providing services.⁴⁴ Many of these recommendations are already integrated into VPD practices including, for example, the assignment of a single point of contact for a witness.

Other jurisdictions that have developed guidelines or protocols on the treatment of vulnerable and intimidated witnesses have taken steps to ensure their effectiveness through comprehensive training programs. International studies recommend that judges, lawyers, law enforcement officers, and medical personnel undergo appropriate training regarding sexual and gender-based violence to avoid re-victimizing complainants and to ensure that personal morals and values do not bias decision-making.

E. Police Orientation, Training and Discipline

The equality-promoting measures recommended in this section will only be effective if accompanied by changes in police orientation, training and discipline. My reference to orientation refers to the need for community-based policing to extend further into all policing duties. Community-based policing can only work when police understand and value members of the community equally. I make recommendations with respect to integrating community-based policing in the development and integration of policies and protocols to ensure the safety of marginalized and Aboriginal women in urban and rural contexts in the next two parts of the report. Here I focus on setting out the requirement that individual police officers reorient their approaches in a manner fully consistent with the duty of non-discrimination.

Reorientation of policing

I found that Staff Sergeant MacKay-Dunn did an excellent job of capturing the role and attitude of police officers in the community-based policing model. Like him, I am concerned that this approach is not nearly as prevalent as it should be across the province. Staff Sergeant MacKay-Dunn told the Commission:

I used to tell officers – young officers -- they would come in and see me and they would talk about their career in the police department, how do you get satisfaction. I said, “Well, it’s not the people you arrest.” The metaphor I use, “That’s only 1 of 52 cards in your deck. You have to use everything else in order to achieve your objective.” I said, “If you realize this one point, you get true satisfaction of being a police officer. If you can say at the end of your career that you have been a catalyst for positive social change, then you have been a success. And I really don’t care how many people you’ve arrested and put in jail, but if you can actually work with the community and affect positive change as a catalyst, you’ve done your job because at the end of the day, it’s the community that will drive it.”⁴⁵

I call it the Starsky & Hutch syndrome. Run around in the car, wear plain clothes, kick doors in, arrest people, it's all wonderful. That's what a lot of young officers, when I came on and even today, they consider being a social worker or a catalyst for positive social change or involved in true crime prevention, community-based policing, not community relations or spin doctoring, is somehow not within the police job. I know the JI [Justice Institute] has worked on it but it's not reinforced in my opinion on the street. In fact, if you look just at the promotion track, if you are exclusively a community policing officer as opposed to a homicide detective, the homicide detective going up the chain of command, that one is going to go quicker than this person. What happens is they want to get out of that as quickly as possible.⁴⁶

In order to effect real change across police institutions it is critical to prioritize the ability to develop and maintain community relationships, especially with vulnerable members of the community who are often at risk of being treated unequally in the delivery of public services. These priorities have to be fully integrated into training and performance standards against which police officers are measured, recognized and promoted; and when they fall short, are sanctioned.

The VPD and the RCMP are making concerted efforts to recruit and retain more women, Aboriginal persons and representatives of minority groups. I received several submissions urging the deployment of officers to certain positions on the basis of their cultural, racial or gender identity. I agree with the VPD's submissions that the priority for deployment should be based on capabilities and suitability rather than identity group affiliation alone. At the same time, a police force must be diverse so as to generally mirror the community it serves. Failure to recruit more women, Aboriginal persons, and visible minorities often results in alienation and an "us versus them" attitude towards the police. This has often been the case in large American cities where the police have been regarded as invaders. Diversity can be achieved without compromising abilities and deployment should also take into account diversity issues.

I found that police culture within the VPD and RCMP contributed to the police failures because it inhibited collaboration both within and across police agencies. In particular, I outlined some examples of how strict hierarchical decision-making and working within silos had negative impacts at various points in the investigations. I found Dr. Rossmo's evidence concerning the dangers of groupthink and the barriers to group input at various stages of the investigations to be highly persuasive. Decision-making models can be adapted to the requirements of accountability while facilitating a greater exchange of information and ideas outside of the formal chain of command. I agree with Dr. Rossmo's comments in regard to the need to institutionalize mechanisms for more open discussion and communication:

I think something like that would be very helpful. It would have to be formalized and thought would have to be given to how to prevent "group think" and prevent the command structure from dominating opinions.

In order to effect real change across police institutions it is critical to prioritize the ability to develop and maintain community relationships, especially with vulnerable members of the community who are often at risk of being treated unequally in the delivery of public services.

...

Investigative opinions should be based on evidence, information, knowledge, experience, not just by the number of stripes or stars on someone's uniform.⁴⁷

I recommend that the BC Association of Municipal Chiefs of Police and the RCMP establish a working group to develop a best practices guide for the establishment and implementation of formal discussion mechanisms to facilitate communication and collaboration that transcends the institutional hierarchy within a police agency.

Training

The Commission received many submissions pertaining to additional training requirements for police officers. These submissions ranged from the general "extending the training of police officers for at least one year to enable them to protect and serve effectively and treat everyone with dignity"⁴⁸ to specific courses on areas of the substantive criminal law (including the law of kidnapping and advanced training on the law of search warrants)⁴⁹ to a month-long mandatory human rights training course.⁵⁰ I was astounded by the number of times people recommended to me that police receive additional education to be reminded "that these are human beings that we are dealing with and that, you know, you would think we wouldn't have to do that but maybe there are times we do"⁵¹ and that First Nations are distinct because "unfortunately within the police community sometimes there's that attitude that they're just another cultural group."⁵² Many of the DTES community members consulted by the Commission recommended that both new and senior police officers spend additional time in the DTES as part of their training and professional development;⁵³ this recommendation was supported by others, including family members.⁵⁴

Virtually all the research reports considered by the Commission also recommend additional, specialized training for police officers as one factor in a strategy to combat systemic racism and sexism and to enhance their ability to protect vulnerable and marginalized women from violence.

The VPD and RCMP policy submissions set out the many types of training already available to police officers in this province, some of which is mandatory. Nevertheless, I agree with the multitude of submissions that specific types of training are currently lacking and must be built into the women's legacy of change. Kerry Porth, a community advocate and former sex worker, was eloquent in setting out the crux of what is needed:

I believe that anti-oppression training is absolutely critical to assist police officers in understanding how intersecting oppressions lead to a failure by the police to protect vulnerable women. Although I cannot say this for a certainty, I would think it extremely unlikely that the vast majority of police officers have ANY personal experience of oppression. In my years working at PACE Society, I had the pleasure of speaking to numerous police officers of all

ranks from Constable to Deputy Chief and found that while they are very interested in learning and understanding the experience of marginalized women the one issue that they find very difficult to understand is fear and distrust of the police. Mandatory anti-oppression training in conjunction with opportunities to learn directly from marginalized women will greatly assist police officers in understanding not only the right to equal protection but how to ensure that actually happens.⁵⁵

Framed by my findings of fact and conclusions, **I recommend that additional, mandatory training be carried out on the following topics:**

- **Active engagement in overcoming biases, rather than more passive sensitivity training (sometimes called anti-oppression training);**
- **More intensive and ongoing training in the history and current status of Aboriginal peoples in the province and in the specific community, particularly with respect to the ongoing effects of residential schools and the child welfare system;⁵⁶**
- **Training and resources to make prevention of violence against Aboriginal women a genuine priority;**
- **Training to ensure an understanding of violence against women in a range of settings including family violence, child sexual exploitation and violence against women in the sex trade; in particular, the scenarios used in police training should incorporate issues of cultural sensitivity and violence against women; and**
- **Training in recognizing the special needs of vulnerable individuals and how to meet those needs, including recognition of a higher standard of care owed by the police to these individuals.**

Members of marginalized and vulnerable communities, including women who have been engaged in the survival sex trade, intravenous drug users, as well as representatives of Aboriginal communities, must be involved in developing training modules and in delivering some aspects of this training. In keeping with current approaches to adult education, whenever possible, learning should be structured around direct experiences and shared learning in the community, rather than in a classroom.

Informal discipline

I am strongly of the view that police responsiveness to the community and non-discriminatory approaches to policing will be enhanced through the greater use of non-traditional approaches to police discipline.

At the Policy Forums, the ongoing unease in the relationship between members of the DTES community and police was evident in discussions by community speakers alleging misconduct of police officers and the failure of the current accountability system to address those allegations. Community members made comments illustrative of their beliefs that individual police misconduct against community members and failure to provide protection continues to be unaddressed by the current system. Speakers indicated feelings of helplessness in calling police to account for these actions; many suggested there was no way to bring a charge against a

bad police officer, that files were destroyed or not provided to community members, and some even alleged that the police target or harass people who make complaints. Allegations of police misconduct and police failure to respond to complaints cause the community to be distrustful of police. Police failure to respond to complaints also causes trauma to individuals, increasing their vulnerability.

Community members also discussed police misconduct in broader, systemic terms including “the treatment of the entire DTES neighbourhood” which would not qualify as something the Office of the Police Complaint Commissioner could investigate, leaving the community with little or no recourse. Several experts also noted that the police complaint system is designed to deal with specific incidents of individual police officer misconduct, not larger systemic problems. To identify underlying problems, such as the organization not functioning as the community thinks it should, patterns of offences or complaints not amounting to offences must be examined.

I also heard from representatives of the VPD, the RCMP and Police Complaint Commissioner Stan Lowe about current initiatives to improve accountability at both the individual police officer and systemic levels. Commissioner Lowe acknowledged that while his office has strong and effective powers, many complaints do not come within the criteria of his office’s jurisdiction, and therefore could not be addressed by his office. He agreed that it was important to consider whether the current processes for discipline are meeting the community’s needs and whether less formal processes are needed.

Both the VPD and the RCMP are updating their accountability systems to respond to community concerns. For example, the VPD recently started the Quick Response Team together with the support of Commissioner Lowe. The Quick Response Team enables the VPD to resolve more complaints informally, for example, by arranging healing circles. According to Inspector Mike Serr, the number of complaints resolved informally by the VPD ranged from 12-14 per cent over the past few years, but is now up to 20 per cent. The VPD’s goal is to resolve 40 per cent of complaints informally. In addition to promoting informal resolution of complaints, the Team also proactively identifies trends and patterns in complaints and informs VPD members about these trends. The RCMP Operations Strategy Branch conducts reviews of detachments to detect gaps, for example in training, and to shift resources within the RCMP in response to identified gaps. Amendments, including new accountability and performance measures, will be introduced with the new provincial RCMP service contract. It is commendable that the RCMP has agreed to participate in the newly formed Independent Investigations Office of BC, a civilian body that will conduct investigations relating to incidents of death or bodily harm. However, the RCMP, as the provincial police force, ought to accede to the jurisdiction of the Office of the Public Complaints Commissioner. At present, the RCMP Complaints Commissioner, an advisory body in name only, deals

with complaints against RCMP officers. There is no good reason why the RCMP is not a part of the provincial complaints process which is much more transparent. **I recommend that Provincial Government engage with the RCMP in order to bring them into the provincial complaints process.**

Community-based policing requires more opportunities for informal feedback from community members regarding how well the police are doing their jobs, both individually and collectively. Concerns about police behaviour in the missing and murdered women's investigations were, for the most part, about what the police were not doing rather than about misconduct. Formal disciplinary measures tend to be unwieldy and ineffective for these types of complaints because these measures are slow and punitive in nature.

In my 1994 report, I recommended that, where possible, police complaints should be resolved informally and the process should be remedial as opposed to punitive. Informal methods that afford greater opportunities for community feedback are the types of intervention that could have assisted in reorienting the missing and murdered women investigations. These informal methods include education-based discipline, mediation, peer review, and early intervention.⁵⁷ During our discussions of these issues at the Policy Forums, Police Complaint Commissioner Stan Lowe apprised us that while these methods are available in Vancouver, more could be done to make these processes effective, including making public information about them more readily available. I recommend that the Police Complaint Commissioner, working with police forces across the Province, take steps to develop, promote and refine informal methods of police discipline, particularly in marginalized communities such as the DTES, and with Aboriginal communities. Again, if any of these proposals are to have a meaningful impact they must include the RCMP, which polices the vast majority of the Province.

I discuss broader issues relating to police accountability to the community in Part 12 later in this document.

F. Recommendations for Equality-Promoting Measures

I make the following recommendations in order to renew our commitment to equal protection of the law through practical measures:

- 4.1 That the Minister of Justice direct the Director of Police Services to undertake equality audits of police forces in British Columbia with a focus on police duty to protect marginalized and Aboriginal women from violence. These audits should be carried out by an external agency *and* with meaningful community involvement.
- 4.2 That Provincial Government set a provincial standard establishing that police officers have a general and binding duty to promote equality and to refrain from discriminatory policing.

- 4.3 That Provincial Government amend the *BC Crown Policy Manual* to explicitly include equality as a fundamental principle to guide Crown Counsel in performing their functions.
- 4.4 That Provincial Government develop and implement a Crown Vulnerable Women Assault Policy to provide guidance on the prosecution of crimes of violence against vulnerable women, including women engaged in the sex trade.
- 4.5 That Provincial Government adopt a policy statement in the *BC Crown Policy Manual* requiring that a prosecutor's evaluations of how strong the case is likely to be when presented at trial should be made on the assumption that the trier of fact will act impartially and according to the law.
- 4.6 That Provincial Government direct the Director of Police Services to consult with the BC Association of Municipal Chiefs of Police, the RCMP and community representatives to recommend the wording of a statutory provision on the legal duty to warn and a protocol on how it should be interpreted and applied.
- 4.7 That police forces work with local communities to develop communication strategies for the issuance of warnings that ensure the message is conveyed to community members who are most at risk of the specific threat.
- 4.8 That Provincial Government fund three law reform research projects on aspects of the treatment of vulnerable and intimidated witnesses:
 - The effects of drug and alcohol use on memory and how to support those experiencing dependency or addiction to provide testimony;
 - Police, counsel and the judiciary's bias and perceptions of credibility of people with drug additions or who are engaged in the survival sex trade; and
 - Potential changes to the law of evidence to better allow vulnerable witnesses, including those who have been sexually assaulted, those suffering from addictions, and those in the sex industry, to take part in court processes.
- 4.9 That Provincial Government develop guidelines to facilitate and support vulnerable and intimidated witnesses by all actors within the criminal justice system based on the best practices identified by the Commission through its review of protocols and guidelines existing in other jurisdictions.
- 4.10 That police forces integrate into training, performance standards, and performance measurement the ability of police officers to develop and maintain community relationships, particularly with vulnerable members of the community who are often at risk of being treated unequally in the delivery of public services.
- 4.11 That the BC Association of Municipal Chiefs of Police and the

RCMP establish a working group to develop a best practices guide for the establishment and implementation of formal discussion mechanisms to facilitate communication and collaboration that transcends the institutional hierarchy within a police agency.

- 4.12 That police officers be required to undergo mandatory and ongoing experiential and interactive training concerning vulnerable community members:
- Active engagement in overcoming biases, rather than more passive sensitivity training (sometimes called anti-oppression training);
 - More intensive and ongoing training in the history and current status of Aboriginal peoples in the province and in the specific community, particularly with respect to the ongoing effects of residential schools and the child welfare system;
 - Training and resources to make prevention of violence against Aboriginal women a genuine priority;
 - Training to ensure an understanding of violence against women in a range of settings including family violence, child sexual exploitation and violence against women in the sex trade; in particular, the scenarios used in police training should incorporate issues of cultural sensitivity and violence against women; and
 - Training in recognizing the special needs of vulnerable individuals and how to meet those needs, including recognition of a higher standard of care owed by the police to these individuals.
- 4.13 That the Police Complaint Commissioner, working with police forces across the Province, take steps to develop, promote and refine informal methods of police discipline, particularly in marginalized communities such as the DTES and with Aboriginal communities.
- 4.14 That Provincial Government engage with the RCMP in order to bring them into the provincial complaints process.

PART FIVE

LISTENING, LEARNING AND RESPONDING:
Strategies to Prevent Violence Against
Marginalized Women in the DTES
and Other Urban Areas

PART 5 – LISTENING, LEARNING AND RESPONDING: STRATEGIES TO PREVENT VIOLENCE AGAINST MARGINALIZED WOMEN IN THE DTES AND OTHER URBAN AREAS

A. Introduction

Police face challenges in providing protection to vulnerable and marginalized women. Sex trade worker organizations and other organizations that provide support services to vulnerable women have advocated for, and have been working toward, tailored police responses for many years. In a survey conducted in 1993, women engaged in street prostitution in the DTES and Strathcona recommended a number of steps that could be taken to help minimize violence against street-involved women:

- Safe/affordable housing, food, money and daycare (100% of respondents);
- Individualized detox and more specialized alcohol/drug services (85%);
- More training/transitional programs for street-involved women (66%);
- Increased community education regarding the sex trade (56%);
- Safe houses and drop-ins (33%);
- Improve police services by better education, better response time and increased sensitivity (31%);
- Legalize prostitution and allow brothels (13%); and
- Stiffer weapons control/laws/penalties (4%).¹

The Commission consulted extensively to ascertain what steps could be taken to enable police to protect women more effectively and to prevent crimes of violence and predation from occurring. This is not to suggest that enhanced policing is *the* solution to the vulnerability and marginalization that many women face. As is clear from the list of measures identified by street-involved women set out above, many strategies are required to address the underlying causes of vulnerability and marginalization, and most of these are beyond the Commission's Terms of Reference. Nevertheless, police do have a central and unique role to play within the overall network of strategies required to reduce the violence perpetrated against vulnerable and marginalized women.

The Commission's review of the missing and murdered women investigations exposed the inherent conflicts in the police's dual role to enforce the laws and protect vulnerable women, some of whose activities are illegal (drug possession, communicating for the purposes of prostitution, and so on). There is a clear societal consensus that protection of the life, security and safety of individuals takes precedence over enforcement of minor crimes, but there are practical barriers to operationalizing the priority of crime prevention and protection. These barriers need to be specifically addressed through a comprehensive community-based policing strategy focused on

the proactive protection of vulnerable street-involved women.

From the police perspective, one of the simplest basic tenets of crime prevention is “target hardening,” which involves addressing the situational aspects that increase the risk of crime. As Retired Inspector Dureau explained in his testimony:

Hardening the target, it doesn’t matter what the crime is -- let’s call it a break and enter, if you don’t lock your doors you’re a soft target; if you don’t lock your car that’s a soft target. If you put an alarm system in, if you put a security guard outside you’re hardening the target.²

As I noted in the introduction to this Volume, ensuring women’s safety involves addressing the conditions of marginalization through a variety of ways, including anti-poverty measures, ameliorating the social and economic situation of Aboriginal women, effective and accessible drug addiction treatment, and effective and available programs to assist individuals to exit the survival sex trade. All too often, discussions of target hardening slide into approaches that blame the victim or potential victim for “risky lifestyle” choices. Victim blaming must be avoided at all cost.

Kerry Porth explained the importance of achieving this shift in societal and police attitudes:

Every time the VPD feels it necessary to inform the public about a potential sexual predator, women are warned to be careful rather than men being warned not to rape. Indeed, as I write this on March 6, 2012, I was once again offended by the newsfeed on the morning news which stated: “Women warned after sexual assault last night.” It may be difficult, given the rape culture prevalent in society and depending on the gender of the reader, to understand just how ridiculous and offensive that statement looks to me as it strongly indicates that women are somehow responsible when they are sexually assaulted. The responsibility for any sexual assault lies squarely and solely with the perpetrator and yet, it is women, the potential victims, who are warned to be careful. Discussions of what victims were wearing, how much they had had to drink, whether they were out at night alone continue to permeate discussions around sexual assault.

Rape culture, as it pertains to sex work, is the most pervasive and harmful. Sex workers are blamed for the violence that happens to them and the attitude that they “asked for it” or “should have known what would happen” is extremely common. Very few sex workers will report sexual assault or other acts of violence to the police as a direct result of these attitudes. Thus sex workers do not enjoy the full protection of the law, which is their right as a Canadian citizen.³

Sexual assault and other forms of gender-based violence are all too prevalent in British Columbia, and to some extent the patterns of victimization are predictable. If there is only a single message to be conveyed through this report, it must be that women engaged in the survival sex trade are society’s most vulnerable group to male violence, including serial predation. Active

Every contact that vulnerable women have with the police and the justice system is an opportunity for empowerment through active offers of assistance and intervention.

steps have to be taken to prevent this violence.

By virtue of their marginalization and experiences in contact with police and the criminal justice system, women engaged in the survival sex trade are disempowered. But this can be remedied:

The empowerment of a sex worker by gaining control over one's life involves educated choices, freedoms, participation in decisions, dignity, respect, cooperation, the sense of belonging to a wider community, and the increasing of one's own self-power and self-efficacy in the definition and creation of self-fulfillment.⁴

Policing approaches that listen to, learn from, and respond to the safety needs of marginalized women will contribute to effective crime prevention through substantive "target hardening." By actively engaging women in developing safety-enhancing measures, police can contribute to their empowerment.

Every contact that vulnerable women have with the police and the justice system is an opportunity for empowerment through active offers of assistance and intervention. Positive interactions, even small ones, can assist in reversing the course of isolation, stigma and sense of helplessness: "If you get the help that you need, you're more open or willing or more optimistic to go and seek help again."⁵ I was deeply affected by Maggie de Vries' recounting of her sister Sarah de Vries' negative encounter with police: when she made her way to a police station in a suburb of Vancouver severely battered and barely clothed and was turned away.⁶ Sarah was seeking assistance and found only ridicule and degradation. Ms. de Vries spoke about how this was a "precious moment" that was discarded by police, a moment in which they could and should have demonstrated that Sarah mattered in the same way that any other individual seeking assistance when they have been violated matters, and that it was their duty to assist her. Instead, she learned that the police too could violate her dignity; that she was safer hitchhiking, seeking assistance from strangers. I am haunted by this story captured in Sarah's journal. It demonstrates to me how much work there is to be done to rebuild the trust. This is a real life vignette that should cause every member of every police force to engage in serious reflection and to commit to remedial action.

In this part of my report, I focus on the development and implementation of strategies to prevent violence against marginalized women in the DTES. These strategies are also relevant to other urban areas. In Part 6, I concentrate on violence prevention strategies tailored to the situation of Aboriginal women in Northern and rural areas of British Columbia.

B. Transforming the Police-Community Relationship in the DTES

One of my central findings of fact is that the police failed to work with family members and the broader community to advance the missing

and murdered women investigations. The police failures in these cases have had a further negative impact of the police-community relationship, although the VPD has taken many important and effective steps to remedy these errors and rebuild their relationship with the DTES community.

Many of the police witnesses emphasized the need for enhanced communication and collaboration between the police and the community. Retired Inspector Biddlecombe said:

We have to go to the community, meet with the community, explain who we are to them. I think there's a lot of distrust because they don't understand our role in society perhaps, and perhaps to a certain degree we don't understand what they're going through. So I think we need to get, you know, if you want to call it down to the basics of community policing where we're out there and we're meeting with as many citizens and in as many forums as we can, it can only benefit all of us.⁷

In response to my question about the concept of community policing and creating a better relationship between the DTES and the VPD, Retired Chief Constable Terry Blythe said:

Well, certainly the Vancouver Police have to be in the community. They've got to be feet on the street, if you want to use that expression, or I think boots on the pavement, whatever has been used in the past, get them out of the police vehicles. I mean in my leadership role, along with the deputies, we acquired 60 bikes and put them into various communities in the city. You've got to get those police members in personal face-to-face contact with the community, and that's all of the community.⁸

When I asked specifically about the need to build trust, he responded:

Absolutely. You can't do that in a police vehicle behind closed doors. And then establishing those communities that are run by people who have a good relationship with the police and who trust them, and that trust has to be mutual. The problems you're going to face, and it's going to be inherent into the future, is those individuals that were discussed today that may be wanted or they think the police are looking for them or they've got addiction issues. Those are huge social issues in society. And I know everybody likes to blame the police for everything, and I've been through this so many times where I've said, "Where are all the other agencies and service providers to work with us? At least we're out there on the front lines and interacting with them." But it really -- I still don't think it's much better than it's ever been.⁹

In addition to working directly with the community, enhanced collaboration is also required between police and other actors and organizations in the justice system, the health sector and social service sector. All involved have to "get out of those silos" to make progress.¹⁰

Detective Constable Shenher provided sound advice about the quality of

community engagement that is required:

... I think that we've tried at the VPD certainly to address issues with different cultures or with different disenfranchised groups through things like sensitivity training and different kinds of training. Training is all well and good but training and first-hand engagement in the community are very different and I think that we need to perhaps look at what that looks like and how we engage. Counsel had asked me -- various First Nations, for example, resources at the time and we clearly didn't engage at all in the way we would have liked, and I would think that certainly First Nations issues are very important with respect to this case and I think that -- I think it would be interesting to have police have a greater understanding of all the systemic issues that go into why First Nations -- I'm generalizing -- why there's a tendency for mistrust of the police and a lack of information coming forward to the police because that's a very deeply rooted issue. So around those kinds of things I think that more community engagement, more having those communities come to us and having us go to them and really talk about what their issues are in a way that isn't just isolated around specific issues but is more of a collaborative effort, I think would be very helpful.¹¹

In response to my question more specifically about the distrust and lack of dialogue between police and women engaged in the sex trade, Detective Constable Shenher said:

I think there's certainly been efforts and inroads made by our department to try to engage with respect to sex workers and try to report through things like Sister Watch, and the community meetings we're having, I think it's certainly a step in the right direction. Again, I allude back to what I just said in terms of we need to get to deeper systemic barriers to the creation of those relationships because I think we're pursuing the relationships but I don't know if we're necessarily recognizing that those relationships are probably limited because in terms of the community's reluctance to openly share with us, and we may be making assumptions they are openly sharing when they could well be holding back for a multitude of reasons we're not aware of.¹²

She went on to say:

I think you make a good point because I think that part of the problem is that we engage on our terms and -- again, I refer back to what I said -- I think sometimes we almost dismiss the complexity of the people that we're dealing with in all communities and we just assume that when we're speaking to them that they recognize our great superiority and authority which is a really big assumption and that they also are going to be forthright with us and place their trust in us blindly, and I think we have to understand that that trust is very hard won and without that we're not really operating with full information.¹³

I found Detective Constable Shenher's remarks to be very perceptive and I encourage all police officers to reflect on them and take them to heart. Her views were echoed and expanded upon by numerous individuals during the Commission's consultations process.

Following are concrete suggestions to overcome this distancing or “othering” of people in the DTES by police including having police officers, particularly high ranking officers, spend more time in the neighbourhood:

- Higher ranking officers should work on Hastings Street for one week every six months to see where resources would best be spent. (Lori Ann Ellis)
- Police officers should have to spend one shift in the DTES talking to women on the street. (Bonnie Fournier)
- Police should work with drug user groups to humanize the problem and issue. (Erica Thomson)
- Police should have to volunteer 100 hours at a mental health facility to learn how to handle mental illness non-violently. (Terri Williams)
- Police should ride along in the health van or with Emergency Health Services, or walk along the stroll with a sex worker who is given an honorarium for each shift so that they can get to know the community/neighbourhood. (Bonnie Fournier)
- Establish a system whereby police officers stationed in the DTES volunteer at community organizations as a part of their training. (DTES Consultation)

During the Commission’s DTES consultations, six barriers were identified that participants said prevented them from contacting police about incidents of violence:

- Previous negative experiences with police;
- Differential treatment by police of those in the sex trade;
- Delayed responses by police to emergency calls;
- Discriminatory attitudes among police and skepticism about community members’ credibility;
- The belief that the justice system would not afford redress; and
- Fear of retribution within the community.¹⁴

Lessons learned

In its policy submissions, the VPD emphasizes that since 2002, the VPD has had “a history of progressive decision-making regarding the vulnerable.”¹⁵ The examples cited are:

- Developing a collaborative policing plan in support of the Supervised Injection Site, which opened in August 2003;
- Participation in the development of the “Four Pillars” policy;
- Creating a VPD drug enforcement policy that recognizes addiction as primarily a health issue;
- Creating a homeless policy regarding enforcement of the “Assistance to Shelter Act;” and
- Embarking on enforcement projects to target the criminal infrastructure in the DTES but protect the vulnerable who are victimized by predators.

The VPD has taken many steps to overcome the “us versus them” dynamic that has traditionally shaped the police-community relationship in the

The VPD has taken many steps to overcome the “us versus them” dynamic that has traditionally shaped the police-community relationship in the DTES.

DTES. The SisterWatch program, a collaborative program of the VPD, and a grassroots community organization, the Women's Memorial March Committee, is an excellent example of an initiative that has helped to transform the police-community relationship. Representatives of the two organizations meet on a regular basis to discuss issues of mutual interest, and both organizations contribute issues to the agenda. Larger "town hall" style meetings have also been held. This collaborative program has resulted in a number of initiatives including the installation of ruggedized "911-only" phones in the DTES, a SisterWatch telephone tip line, a SisterWatch website, and several major proactive investigations targeting predators in the DTES.¹⁶ During its consultations, the Commission heard some criticisms of SisterWatch. In general, it appears that information about this program is not widely available. Specific expressed concerns include that the program is not inclusive enough and the tip line is not fully accessible.¹⁷ Nevertheless, SisterWatch is a meaningful partnership that has achieved clear successes in a short period of time. The key is that it is an ongoing, collaborative forum. **I recommend that the VPD SisterWatch initiative be evaluated to provide a basis for further refinements and so that other police forces can learn from this community-based approach to policing.** SisterWatch is not the only VPD program to enhance the safety of vulnerable women. Another example is the work of the Domestic Violence and Criminal Harassment Unit, which has made 911 phones available to vulnerable women. Inspector Marcie Flammand and Inspector Cita Airth told the Commission that keys to success are having community-led town hall meetings in which community members have a leading role in setting the agenda.

The RCMP has also learned many lessons about the need to transform the police-community relationship in the last decade. The discussions at the Policy Forums augmented the Government of Canada's written submissions on this point. Staff Sergeant Gerard MacNeil of the RCMP remarked that in building community partnerships, police often have to go further than halfway because members of the community might be unwilling to be engaged. The RCMP provided information on its many community policing programs around the province, programs which take on many forms depending on the community's size. Echoing members of the community, RCMP officer Superintendent Paul Richards noted that the key to developing positive relationships was consultation, specifically the RCMP's use of community consultative groups, which meet regularly so police can understand the community's policing priorities. The Surrey RCMP detachment also has a program to provide 911 phones to women engaged in the survival sex trade.

Principles to guide collaborative engagement

Dr. Kate Shannon provided the Commission with some important guidance regarding an effective and ethical approach to community-based research employed in the MAKa study. In Volume I, I described the study and rely on some of its findings concerning the living conditions of women engaged

in the survival sex trade and their vulnerability to violence. In my view, police can draw on the principles underlying community-based research in approaches to community-based policing and the development of proactive violence prevention strategies tailored to the situation of marginalized women.

The MAKa project employs participatory-action research methodologies. In particular, the project is guided by the “OCAP” principles of ownership, control, access and possession initially developed by the First Nations’ Governance Committee and subsequently adopted by the Canadian Aboriginal AIDS Network. OCAP means that First Nations control data collection processes in their communities. First Nations own, protect and control how their information is used.

The principles derived from the MAKa project can be understood as involving a number of elements relevant to policing approaches:

- Needs assessment is carried out through consultation with affected members of the community. Women themselves should identify and define the problems and underlying causes;
- Alliances are built with community-based organizations that provide assistance to the vulnerable women;
- The process is transparent and involves extensive and flexible options for the exchange of information and for inviting women to participate;
- Active steps are taken to assure the privacy and safety of participants in the consultation process;
- The process integrates capacity-building so that the women involved are offered the opportunity to gain skills and, when possible, are paid for their time and expertise; and
- The process is linked to service provision to support the knowledge acquired through consultation; for example, having a system for referral to needed services.¹⁸

Measures to foster and support community-police initiatives

Proactive steps can also be taken to build stronger and more positive police-community relations and a true police-public partnership. A prerequisite for gaining public support is providing for transparency of police operations and cultivating communication and mutual understanding between the public and the police. Without consulting the public, the police would be imposing their services rather than serving in a responsive manner. Measures to achieve transparency and communication include the public dissemination of reports on crime and police operations, the establishment of mechanisms for the public to request police service, the creation of forums for open discussion of crime and safety problems, and community-based policing.

Police forces also have an important role to play in encouraging and promoting meaningful partnership, interaction and communication with diverse stakeholders, which is critical to learning about and collaboratively

addressing problems in the community. For example, the police can take steps to strengthen their relationships with community agencies that play an important role in supporting marginalized women. These agencies provide much-needed services such as food banks, temporary shelters, and referrals to other services including medical services and other necessary supports. In addition, community agencies may support victims of crime by assisting them in giving statements to police, or support those who report a missing person. They may also distribute safety information to women, such as “bad date” information sheets, which provide prostitutes with a way to share information with one another concerning violent and/or dangerous customers. The Vancouver Police Department’s collaboration with the Women’s Memorial March Committee on the SisterWatch project is one example of this type of meaningful partnership.

The FPT MWWG has also recommended that jurisdictions consider testing and evaluating community mobilization processes. For example, adaptations of the Community Solutions to Gang Violence (CSGV) initiative could be used in urban communities with a high population of vulnerable women as a crime prevention strategy aimed at protecting them from violence. The CSGV grew from a meaningful dialogue between the Edmonton Police Service and the Native Counselling Services of Alberta designed to create a community-based approach to gang activity and violence. The CSGV grew to include more than 40 organizations working together on a strategic, community-wide approach to address the issue of gangs and gang violence. The CSGV strives to:

- Enhance a sense of community responsibility and commitment to address gang violence;
- Promote positive youth development and develop conditions to prevent young people from becoming involved in gangs; and
- Create a community-wide plan and network of support to find solutions to gang violence.

The Living in Community (LIC) initiative in Vancouver is an example of a community mobilization process, which fosters collaborative solutions to problems arising from street-level prostitution. Representatives of the VPD participate in the LIC initiative. LIC has identified a number of actions aimed at protecting women engaged in street prostitution and reducing and preventing violence against them. This action plan calls on the City of Vancouver and other organizations to immediately develop and implement a strategy to ensure safety for street-based sex workers:

Measures could include increased enforcement focusing on the protection of sex workers, better lighting in remote areas, more support services that reach out to sex workers where and when they work, the establishment of safe places for sex workers, and more “eyes on the street,” focused on safety for all. Strategies can be explored through a multi-stakeholder process and would be most effective if tailored to the varying needs of specific areas of the city.¹⁹

Women engaged in the sex trade have advocated for specific safety

measures such as the provision of screechers, panic buttons, cellphones with free 911 calls, and safe sex sites. The importance of safety planning and safety awareness for women as a prevention tool has been noted in several reports. Preventative measures or safety planning may include encouraging positive behaviours within target groups, planning responses should they be stalked or chased, and developing support networks should they need help. LIC also recommended the extension of existing programs that enhance the safety of street-involved women, such as the MAP (Mobile Access Project) Van, a collaboration between WISH and PACE, to daylight hours, and expanding safe spaces for these vulnerable women, including spaces that are dedicated to assisting women to exit the survival sex trade.

Many of the recommendations for reform provided to the Commission support elements of the LIC Action Plan. **I urge all of the entities with proposed responsibilities under the LIC Action Plan to commit to these priority actions which together form a strong basis for enhancing the safety of women engaged in the survival sex trade. I also encourage other communities to undertake the type of collaborative community engagement strategy employed by LIC to develop an integrated strategy for enhancing the safety of women engaged in the survival sex trade.**

C. Elements of a Comprehensive Strategy to Protect Vulnerable Women

During the Policy Forums, community members painted a vivid picture of the violence and dangers women on the street continue to face. Individuals commented that the violence against women continues, and conditions in the DTES have not become safer since Pickton was arrested; rather, the same conditions that existed from 1997 to 2002 continue. Some women do not have safe access to telephones to call the police; and women in the sex trade must work in isolated, dark “containment zones,” referred to as the “killing zones,” that have allowed Pickton and other predators to operate. A speaker noted that we continue to have high-risk, addicted sex trade workers whom predators will target.

Community members emphasized that predators like Pickton are not the only source of violence, nor even the main source of violence. Women experience violence from clients and other women, but overwhelmingly from those involved in the drug trade.

Community members also discussed how the stigma and stereotyping of women involved in the sex trade contributes to the violence they face. Women involved in the sex trade will not access the services of the police when violence, even extreme violence, is committed against them because they do not trust the police.

Community liaison function and positions

Police forces can create positions of community liaison officers tasked

Individuals commented that the violence against women continues, and conditions in the DTES have not become safer since Pickton was arrested; rather, the same conditions that existed from 1997 to 2002 continue.

with the role of bridging the gap between community members and the police. Identified police personnel can link with vulnerable communities to increase awareness about reporting crime, including missing persons, and reassure people who may be associated with a criminal lifestyle that they can access police services and report a disappearance without fear of arrest. The Vancouver Police Department has established a full-time position of Sex Trade Liaison Officer to fulfill this function, a Homelessness Outreach Coordinator, and an Aboriginal Liaison Officer who is a member of the Department's Diversity and Aboriginal Policing Section (DAPS). All of these officers work directly with community members to improve their circumstances and provide support. The Commission received very positive feedback about the work carried out by these officers and strong recommendations that there be additional sex trade liaison officer positions established to meet the community's need. Several police officers made this point; for example, Retired VPD Sergeant Powell (formerly Sergeant Field) said:

I think just an expansion of the program that I see as successful, but it's only operated by one person, it's a program that Constable Linda Malcolm runs right down on the street level with the women that are on the streets. That program should be expanded so that the women, when they get into trouble or need help with the police, they've got somebody they do trust. At least that's a starting point for them. Try and get -- expand that office somewhat so that there's more places to go, and not just during the daytime, but throughout the night.²⁰

I support this recommendation for the creation and funding of additional sex trade liaison positions in the DTES. Further, I recommend that other police forces follow the VPD example of establishing and supporting officers to carry out liaison with vulnerable groups in other areas in the province.

The Commission also received numerous proposals for the creation of funded positions for individuals who are independent of the police force and who are more closely connected with the culture of the community to act as advocates for community members in their dealings with police. Two sets of proposals were made in this regard: instituting a community-based sex trade police liaison and the re-establishment of the Vancouver Police Native Liaison Society (VPNLS).

Jamie Lee Hamilton emphasized the importance of a community-based advocate: "I would recommend that a civilian be appointed to work in conjunction with the sex trade liaison officer. I think that would really help to build trust with the sex work community as well."²¹ *The Highway of Tears Symposium Recommendations Report* advocated the creation of the same type of position in Northern communities.²²

Along similar lines, Lori Ann Ellis, sister-in-law to Cara Ellis, recommended having an election within the DTES population "for spokesmen or spokeswoman to attend regular meetings with social workers, police representatives, as well as workers in the community, thus allowing a flow

of information that now seems to not exist.”²³ There is merit to the idea that the community-based police liaison advocates should act in somewhat of a representative capacity. At a minimum, the hiring of these positions should occur through a transparent, community-based process. **I recommend that the City of Vancouver create and fund two community-based liaison positions to be filled by individuals who have experience in the survival sex trade.**

In their closing submissions, Independent Counsel for Aboriginal Interests stated that VPNLS provided valuable assistance to Aboriginal people in the DTES and should be re-instituted. Several family members expressed their strong support for this recommendation. Part of the role of VPNLS could be better co-ordination of the many diverse service providers to ensure that assistance is available on a “24/7” basis. Former VPNLS employees Mr. Bates, Mr. Johns and Ms. Ens provided valuable insight into the unique role played by the VPNLS and noted that no organization has been able to fill the gap created when the society closed its doors. Mr. Bates emphasized the trust-building role of the VPNLS; the impact of its demise is palpable in his view: “I mean you go down to the Downtown Eastside and I’ll tell you it’s a lot worse than [when] I left here 10 years ago, 9 years ago.”²⁴ Mr. Johns highlighted the barrier-free nature of the services provided:

There’s no discrimination, whether they’re street workers or whether they’re male, female, it didn’t matter. And there’s a lot of patience down there. There’s no judgment. I think that’s what I enjoyed the most about it.²⁵

He went on to explain that not everyone has the capacity to do this type of work:

You know, I mean it’s a learned thing too, because if you’re brought up in society and such and if you see somebody that’s down and out, you think, oh, he’s a rubby and stuff, but everybody has history. So I mean it’s to sit there and listen to his history and don’t be judgmental and be patient.²⁶

I agree with the general thrust of the recommendation to re-establish an independent society comparable to the former Vancouver Police Native Liaison Society. However, I do not have enough information about the current situation and the need for these services in the DTES, and hence I cannot recommend the best way to structure such an organization in light of current circumstances. **I therefore recommend that Provincial Government undertake a community consultation, needs assessment and feasibility study concerning the re-establishment of an independent society comparable to the former Vancouver Police Native Liaison Society.**

Two other proposals along these lines also have merit. Kerry Porth has recommended that there should be a “VPD-Community” office within the DTES that could function along the lines of a Community Policing Centre, but staffed primarily by community members with personal experience in the many issues which plague the DTES such as addiction, mental health,

sex work, poverty etc. In her view, this hiring preference is critical in developing trust. Independent Counsel for the DTES recommended the establishment of an Aboriginal Liaison Officer whose responsibilities would include assisting Aboriginal persons in their interactions with the Missing Persons Unit. In my view, this position should be an integral part of the Missing Persons Unit.

Voluntary identification databases and warning systems

Some communities have established voluntary proactive databases to specifically assist in the investigation of missing and murdered women. People who are at a high risk of going missing may volunteer to be registered in the database, providing identifying information about themselves and their practices. This information is only used if they disappear or are killed. Once provided to the program, the information may be shared with consent or pursuant to a court order. Project KARE, a joint project of the RCMP and the Edmonton Police Service, is the leader in implementing this strategy. In Edmonton, 85 per cent of the sex trade workers approached had voluntarily provided this information. This approach has not been adopted in Calgary.

In British Columbia, the New Westminster Police Department initiated a program of this type in August 1999. A report on the program noted that the main benefit gained through this experience was the building of positive relationships between police and street-involved women.²⁷

A report prepared for the Federal, Provincial and Territorial Deputy Ministers for Justice on missing and murdered women in Canada, (*FPT MWWG Report*) noted a number of benefits that could result from the establishment of a national database of this information, including “building positive relationships between police and those living a high-risk lifestyle, and identification of people who are likely to go missing due to lifestyle or mental illnesses.”²⁸ The *FPT MWWG Report* supports a study of the feasibility of a national linked voluntary database, but notes that a number of challenges must be addressed: whether and how to link with existing independent databases, information confidentiality, how to develop and manage such a database, cost implications, and any relevant *Charter* and/or privacy implications.²⁹

Staff Sergeant Gerald MacNeil of the RCMP and Team Commander of Project KARE participated in the Commission Policy Forums. He explained Project KARE’s approach to working with women to develop a voluntary DNA database, among other issues. The RCMP is strongly of the view that the database is an important aspect of Project KARE’s work. Although it may be morbid, police face significant impediments when they lack DNA to identify victims and perpetrators. Officers involved in Project KARE believe the DNA database will ultimately contribute to promoting safety, because it will enable the police to identify perpetrators of crimes, thereby preventing further violence by that offender.

During the discussion following his presentation, some participants supported the use of DNA databases by police forces to collect DNA and other personal information on street-level sex workers in order to identify them if they go missing or are murdered. However, others did not support this type of program. Susan Davis comprehensively discussed the resistance to this initiative. She spoke about how uncomfortable DNA collection made her and others feel, because it suggested that the police would not protect women while they were alive but wanted to identify their bodies when they were murdered. Ms. Davis also noted that some women *were* comfortable contributing to a database and voluntarily provided their information to police.

A more proactive approach is the establishment of a voluntary program to track and monitor vulnerable women, particularly those involved in street-level prostitution. In this approach where a woman involved in the tracking program has not made contact with police within a predetermined interval of time, usually 30 days, a missing person investigation is automatically triggered, making her location and well-being a priority. For example, a woman could register with a community-based service provider that she regularly attends, leaving instructions for who should be contacted if she disappears without notice. Alternatively, a woman could agree that the social assistance office could contact police if she does not pick up or cash her welfare cheque within a specified period of time. This alternative takes into consideration the fact that many marginalized communities have justifiable fears about providing information about themselves to the police.

Lori-Ann Ellis made a number of recommendations for a more broadly based warning system involving the welfare system, banks and community organizations that have regular contact with street-involved women. Her recommendations are substantially more proactive than a voluntary database. At the hearing, she said:

Number one, make social workers more accountable for the welfare of their clients. Cara and the other girls who have addiction problems rely on their Welfare cheque as part of their day-to-day survival. The Welfare system should be revamped in order to red flag cheques that are not being picked up by these addicts. The reason for the cheque not being signed for should be notated on the file and a list compiled weekly or monthly, sent to the Vancouver Police Department right away so that they can be made aware to look out for the welfare of this person.

Second recommendation. Banks should also be-- implement a red-flag system whereas a pattern of regular cheques being deposited and withdrawn. If this pattern changes, they should be able to notate when a fixed pattern changes and alert the authorities.

Number three. Let social agencies that deal with these women on a day-to-day basis be more involved with being able to report changes that may indicate problems, such as disappearances; and have regular meetings with the police to have a better flow of information so that they can work toward a common good for these women.³⁰

It is critical to understand that voluntary identification databases do not constitute a protection measure, except in the bleak and remote sense that identifying a woman's remains can assist in catching her killer.

In closing submissions for VANDU, Ann Livingston proposed a similar avenue based on the view that police should have only a partial role in looking for people who go missing:

A better approach to finding missing people would include clauses in welfare and pension and medical and court files to alert a trusted family member or friend when someone does not show up to get their welfare or pension check or misses multiple medication pick-ups. This would pin point the time of the disappearance and the police could get involved after that.³¹

Kerry Porth spoke in favour of an alternative program through which vulnerable women would voluntarily provide their contact information including emergency contacts, their habits, and their permission for police to investigate if they have not made contact within a period of 30 days. She combined this with her proposal of a Community Policing Centre, suggesting it could be appropriately resourced and tasked with maintaining a database of the volunteered information. Under this proposal, the Community Policing Centre would take responsibility for designing a “check-in” protocol such that if the participant has not checked in for an agreed-upon length of time and the organization has been unable to find the individual, at that point the police would be notified. Part of this protocol could include the voluntary storage of DNA samples for the police.

It is critical to understand that voluntary identification databases do *not* constitute a protection measure, except in the bleak and remote sense that identifying a woman's remains can assist in catching her killer. **I therefore recommend that a voluntary registration/warning program and protocol be developed in consultation with vulnerable women through a process that ensures informed consent, guarantees privacy, and allows the woman to retain control over all private information.** A voluntary DNA database could be one aspect of this program. It may be that, in some communities, this information should be collected and safeguarded by an organization that is independent of the police.

A voluntary registration/warning program and protocol should be developed through a transparent, collaborative consultation process as part of an overarching strategy of measures to enhance the safety and security of women engaged in the survival sex trade. The process for developing this strategy should be facilitated by established women's support centres such as WISH Drop-In Centre and PACE in the DTES and the Warm Zone Resource Centre in Abbotsford. If a national database is to be established, it should incorporate the principled approach that I have outlined here.

Law enforcement strategies that prioritize harm reduction

The Commission received a number of submissions calling on it to recommend the decriminalization and regulation of street-level prostitution. As I noted earlier in the report, it is outside the scope of my mandate to do

so. I can, however, consider law enforcement strategies to be employed by police forces in the province as they relate to the initiation and conduct of investigations of missing women and suspected multiple homicides. Police forces are obligated to enforce the laws of Canada, although they also have considerable discretion in deciding when and how to enforce laws.

Based on the evidence heard, I conclude that the law enforcement strategies in place prior to and during the terms of reference contributed to the endangerment of women in the survival sex trade. It is also clear that the current legal situation places police in a difficult position of having to negotiate the balancing of the interests of some members of the community affected by the nuisance of street-level prostitution and members of the community most directly affected by it, the women themselves.

Deputy Chief Constable Doug LePard testified that the current practice of the VPD is not to charge women under s. 213 of the *Criminal Code*, which prohibits communication for the purposes of prostitution. Although Mr. Gratl, in submissions made on behalf of DTES Interests, points out that even with a no-charge policy, police retain discretionary power over persons engaged in the street sex trade, including the power to detain and search.³² In addition, even where prosecutions for this offence are quite low, the threat of arrest is ever-present. In her testimony, former sex trade worker Jamie Lee Hamilton agreed that police discretion to arrest women for this offence could lead to adverse interactions between the police and women engaged in the survival sex trade even when no charges were laid. She provided an example of how women

... are taken and told to go to this program and if they do then there won't be the laying of charges, and so I think that creates a level of distrust that the women are being moved against their will and being forced to have to do something that they would have rather have a choice in the matter and aren't really given a choice.

... I've watched that in the containment as well, that if you agree to be pushed down into that industrial area north of Hastings you won't be charged but if you continue to stay on Hastings Street, for instance, in the low track area that you will be charged.³³

Ms. Hamilton told the Commission that the police discretion over enforcing s. 213 should be structured so as to limit potential misuse or abuse of the discretion by individual officers and to minimize negative interactions between the police and street-involved women. The VPD has also recognized that "indiscriminate enforcement of the prostitution laws can undermine sex workers' relationships with police and decrease their ability to reach out to police for help."³⁴

As mentioned previously, in March 2012, the VPD submitted for approval by the Vancouver Police Board a policy document titled "*Sex Work Enforcement Guidelines*," which was prepared with the assistance of WISH, PIVOT, Susan Davis, PEERS and PACE. The Guidelines set out the VPD's philosophy toward violence against sex workers and the enforcement of

sex work related laws. In its policy submissions, the VPD states that the draft guidelines “make it clear to VPD members that they are required and expected to fulfill their duties and to exercise their powers in a respectful, sensitive and non-discriminatory manner.”³⁵

Briefly summarized, the Guidelines set out, among other things, that:

- a) The VPD seeks to promote the safety, dignity and well-being of those involved in the sex industry, and will continue to build trust and respect and to promote evidence-based decision-making in order to reduce exploitation and abuse in the sex industry.
- b) The VPD does not seek to destabilize the safety of sex workers, and so, when responding to nuisance-related complaints against survival sex workers, alternative measures and assistance will be considered and enforcement will be a last resort. Sex work involving consenting adults is not an enforcement priority for the VPD.
- c) Police calls regarding violence against sex workers are a priority for assessment and response. All cases of violence or abuse of sex workers are treated as serious criminal matters.
- d) When responding to sex work related calls or situations, the VPD will take the most effective, least intrusive approach to effect the desired outcome, and will build rapport with the affected sex workers, involve appropriate community policing officers and the Sex Industry Liaison Officer, and take all reasonable steps to show respect for and preserve the dignity of those involved.
- e) The VPD will enforce all laws against those who abuse or exploit children and youth. The VPD will use all enforcement options available to ensure the removal of youth from unsafe circumstances and will introduce them to supportive social agencies.
- f) The VPD will actively enforce all laws to target those engaged in human trafficking, organized crime and financial exploitation/avoidance, and will monitor and maintain intelligence reports to identify and track potentially violent sex industry consumers.

I support the approach taken by the VPD, both because of the community-engagement process undertaken in developing the guidelines and because the substance is responsive to the identified needs of this group of vulnerable women. The guidelines prioritize “high-risk safety concerns,” making them the driving force of any level of enforcement by the Vancouver police.

The guidelines approach is a model of community policing at its best. The adoption of these guidelines will contribute to standardization and consistency in response and will enhance accountability of individual

officers, since the guidelines set the parameters for their interactions with women engaged in the sex trade. The guidelines also enhance accountability of the VPD as a whole as they provide a baseline against which to measure the Department's actions. Crucially, the guidelines integrate equality-promoting norms: "Citizens of Vancouver involved in sex work are entitled to the same level of safety and protection under the law as are all residents of the City."³⁶

I recommend that all other police forces in the province consider implementing these types of guidelines after carrying out the requisite consultations with members of the community who are directly affected by the law enforcement of the street-level sex trade.

Structured discretion regarding enforcement of warrants

Courts issue warrants to individuals who violate a court order by, for example, failing to appear before the Court, breaching a bail provision, or failing to pay a fine. Women engaged in the survival sex trade are often charged with drug or prostitution-related offences or other minor infractions. When they do not show up in court to answer to the charges, bench warrants are issued ("failures to appear"). Street-involved women may also breach conditions of their release by entering "no-go zones" – areas from which they are prohibited by virtue of their conditions of sentencing or release – and thereby risk re-arrest.

Some bail provisions put an accused at risk of being remanded into custody for minor offences. Moreover, the longer an accused is on bail, the more times she has to attend court. As the number of court appearances increase, so does the possibility the accused will fail to appear as required or otherwise breach the terms of release. These practices have been criticized by a federal Department of Justice Steering Committee.³⁷

Outstanding warrants can inhibit women who have been assaulted from reporting to the police for fear that they will be arrested themselves. Special mention was made during Commission Consultations and Policy Forums of the fear that addicts have of being remanded into custody on a failure to appear and left to detox in jail without support. Over the course of the Commission's work, numerous individuals, including police representatives, highlighted the importance of addressing the issue of warrant enforcement in the context of enhancing the safety of vulnerable women. Various perspectives were expressed during the Commission's consultations and at the Policy Forums.

Community members and police both recognized that while enforcement of warrants is an important concern with respect to making women safer, it is not within the control of police. While police work does involve the exercise of discretion, including deciding whether to run a CPIC check on a person reporting a crime, police discretion does not extend to deciding whether to enforce court warrants. An officer is mandated to enforce all

court orders, including warrants known to be outstanding.

Available data collected by the courts and the Department of Justice support the view that there are serious problems with frequent breaching of conditions and failures to appear. In 2003/04, failure to comply with a court order was the fourth most frequently occurring offence in Canada.³⁸ Data from a survey of 100 drug users in the DTES, *Treadmill of Addiction*, indicates that in 2003, 22 individuals were collectively charged 70 times for breaching their release conditions and 32 individuals were collectively charged 120 times for failing to appear in court. Data from Vancouver Police Department's Chronic Offender Program indicates that 42 per cent of the 562 identified adult chronic offenders breached their conditions at least once between June 28, 2004 and February 1, 2005. Of the 327 chronic offenders who appeared in court during the time period above, 186 had been charged with breaching their conditions.³⁹

In the views of many community representatives and service providers, and some criminal justice personnel, there are too many restrictive conditions on bail and probation, which may set offenders up for failure. These serve to punish offenders who don't have the capacity to appear because of mental health, addictions, poor health and unstable housing. Some service providers have said that "no go" orders preventing offenders from entering the Downtown Eastside are unworkable if the offender has no other community to which they can return. Addicts, in particular, are likely to return to the DTES in order to purchase drugs.

At the same time, other people, sometimes other community residents such as business owners, believe the justice system is not holding offenders accountable for breaches or failures to appear. They believe that the courts should be tougher on those who breach or fail to appear in court and that this might deter them and other offenders from breaching their conditions.

The Commission was told that for people being ticketed in the DTES for minor offences such as littering, jaywalking and public urination, unpaid tickets can ultimately lead to warrants for arrest. During the Policy Forums, many community representatives told me that "over-policing" of women in the DTES through ticketing initiated a domino effect of breaches for such procedural offences as failures to appear, ultimately causing women to be put in remand and prisons while suffering from withdrawal without proper medical treatment. General support for minimizing charging for minor offences was expressed to the Commission because over-criminalization results in a more adversarial relationship between police and the community. Many people echoed Ann Livingston and Lori-Ann Ellis' comments that the police should stop enforcing "petty" laws in the DTES and focus on serious violent offences.

Members of the VPD commented on the ability of police officers to use discretion to not enforce warrants against women when they are reporting violence. They noted that although the police can and sometimes do use

discretion, it is not uniform and does not happen in every case.

RCMP members also commented on their discretion not to enforce outstanding warrants on women reporting violence. They noted that police officers could be legally liable if a person were harmed or harmed someone else after a police officer exercised discretion not to enforce a warrant, just as if the person were in police custody at the time. However, RCMP officers also noted the importance in using discretion in the knowledge of how greatly it can impact a woman's life. For example, for a woman who has exited prostitution, has become clean and sober, has child care problems and has an upcoming job interview, a bylaw ticket can potentially have cascading and far-reaching effects.

One important avenue for reform is to reduce the likelihood that a vulnerable woman will be subject to a court warrant by minimizing ticketing for minor offences and bail conditions that are difficult to live up to. There are two immediate ways in which this could be achieved: first, by using police discretion during the charging phase to reduce the number of tickets handed out; and secondly, by making greater use of existing diversionary measures to deal with minor offences.

Police have the discretion to charge in some circumstances including, for example, driving offences where administrative warnings may be authorized by regulation. Police discretion is a "pre-court" procedure; if no charges are laid, the issue never proceeds to court. Regulations adopted in 2010 allow RCMP to give warning to impaired drivers when they have no previous charges.⁴⁰ Diversionary measures such as warnings, cautions and referrals are used most extensively and successfully in the youth justice context to avoid the "cycle of criminalization."⁴¹ New Zealand has recently adopted a system of warnings instead of charges in order to reduce charges in "victim-less" crimes.⁴²

The City of Vancouver has a role to play in amending policies with respect to issuing tickets for minor offences such as jaywalking, littering, public defecation/urination, and vending. Guidelines should be issued to structure the police discretion not to lay charges to encourage consistency. The City has recognized that many of these nuisance issues invoke a policy response, and some City Councillors have met with DTES residents to find practical solutions that would reduce the number of violations. More creative ways of dealing with these issues should be explored by expanding city services and working with community organizations to address the needs that lead to some of these behaviours.

I recommend that the City of Vancouver and the Vancouver Police Department take proactive measures to reduce the number of court warrants issued for minor offences by:

- **Reducing the number of tickets issued and charges laid for minor offences;**

- **Developing guidelines to facilitate greater and more consistent use of police discretion not to lay charges; and**
- **Increasing the ways in which failures to appear can be quashed early in the judicial process.**

Additionally, many of these minor offences are within the jurisdiction of the Downtown Community Court, which hears a wide variety of cases, including disturbing the peace and drug possession, in the downtown Vancouver area that extends from the West End to the DTES.⁴³ I am well familiar with the Downtown Community Court since it was established in 2008 while I was Attorney General. It functions on the idea that, in many cases, pursuing minor charges through the criminal justice system benefits neither the community nor the individual, and “clogs up” the court system, making it harder to deal with more serious crimes. It uses a holistic approach and employs alternative measures (also known as “diversion”) in a proactive manner. Diversion, which has the result of staying the charges and diverting the accused out of the formal court system, is not new to Canada nor to the courts in Vancouver. Diversion is premised on the accused accepting his or her guilt, expressing remorse and complying with a program of community service that often involves treatment for addiction or mental health issues, referral to community agencies, and compliance with a program for behavioural change or community service. The Downtown Community Court has made the use of diversion more widely available, and it is not clear why ticketing offences have not been more effectively dealt with using such measures.

Another proactive court or post-charge approach that should be pursued is increasing the ways in which failures to appear can be quashed early in the process. For example, consideration should be given to adding a component to community court by which people could attend at a local community organization just to clear outstanding failures to appear. I had the benefit of learning of a number of Portland initiatives from Doreen Binder, Executive Director of the Transition Project. Their approach to the warrants issue serves as a model:

A brand new program started in the month of May [2012] at the Bud Clark Commons. The community court will be held on Fridays in the multipurpose room. The court program is based on a model started in New York City, where social service agencies were brought to the court in order to allow easier access to the services required to avoid fines and sentencing. The community court program at Transition Projects is the first to be held in a social service building, making it even more accessible to those looking to avoid the charges that will end up becoming barriers to achieving housing.⁴⁴

This model could be used to facilitate a more collaborative process between women, community organizations and the Court, with the goal of increased use of diversion or alternative measures to deal with bench warrants and breaches of conditions. RCMP Superintendent Paul Richards asked the Commission to consider recommending an amnesty day like “firearm freedom day” for warrants, so women could come forward and

have warrants dealt with and avoid situations of non-reporting because of outstanding warrants.

I further recommend that courts consider making increased use of diversionary or alternative measures to deal with bench warrants and breaches of conditions in light of the barriers outstanding warrants have on the ability of vulnerable women who are victims of violent crime to access police services and that proactive steps be taken to assist women to clear outstanding warrants in order to minimize barriers to their ability to report crimes of violence.

Providing the police with the discretion not to enforce a warrant in a circumstance where a woman engaged in sex work is attempting to report a violent crime is an issue that involves broad legal considerations. Under some circumstances, police have discretion to look at whether or not to prosecute for outstanding charges, or whether they can be deferred until other issues such as reports of assaults are dealt with.

It was suggested that there be legislated structured discretion to allow officers to waive enforcement of bench warrants resulting from failures to appear and so on, in specific situations. However, police cannot mandate non-enforcement of a bench warrant or other order of the court, as this would be usurping the court's authority. There is the additional problem that while legislating on the criminal law is a federal responsibility, policing is a provincial responsibility. Therefore any legislation on discretionary use of police powers walks a fine line between these two and could be subject to constitutional challenges. The legal constraints involved in legislating the exercise of police discretion has been explained in the context of youth offences and sentencing:

Legislating the exercise of police discretion is a risky business for any Canadian legislature because of the significance of police independence in the British tradition of policing, from which Canadian policing developed (Hornick et al., 1996; but cf. Stenning, 1981a). It is doubly so for the federal legislature (Parliament) because, under the Canadian Constitution, policing is a provincial responsibility. The YCJA both legislates in the area of police discretion, and does not. It requires a police officer who is considering laying a charge against a young person to first consider using an extrajudicial measure, and creates a presumption that an extrajudicial measure is appropriate in certain well-defined circumstances. On the other hand, it provides no procedure for enforcing this requirement on police, and explicitly rules out failure by police to comply with this requirement as a ground for invalidating a resulting charge (see YCJA, s.6[1-2]).⁴⁵

I emphasize that there was broad agreement among community members and police that this was a priority issue. VPD Inspector Mario Giardini recommended that there should be changes in law and the establishment of a provincial standard so police officers do not have to act on warrants in cases when sexual assault or violence is being reported, but also do not use discretion inconsistently. Alberta RCMP Staff Sergeant Gerard

MacNeil also stated that legislators should encourage front line officers to use discretion in enforcement, because using it wisely can be lifesaving. At a minimum, Superintendent Paul Richards recommended that police officers should enjoy protection from liability using common sense to not enforce outstanding warrants.

There is no question that fear of arrest inhibits people, including women facing violence, from coming forward to talk to police. Due to the legal uncertainties around legislation in this area and in the absence of substantive consultation with representatives of all parties affected by this proposed reform, I am not in a position to make a concrete detailed recommendation to structure the police discretion to enforce court warrants. At the same time, I recognize that the lack of a structured discretion on police in this regard perpetuates a serious barrier to vulnerable women who have been victims of violent crime. **I therefore recommend that the Minister of Justice consult with the judiciary, community representatives and the police to develop a protocol to structure the police discretion to enforce court warrants.**

Of course, outstanding warrants are not the only barrier to vulnerable women reporting crimes to police. As mentioned earlier, other steps should also be taken to eradicate barriers to vulnerable women reporting crimes against their person to the police. For example, establishing a 1-800 number for reporting violence against women in the survival sex trade and, as suggested by Susan Davis during the Policy Forums, an online system to report “bad dates.”

Legislative protection for exploited women

The safety of vulnerable women can also be enhanced through legislative measures designed to give them greater protection from sexual exploitation. Laws can be strengthened to give both the police and the women themselves additional tools and remedies to combat violence. In April 2012, Manitoba enacted and put into force a groundbreaking law, the *Child Sexual Exploitation and Human Trafficking Act*,⁴⁶ as part of its child sexual exploitation and human trafficking strategy. Human trafficking and child sexual exploitation are criminal offences and should always be reported to the police and child welfare authorities. If the police have enough evidence, they can charge the alleged offender. The new Manitoba legislation provides additional civil legal remedies for sexual exploitation: protection orders and a new tort of human trafficking.

Under the new law, protection orders can be granted in relation to child victims of sexual exploitation and adult or child victims of human trafficking. In the case of children, the protection order can be requested by an appropriate child welfare agency, parent or the child’s legal guardian. Protection orders may contain as many of the following provisions as needed to protect the victim:

- Prohibiting the respondent from following the victim or other specified person(s);
- Prohibiting the respondent from contacting or communicating with the victim or other specified person(s), directly or indirectly;
- Prohibiting the respondent from going near, or entering, any place that the victim or other specified person(s) attends regularly (ex: places where the victim, or other specified person(s) lives, works or does business, or attends school); and
- Requiring the respondent to return specified personal effects or documents of the victim.⁴⁷

Protection order applications can be submitted in person or by phone, with the help of a police officer or lawyer. Once the application is submitted, a hearing is conducted without notice to the respondent. Evidence is provided under oath regarding the child sexual exploitation or human trafficking. A judicial Justice of the Peace may grant a protection order if he/she finds that:

- Human trafficking or child sexual exploitation has occurred;
- There are reasonable grounds to believe that it will continue; and
- The victim needs immediate or imminent protection.

If an order is granted, it takes effect as soon as police or a sheriff's officer serves the respondent with a copy of it. The respondent can apply to the Court of Queen's Bench to challenge the order within 20 days of receiving the order, or longer if the court allows.

The protection order will normally be granted for three years, but could be longer or renewed if necessary. Protection orders are entered into a computer registry that is accessible by all police. Failure to obey a protection order is a crime. Protection orders are enforced by the police.

The Act also creates a "tort" of human trafficking, allowing anyone subject to human trafficking to sue the trafficker for compensation. An action starts by filing a claim in court. The claim proceeds through the usual court process. Under the legislation, someone who has been trafficked can ask the court to:

- Award damages;
- Order the trafficker (defendant) to account for any profits made by trafficking the victim and pay that amount to the victim; and/or
- Issue an injunction requiring the trafficker to stop that activity.

The compensation order may be enforced in the same way as any judgment of the Court of Queen's Bench.

The protection order for victims of human trafficking can be used in conjunction with the tort of human trafficking. The tort action can provide financial compensation to the victim while the protection order can enhance the victim's safety by requiring the respondent to stay away from the victim.

In my opinion, this new legislative regime is a promising approach

which should be considered for adoption in British Columbia as part of a wide-ranging strategy to enhance the safety of vulnerable women. **The Minister of Justice should establish a working group to develop options for enhanced legislative protection for exploited women. The working group should include representatives of sex workers, community-based organizations providing support to and advocacy for women engaged in the sex trade, Aboriginal women's organizations, police agencies, and the Crown Counsel Association.**

Monitoring high-risk offenders

The VPD made extensive submissions on the need to increase the police capacity to monitor high-risk offenders as one important element of a strategy to enhance the safety of vulnerable women. The FPT MWWG Report also contains an extended discussion of prediction, intervention and monitoring.⁴⁸ The VPD states that monitoring high-risk offenders has become an important aspect of modern policing. Increased capacity to monitor high-risk offenders requires harnessing advances in technology and encouraging community members to report crimes and suspected crimes. As noted previously, reporting by community members will expand in situations in which there are stronger relationships of trust between communities and police.

At present, police monitor high-risk offenders who have already had interaction with the criminal justice system and are on probation, parole or other court orders (e.g.: Section 810.1 and 810.2 orders) through units like the VPD's High-Risk Offender Unit, the RCMP's Behavioural Science Section, and the Integrated Sexual Predator Observation Team. Police rely upon systems such as the Violent Crime Linkage Analysis System (ViCLAS) to identify patterns and linkages between predatory offences. As the VPD points out, this system is not infallible and needs to be augmented through direct information sharing and effective collaboration between police forces.⁴⁹

Identifying predatory offenders remains very difficult, more so in situations where there are barriers to vulnerable women reporting crimes to police. The VPD submission states:

Moreover, identification of predatory offenders can be exceptionally difficult for police because crimes are not always reported in full or with all details, especially if there is mistrust between the community and the police. For example, police may not be aware that a predator is victimizing sex workers or the frequency or degree to which the predator is operating because not all women will report that they were sexually assaulted. Clearly, the relationships police have with the community, and in particular with those who are at a higher risk of victimization, are essential for effective monitoring, enforcement, and prevention.⁵⁰

The VPD recommends increased information sharing through the establishment of a regional Real-Time Crime Centre, discussed in greater

detail later in Part 10. The purpose of enhanced and proactive information sharing is to overcome barriers in identifying serial crimes through consistent analysis of missing person and crime data for the region. I accept the VPD's submissions for increasing information gathering and sharing as the foundation for more effective monitoring of high-risk offenders. **In my view, additional steps should be taken through the police leadership, the BC Association of Municipal Police Chiefs and the RCMP, with support from the Director of Police Services, to develop a protocol containing additional measures for the monitoring of high-risk offenders, including recommendations for the efficient and timely sharing of information.**

D. Recommendations for Enhancing the Safety of Vulnerable Women

I make the following recommendations in order to enhance the safety of vulnerable women in the DTES and other urban settings, including by listening to and learning from vulnerable women and responding to their needs:

- 5.1 That SisterWatch be evaluated to provide a basis for further refinements and with a view to establishing best practices for meaningful police-community partnerships; and that these best practices be shared with other police forces to encourage them to develop and maintain ongoing, collaborative community forums.
- 5.2 That all entities with proposed responsibilities under the Living in Community Action Plan commit to these priority actions that together form a strong basis for enhancing the safety of women engaged in the survival sex trade.
- 5.3 That other communities be encouraged to undertake the type of collaborative community engagement strategy employed by Living in Community to develop an integrated strategy for enhancing the safety of women engaged in the survival sex trade.
- 5.4 That Provincial Government fund additional full-time Sex Trade Liaison Officer positions in the Lower Mainland.
- 5.5 That the City of Vancouver create and fund two community-based liaison positions to be filled by individuals who have experience in the survival sex trade.
- 5.6 That Provincial Government undertake a community consultation, needs assessment and feasibility study concerning the re-establishment of an independent society comparable to the former Vancouver Police Native Liaison Society.
- 5.7 That the VPD establish a position of Aboriginal Liaison Officer whose responsibilities would include assisting Aboriginal persons in their interactions with the Missing Persons Unit.

- 5.8 That all police forces in British Columbia consider developing and implementing guidelines on the model of the Vancouver Police Department's Sex Work Enforcement Guidelines in consultation with women engaged in the sex trade in their jurisdiction.
- 5.9 That the City of Vancouver and the Vancouver Police Department take proactive measures to reduce the number of court warrants issued for minor offences by:
- Reducing the number of tickets issued and charges laid for minor offences;
 - Developing guidelines to facilitate greater and more consistent use of police discretion not to lay charges; and
 - Increase the ways in which failures to appear can be quashed early in the judicial process.
- 5.10 That courts consider making increased use of diversionary or alternative measures to deal with bench warrants and breaches of conditions. This is in light of the barriers that outstanding warrants have on the ability of vulnerable women who are victims of violent crime to access police services. And that proactive steps be taken to assist women to clear outstanding warrants.
- 5.11 That the Minister of Justice consult with the judiciary, police and community representatives to develop a protocol providing the police with the discretion not to enforce a warrant in a circumstance where a sex trade worker is attempting to report a violent crime.
- 5.12 That the Minister of Justice establish a working group to develop options for enhanced legislative protection for exploited women. The working group should include representatives of sex workers, community-based organizations providing support to and advocacy for women engaged in the sex trade, Aboriginal women's organizations, police agencies and the Crown Counsel Association.
- 5.13 That the BC Association of Municipal Police Chiefs and the RCMP, with support from the Director of Police Services, should develop a protocol containing additional measures to monitor high-risk offenders, including recommendations for the efficient and timely sharing of information.

PART SIX

STANDING TOGETHER AND MOVING FORWARD:
Strategies to Prevent Violence Against
Aboriginal and Rural Women

Aboriginal women are falling through the cracks of our public safety net.

PART 6 – STANDING TOGETHER AND MOVING FORWARD: STRATEGIES TO PREVENT VIOLENCE AGAINST ABORIGINAL AND RURAL WOMEN

A. Introduction

Aboriginal women are falling through the cracks of our public safety net. This was the central message heard by the Commission in its Northern Community Consultations. I heard first-hand about the deep and traumatic impact of the missing and murdered women and girls on families, communities and Aboriginal cultures along Highway 16, known as the Highway of Tears, from Prince Rupert to Prince George and beyond. I also heard about the connections between the northern and southern tragedies, between the Highway of Tears and the DTES. The following message was delivered loudly, clearly and respectfully: strong measures must be taken to prevent violence against vulnerable women, including marginalized women and Aboriginal women, wherever they live in the province and when they move between rural and urban centres. Action can be delayed no longer.

It is equally clear that different strategies are required to enhance the safety of women outside urban areas; the challenges to ensuring equal protection in each context are both shared and distinct. I fully recognize that Aboriginal women and girls are unsafe wherever they live: they comprise the vast majority of missing and murdered women along the Highway of Tears and a disproportionate number of the victims in the DTES. Aboriginal women experience higher levels of violence, both in terms of incidence and severity.¹ These unacceptable statistics were brought home to me in heart-rending terms during the Northern Community Forums; woman after woman prefaced her comments by courageously sharing her experience of male violence, of how close she came to being another missing and murdered Aboriginal woman, and of the inadequate police/community response.

The missing and murdered girls and women along the Highway of Tears are the subject of an active investigation by the RCMP Project E-PANA. As I was completing my report, the RCMP announced that it had concluded that Bobby Jack Fowler was the man responsible for the murder of one of these women, Colleen MacMillen, who was 16 at the time of her disappearance in 1974. Fowler died in a U.S. prison where he was serving a sentence for the sexual assault and kidnapping of a woman. After his death, analysis of his DNA confirmed his responsibility for the murder. He has been eliminated as a suspect in eight of the unresolved missing and murdered women cases, but remains a person of interest in a number of them – two in particular.² Like Pickton, Fowler had been arrested for attempted murder and assault, underscoring yet again the importance of prosecuting attempted cases with the highest degree of attention, particularly in sex crimes where the propensity to re-offend is so high.³

The continued focus on historical cases is crucial. In Part 7 and Part 8 later in this report, I make recommendations for improving the initiation and conduct of investigations of missing women and suspected multiple homicides. But the Commission must look to the future as well as the present and past to proactively enhance the safety of Aboriginal women and girls. Preventing crime and investigating crime are inextricably related policing activities. This is one of the main conclusions drawn from my inquiry into the DTES missing and murdered women investigations.

Missing and murdered girls and women in Northern British Columbia

The number of missing and murdered girls in Northern British Columbia is unknown; people have been disappearing along the highway network of Highways 16, 97 and 5 for decades. The vast spaces between communities acutely increase women's vulnerability to violence given the lack of public transportation, and create additional challenges to the initial search and investigation of missing persons. Many of the victims were said to be hitchhiking when last seen. Community members state that abduction is a more apt description than disappearance:

While a few of the missing teenagers and young women were engaged in high risk behaviours, others were travelling from one point to another out of necessity. It is probable that some of the missing teenagers and young women were actually abducted.⁴

The vast majority of the missing and murdered are young Aboriginal women, and a significant number were under the age of 18; they were girls.

The Highway of Tears Symposium Recommendations Report is dedicated to nine girls and young women who have gone missing, some of whom have been found murdered, along Highway 16:⁵

Aielah Saric Auger was 14 when she disappeared on February 2, 2006; her body was discovered four days later.

Tamara Chipman was 22 when she disappeared on September 21, 2005. She is still missing.

Nicole Hoar was 25 when she disappeared on June 21, 2002.

Lana Derrick was 19 when she disappeared on October 7, 1995.

Alishia Germaine was 15 when she disappeared; her body was found on December 9, 1994.

Roxanne Thiara was 15 when she disappeared, her remains were found in August 1994.

Ramona Wilson was 16 when she disappeared in June 1994; her body was located in April 1995.

Delphine Nikal was 16 when she disappeared; she was last seen on June 14, 1990.

Cecilia Nikal disappeared in 1989.⁶

The Highway of Tears Symposium Recommendations Report recognizes that these nine are a portion of the total number of missing and murdered women. The report concludes that the “exact number of missing women has yet to be determined” but could exceed 30 girls and women.⁷ During our consultations, I heard numbers ranging from 18 to 43.

Project E-PANA consists of 13 homicide investigations and five missing persons investigations, including eight of the nine women and girls listed above (Cecilia Nikal’s disappearance is being investigated by Project Evenhanded). The other women on Project E-PANA’s list disappeared along Highway 16 between 1969 and 1989. The additional ten women are:

**Gloria Moody
Micheline Pare
Gale Weys
Pamela Darlington
Monica Ignas
Colleen MacMillen
Monica Jack
Maureen Mosie
Shelley-Anne Bascu
Alberta Williams**

Project E-PANA has established the following three specifications for its investigations: the victim has to be female; “either be involved in hitchhiking or other high risk behaviour;”⁸ and last seen on, or their body found, within a mile or so from three BC highways (Highway 16, Highway 97 and Highway 5).

The time horizon, geographic boundaries and other criteria for inclusion in the category explain the discrepancies in numbers and lists of names of missing and murdered women. Whatever the correct number of victims, one conclusion is shared by all: the number of missing and murdered women and girls is unacceptably high.

During the course of our Northern Community Consultations, several poets and Elders gifted their work for inclusion in the Commission’s report. I included poems by Pansy Wright-Simms and Fawn Wright in Volume I.⁹

In honour of the missing and murdered women and girls in Northern British Columbia, the Commission offers the following poem in excerpt from the “Prayer Book” of Dr. M. Jane Smith (Xsiwis), a Gitxsan Elder who kindly presented the following prayer for the Commission Report:

*When my spirit flees to a desolate place
Draw me out and take me to the stars.*

*When my spirit wanders in the dark of night
Give me the morning light.*

*When my spirit cries in a barren land
Carry me to the banks of the River.*

*When my spirit crouches in the midst of jagged rocks
Fly me to the green of the mountain.*

*When my spirit drifts to the burnt out wilderness
Transport me to the dancing cedar trees.*

*When my spirit is caught among the thorns
Lift me up with the flight of the eagle.*

*When my spirit is thrust into a raging storm
Bring me back with the laughter of children.*

Oh come Great Spirit and heal my broken spirit.

The Northwest Consultation Report stated the many forms of healing and reconciliation required includes “between the male and female energies.”¹⁰ To further this process, male Elder, Ken N. Mowatt provided this selection:

*The spreading of the wings, the spirit in flight
Several paling moons, the journey has seen
From the fragile forest, a kindred sings
The breath of the spirit is strong...
The spirit lives on. I am eternal...Hey...hey...hey*

- Mas liki'insxw

Strong community commitment to collaboration and action

Communities along the Highway of Tears have taken action to deal with the crisis of missing and murdered girls and women with a view to preventing future crimes. Aboriginal women and First Nations governments and organizations have taken the lead in change efforts, but over time they have been successful in building collaborative engagement with the police and other partners within the communities. There have been a number of community awareness campaigns to promote active interest in resolving the cases of murdered and missing women and to raise general public consciousness about this situation. These include the “Take Back the Highway Campaign” in 2005, the ongoing awareness walks and marches, and the Highway of Tears Symposium held in March 2006. The

Symposium brought together over 500 people from 90 organizations to develop an action plan for change and to establish a governing body to oversee implementation of the plan.¹¹ I discuss some of this action plan's components below.

In addition to keeping up pressure on the criminal investigations, there have also been a large number of activities geared toward preventing future violence. These initiatives include education and skills development activities to assist at-risk women and youth to develop safety strategies. *The Highway of Tears Symposium Recommendations Report* places a great deal of emphasis on prevention of these crimes. In the introduction to this Volume, I mentioned a few recent initiatives: the study of hitchhiking practices by a partnership of researchers, community members and the police; the recommitment of public funding to the Highway of Tears Governing Body; and the renewed advocacy for a public transportation system in that region. I wholeheartedly endorse these initiatives and the collaboration and community engagement through which these initiatives are taking shape.

Contextual factors

The Commission consultations were not my first opportunity to visit the rugged and beautiful Highway 16 corridor; however, the purpose of this journey caused me to see the region from a different perspective. It was truly eye-opening to drive from Prince Rupert to Smithers, stopping in Terrace, Gitanyow, Hazelton and Moricetown for the Northern Community Forums while reflecting on my Terms of Reference and what I was hearing at each forum. I saw first-hand what the *Northwest Consultation Report* describes as “a beautiful and remote area, sparsely populated, with its own distinct cultures;” conversely, I was struck anew by our province's history and the ways it has contributed and continues to contribute to “poverty and demoralization through generations, as a result of unemployment and low levels of education.”¹² I clearly remember one woman's comment at the Prince Rupert forum when, in tears, she contrasted the beauty of the landscape with the horror of the tragedy: “As you travel down Highway 16, I am sure you will notice the beautiful view, but do not forget what is happening to our women on that highway, they too are beautiful...”

The Commission heard a great deal about the context of First Nations and northern realities during our Northern Community Consultations. Seven topics were addressed from different perspectives in submissions: geography, colonialism, discrimination and racism, residential schools, poverty, violence, and unhealthy lifestyles. These topics are interconnected in important and complex ways.

Four main Northern contextual factors shape the Commission's recommendations for the development of strategies for the prevention of violence against Aboriginal and rural women.

First is the Aboriginal reality: a diverse mix of First Nations populates the North. Today, Aboriginal people make up a large proportion of the population in this region. According to the *Northwest Consultation Report*, while there are numerically more Aboriginal people living in the greater Vancouver area than in the Northwest, the proportion of the Aboriginal population in the Northwest is much higher.¹³ The overall proportion of Aboriginal people in BC is 5 per cent, but in Prince Rupert it is 35 per cent, in Terrace it is 16 per cent, and in Burns Lake it is 37 per cent.¹⁴

Second is the need to confront the high level of all forms of violence against Aboriginal women. Many girls and women of all cultures and social situations are forced to leave their homes and communities due to violence. Resources to facilitate a safe transition are inadequate across BC, but particularly so in Northern and rural parts of the province. These inadequacies disproportionately affect Aboriginal women and are exacerbated by the lack of culturally appropriate services.

Third, these strategies must take into account the vulnerability to violence created by geographic conditions. Isolation and wilderness contribute to endangerment and embolden predators. In my introduction, I recognized the indisputable need for public transportation that is responsive to community needs: without it, there will be no dramatic improvement in the safety of Aboriginal women and girls.

Fourth, poverty is a persistent and widespread social condition in the North. Compared to the rest of British Columbia, the economy in parts of the North is depressed and unemployment is high. This has profound effects for everyone living in the North, but particularly for youth. Jobs are scarce, which means that many young people leave their homes and communities; and those who stay have few resources for travel to areas of work, education and leisure. There was a clear consensus at the Highway of Tears Symposium that poverty was the root cause of vulnerability to violence:

*All readers of this report should take note; the common contributing factor for both young Aboriginal women's and the young female student's disappearance along the Highway of Tears is poverty. This is not just an underpinning factor for young women placing themselves at risk along the Highway of Tears in British Columbia; it is an underpinning and contributing factor that leaves all of these women, across Canada, vulnerable to predation.*¹⁵

Overview of Northern Community Consultations

The Commission undertook three sets of consultations and received oral and/or written submissions from over 130 people who live in communities along Highway 16 from Prince Rupert to Prince George and who have been affected by the disappearances and deaths of women along the highway. An additional 300 people took part in these events without making a formal presentation. I heard about the importance of understanding the Northern

context, a police-community relationship shaped by distrust and inter-cultural misunderstanding, and aspirations for a better future. Participants in these consultations were forthright in their expressions of concern, grief, and delayed action by those in authority; and they were determined in their calls for commitment to support already identified reform measures. I learned more about how members of these communities are standing together and moving forward on effective reform including restorative measures, preventive strategies, and strengthening the partnership between police and communities. I am very grateful for this overwhelming community response and for all the individuals and groups who generously gave their time to assist in planning and convening these events.

The main theme of the Northern Community Consultations was that of standing together and moving forward. These ideas were expressed repeatedly and very much imbued the tone and approach of the consultations. Aboriginal people place great importance on *standing together*. Standing together means both the physical reality of standing beside and supporting the individual speaking in a concrete manner and, more fundamentally, bearing witness to the truth of what is being said. The second is the stress placed on the importance of *moving forward* together as communities to heal, to find solutions and to find resolution. These two themes reflect the strength of the communities along Highway 16, but also the barriers blocking movement forward, which I address in my recommendations.

Participants in the Northern Community Forums recognized that at present, the RCMP are working hard to solve the missing and murdered women cases along the Highway of Tears. At the same time, there is a history of distrust and dissatisfaction that continues to circumscribe the police-community relationship.

Many speakers recounted experiencing discrimination and racist remarks by RCMP officers in the past; some of these experiences were in the context of reporting girls and women missing. Family members of the murdered women expressed deep frustration and anger about the lack of results and the lack of justice. Many participants acknowledged that these crimes are difficult to solve. At the same time, there are lingering doubts that the RCMP is doing its utmost to solve these particular crimes.

There is a widely shared, persistent belief that, at least in the past, there has been bias within missing women investigations, and that the police and the broader public treat the disappearances and murders of Aboriginal girls and women less seriously than other crimes. The concern about bias is mainly one about policing priorities and the lack of prioritization of these missing women cases. There was a strong sense that more would be done if the missing women came from other areas and that certain property crimes receive more attention than missing person cases. I am not in a position to reach any conclusions here, but it is clear to me that the RCMP needs to take proactive steps to dispel these beliefs.

Some participants in the forums were deeply troubled not only by the apparent uneven response by the RCMP, but also by the discriminatory attitudes and stereotyping that appear to be at work in the broader public response. It took a long time for the public to give these events attention. Some speakers noted that there was a much more immediate response when a “white girl or young woman” went missing in comparison with an Aboriginal one.

The accounts that I heard in the North about missing person investigations were very similar to the concerns raised by family members of the missing and murdered women in the DTES. Family members recounted these concerns:

- Perceived unwillingness of the RCMP to take a report of a missing girl or woman seriously;
- RCMP’s refusal to take the report right away;
- Feeling that the RCMP blamed the person reporting a girl or young woman missing for contributing to her disappearance, or that the RCMP believed it was the girl’s or young woman’s fault;
- Belief that they were not always told the truth by the RCMP regarding a missing person case;
- Feeling that there was no support from the RCMP;
- Lack of communication about the status of an investigation;
- Long periods of time with no contact from the RCMP;
- Uncertainty about whether investigations were continuing; and
- Concern that the cases are being treated as missing person reports when they should be treated as homicide investigations.

There appears to be an ongoing lack of community understanding and/or an unclear protocol about how to report a person as missing.

Several participants, including ones who had been personally involved in searching for one or more of the missing girls and women, reported that investigations were harmed by inadequate information sharing between the police and the families/communities. At present, community resources are not sufficiently mobilized or used as wisely as possible. Timeliness of the initial response is seen to be key, and delays inevitably result unless protocols are established in advance of a missing person being reported. Greater cooperation and communication between the RCMP and the communities is a priority.

My recommendations for improved missing person policies and practices are set out in Part 7. They are designed to apply throughout the province.

The Commission also heard that Northern communities recognize a need to develop programs to keep women safe and to protect them, and that this requires a more proactive role by the police. Progress on this front requires a stronger knowledge of what makes women vulnerable to violence and effective community involvement to keep them safe. The focus has to be not just on more and better policing, but also on breaking the cycle

of violence. I heard many voices from different sectors within society express dissatisfaction at the failure to take action and, in particular, to fully implement the 33 very practical recommendations contained in *The Highway of Tears Symposium Recommendations Report*. A renewal of limited funding for the implementation announced a few months ago is a positive step, but additional measures are required to ensure that progress does not stall again.

Based on the Commission's research and consultations, it is clear that there is a serious systemic lack of response to violence against Aboriginal girls. This extreme vulnerability to violence is insufficiently acknowledged and therefore rendered invisible. This unresponsiveness extends beyond the police, but the police are a significant part of the solution.

B. Transforming the Police-Community Relationship Along the Highway of Tears

My conclusions about the importance of community policing in the DTES have equal force in the North. However, community policing has unique dimensions in this region because of the historic relationship between the RCMP and Aboriginal peoples: in particular, their role in taking children from the community to be placed in residential schools.

In its policy submissions, the Government of Canada sets out the many initiatives established by the RCMP to overcome this historic distrust.¹⁶ In the context of missing women, important projects include the RCMP's collaboration with the Native Women's Association of Canada to prepare and produce resources for families of missing persons, and the RCMP's senior representation on the Highway of Tears Governing Body (charged with implementing the Symposium recommendations).

Many people felt that the RCMP had only really just begun to establish a positive relationship with Aboriginal communities. One participant in the Northern Community Forums said that RCMP officers and management "have only made baby steps." Several speakers described with approval how RCMP officers were spending more time in the community, both at social events and in cultural training workshops, but said that much more is needed. There was a general consensus at the Northern Forums that the RCMP needed to be more proactive in this regard. One very common point was that RCMP officers moved too often and were therefore unable to gain trust because of their short tenure in the community.

Many presenters reported that their local RCMP was a training detachment. This same issue was highlighted in focus group consultations carried out by the BC Civil Liberties Association in Northern communities in 2010.¹⁷ The *Northwest Consultation Report* expanded on this concern:

The follow up consultation participants collectively felt that the police used the North West as a training ground for their "rookies."

They felt these trainees came with little knowledge of and held “fears” about Aboriginal peoples. As a result it was perceived that the police treatment, particularly of the youth, was physically, mentally, emotionally and spiritually abusive. The Elders and grandparents want the violence by the police against the Aboriginal people to end and to be replaced by the building of a healthy, collaborative relationship between the police and the Aboriginal peoples and communities.¹⁸

Transforming the police-community relationship in the North requires a strong and sustained long-term commitment. Community members have many ideas about how to strengthen this relationship. I highlight three steps that were recommended repeatedly.

There was a noted lack of trust and respect between the RCMP and Aboriginal youth, which represents a fundamental barrier to effective relationships. One priority is to ensure that Aboriginal youth see police officers as community members, rather than only as authority figures. There was even hope expressed that the RCMP could be involved in mentoring the youth. Aboriginal community members suggested that this could be improved if officers spent time getting to know the young people, participating in and attending events at the schools, and working with chiefs, especially when young adults are having trouble with the law. The *Northwest Consultation Report* explained the complex dimensions of this vital step:

To assist in this strengthening of relationships, many individuals expressed a need for training and understanding of youth issues. Particularly, the areas of child development and brain development were repeatedly noted as important for RCMP Officers to better understand if they are to assist in creating safety for youth. In a related area, RCMP must also understand social issues of youth culture. Participants specifically mentioned the dynamics of the foster care system and its effects on youth, as well as other factors that lead young people to drugs and alcohol misuse. By extension, RCMP must understand how these experiences change the brain and affect the thinking of youth. It is believed that if the police officers better understand youth, then youth may turn to them when at risk.¹⁹

Second, as in the DTES, emphasis was placed on the need for police officers to attend cross-cultural workshops on a routine rather than sporadic basis to develop a deep appreciation of Aboriginal-Canadian history and its continuing impact on members of Aboriginal people.

Third, many people told me that police officers should stay in the community longer so that a strong relationship can be developed. There are no shortcuts in relationship building; it takes time for an officer to overcome historic distrust and to become a community member.

The Commission received some submissions concerning the belief that systemic bias within the RCMP needs to be addressed if the police-community relationship is to be transformed into one that is consistent with

non-discrimination and human rights norms. This was not an issue that the Commission was able to probe. I do note that the *Northwest Consultation Report* recommended “zero tolerance for racism; police candidates should be screened for attitudes and issues re: power and authority.” I refer back to the need to take the equality-promoting measures discussed and recommended in Part 4, which should be considered for implementation across British Columbia.

C. Components of a Comprehensive Strategy to Protect Aboriginal and Rural Women

A transformed police-community relationship is key to preventing violence against Aboriginal and rural women and to enhancing their safety. Police need to prioritize prevention measures, and their development and implementation depends on a better understanding of the needs of communities. This understanding can only be acquired by working collaboratively with community members.

A comprehensive strategy to protect Aboriginal and rural women will have many components. The Commission received proposals for change ranging from self-esteem and self-protection courses in schools to video surveillance at key hitchhiking spots on the highway. The school’s role in providing safety education through methods that are engaging and attuned to students was prioritized by community members – schools are clearly a focal point in the communities.

My main recommendation is to support the full implementation of the action plan established through the Highway of Tears Symposium process, which was deeply collaborative and engaged communities all along Highway 16. *The Highway of Tears Symposium Recommendations Report* advances the following short and long-term goals relating to four main areas: victim prevention, emergency planning and team response, victim family counselling and support, and community development and support. Thirty-three recommendations are made; these focus on developing and implementing three plans:

- A Victim Prevention Plan;
- A Community Emergency Readiness Plan; and
- A Regional First Nations Crisis Response Plan.

The report recommended the establishment of a Highway of Tears Governing Body, composed of representatives of the community and police and led by Aboriginal representatives. The work was to be supported through a Legacy Fund. The Provincial Government provided some funding during the initial phase, and the funding was recently renewed.

The action plan may need to be updated in light of developments over the past six years. While virtually all people consulted by the Commission supported this action plan, many also stated that they were unaware of

the status of the recommendations. Concerns were also expressed that not all affected communities were sufficiently involved in the implementation and follow-up process. This perspective was most pronounced in the Northwest; the vast distance and distinct communities have to be overcome through consistent effort to ensure collaboration and engagement of all communities. The Commission also heard that broader-based involvement is needed; as one speaker put it, “this is not an Aboriginal problem; it is a societal problem.” **Hence my further recommendation is that steps be taken to ensure that the Highway of Tears Symposium action plan be updated and to ensure that the implementation process is inclusive and responsive to all of the affected communities along Highway 16.**

The Commission received many proposals for specific components of a comprehensive strategy to protect Aboriginal and rural women. Enhanced, safe public transportation is key, but many other ideas were generated during our consultation process. Here, I summarize the central proposals made during our Northern Community Consultations for consideration in the update of the Highway of Tears Symposium recommendations and action plan:

Measures to reduce vulnerability

- Safe public transportation that is responsive to community need;
- Services should be provided to communities so that homes are safe;
- More preventative program funding should be available;
- Programs should be instituted to promote equality across the board, to improve the quality of life for Aboriginal women and children;
- More programs on violence prevention on reserves run by Aboriginal women;
- More safe houses and counselling programs run by Aboriginal women; and
- Develop and encourage family and community-based safety networks.

A focus on youth

- Improved, increased training for RCMP Officers, as well as efforts to improve relationships between the RCMP and young people;
- RCMP to assist in personal safety and safety planning, specifically addressing hitchhiking, abduction, human trafficking, the Internet and dangerous people;
- More safety education and awareness programs for young persons are needed, including in schools, and should be delivered in an engaging manner;
- More opportunities for healing and support for youth;
- Funding and long-term programming for youth;
- Increased awareness and vigilance around human trafficking; and
- Reinforcement of “cultural identity” and “sense of belongingness” – identity confirmation through historical and cultural teachings and educational and recreational opportunities.

Enhancing safety on the highway

- Security video cameras should be placed in high-risk places for hitchhiking;
- Provide more community-based workshops on the issue of safety on Highway 16;
- The RCMP should share more information about the various hitchhiking incidents so people know what vehicles or areas to be concerned about;
- A “shadowing approach” to the Highway 16 dangers. If people are seen on Highway 16, there should be a community system to get their information and have a community member pick them up and take them where they need to go;
- Follow-up should be used. A community member who sees a young person hitchhiking should tell the hitchhiker they will check back with them in one week’s time. The person should call the hitchhiker in a week to ask if they have been hitchhiking in order to encourage honesty, communication and awareness;
- Youth should be involved in coming up with recommendations to prevent violence and increase safety. They know their situation and have lots of practical ideas;
- Provide a local dispatcher in the Northwest communities who can immediately connect people to police, ambulance, a hospital, and family members as needed (not only a central dispatch located in Prince George);
- Incorporate Citizens on Patrol and include Highway Maintenance Crews to help and inform local authorities on high-risk behaviours or suspicious persons/activity;
- Post a missing persons laminated poster for “Highway of Tears” with profile and call number at every truck stop, rest stop, Information Centre, community event, and council meeting; and
- Create a team of First Responders in every community, including Aboriginal people, firemen, hunters, trappers and fisherman; and develop protocols with local search and rescue teams and police to enable immediate action where appropriate.

D. Ensuring Safety During the Rural-Urban Transition

One issue that was raised over and over was the vulnerability of Aboriginal women and men, particularly youth, who move from a small community to an urban centre. This concern was expressed in *all* of the Commission’s consultation processes: in consultations and conversations with community members in the North and the DTES, from family members, from police officers, and in the Policy Forums. Community members told the Commission that many of these Aboriginal youth are very trusting; they trust everyone right away and this contributes to their risk of becoming victims. Many young people are attracted to the DTES when they leave home because there is a large vibrant Aboriginal community there and services are accessible. At the same time, many people in both the Northern and Southern consultations, including Donnalee Sebastian and Marg Green (speaking on behalf of Angela Williams’ daughters) referred to the DTES as a frightening place that has a bad reputation in Aboriginal communities.

As one man commented during the Prince Rupert forum: “This is the DTES: very few people are born there, many people from our communities are down there.” Young Aboriginal women are particularly vulnerable during this period of their lives, and this contributes to their over-representation in the survival sex trade.²⁰

One of society’s greatest challenges is how to manage this urban-rural transition in a manner that promotes the equality of Aboriginal women rather than contributing to their ongoing marginalization and increased poverty. Addressing the urban-rural transition is a concern of governments worldwide. These neighbourhoods in flux are often under-served, leading to a concentration of the urban poor, with attendant social problems in transitional neighbourhoods.²¹ A dedicated strategy is required to ensure safety during this transition, particularly the safety of Aboriginal girls and young women. This strategy should be developed through a collaborative process led by Aboriginal people working in close cooperation with police forces in both the home and transitional communities.

I focus on the situation of Aboriginal girls and young women because of my mandate and in recognition of the positive obligation to be diligent in protecting women from gender-based violence by addressing known danger points or risk factors. At the same time, I recognize that this concern extends to all Aboriginal youth:

When the home does not represent a safe place, the youth often have no other options. Many communities are too small for a shelter and those that are large enough to have a transition house lack funding to house and support youth under 19. Currently, many young people have no supports in place if they get into trouble or have to run away. Creating a network of safe places for youth to spend the night and also be safe during the day may help to relieve the no-win decision of staying in an unsafe place or fleeing a community, by any means, no matter the risk.²²

There is no question that the transition from the North to an urban centre makes young women particularly vulnerable and, therefore, it needs to be managed to minimize the risks. The Commission’s research and consultations show that three specific dangers or risk factors for exposure to violence must be addressed. **I recommend that action be taken to address each of these risks in order to enhance the safety of Aboriginal and rural women. First, steps must be taken to enhance safety on reserves so that women are not driven to leave for potentially less secure environments. Aboriginal women’s organizations should be provided additional funding to provide this programming so that fewer women are forced to escape to urban areas. Second, safe homes and transition shelters must be accessible and meet the cultural needs of Aboriginal women and Aboriginal youth when they do leave home.** This is particularly challenging in the North because of geography and economic disparity; steps must be taken to overcome these barriers. **Third, steps must be taken to address the vulnerability of Aboriginal women to sexual exploitation and entry into the survival sex trade during the transition from rural to urban centres**

and to facilitate and support exiting the survival sex trade. A collaborative action research project is required to better understand these dynamics and to develop a workable action plan. The MAKKA study project design and research principles should be considered in initiating and conducting this research project.

E. Recommendations for Measures to Prevent Violence Against Aboriginal and Rural Women

I respond to the call to stand together and move forward and make the following recommendations in order to prevent violence against Aboriginal and rural women:

- 6.1 That Provincial Government fully support the implementation of The Highway of Tears Symposium action plan, updated to the current situation and in a manner that ensures involvement of all affected communities along Highway 16.
- 6.2 That Provincial Government fund a community consultation process led by Aboriginal organizations to develop and implement a pilot project designed to ensure the safety of vulnerable Aboriginal youth during the rural-urban transition.
- 6.3 That Provincial Government provide additional funding to Aboriginal women's organizations to create programs addressing violence on reserves, so that fewer women and youth are forced to escape to urban areas.
- 6.4 That Provincial Government provide additional funding to Aboriginal women's organizations to provide more safe houses and counselling programs run for and by Aboriginal women and youth.
- 6.5 That Provincial Government fund a collaborative action research project on the entry of young women into the sex trade, especially Aboriginal women who are often homeless during the transition from reserves or foster homes to urban centres, and to develop an action plan to facilitate and support exiting the survival sex trade.

PART SEVEN

FOSTERING INNOVATION AND STANDARDIZATION:
A Framework For Best Practices in
Missing Person Investigations

A missing person report can be the first step in an investigation of a serious crime or an opportunity for the police to intervene to protect a woman from violence, abuse or exploitation.

PART 7 – FOSTERING INNOVATION AND STANDARDIZATION: A FRAMEWORK FOR BEST PRACTICES IN MISSING PERSON INVESTIGATIONS

A. Introduction

A missing person report can be the first step in an investigation of a serious crime or an opportunity for the police to intervene to protect a woman from violence, abuse or exploitation. How police accept, prioritize, investigate and ultimately conclude missing person reports determines whether police recognize and effectively address the significance of the disappearance of vulnerable women. Improved missing person policies and practices are a critical component of building the women's legacy of safety.

The Saskatchewan Missing Persons Partnership Committee has developed an analysis of the flow of activity on missing person cases, breaking the process down into five phases: prevention, situation of concern (when it is first noted that a person may be missing), report, investigation/response, and outcome.¹ The flow of activity can be seen as circling back to prevention since the "outcome" phase should include an analysis of lessons learned in order to contribute to early intervention or prevention of vulnerable women going missing in the future. I adopt this model as a useful structure for considering the potential aspects of the reform of missing person policies and practices and to understand how the different stages in the process impact each another.

Many of the critical police failures in the missing and murdered women investigations stemmed from poor report taking and investigation of individual reports of missing women. The failings identified in this report affected all phases of the investigations, from report taking to risk assessment to immediate and ongoing investigation to communication with families. The police failures were abetted by inadequate missing person policies within the policing agencies and the lack of provincial standards. Both the VPD and the RCMP have improved their missing person policies and practices enormously in the intervening decade. Both police forces recognize that improvements can always be made to the handling of these complex investigations and thus ongoing reform is required. But despite the progress of individual police forces, there is still no provincial standard for missing person investigations. This gap must be filled on a priority basis.

In this part of my report, I discuss the need to foster both innovation and standardization in missing person investigations. I frame this discussion in four parts: components of the proposed provincial standard, best practices, enhanced communication with and support of families and other reporters, and weighing the merits of a civilian missing persons agency. The Commission carried out extensive research and consultations on missing person policies and practices, the results of which are reviewed and analyzed in this part. In Parts 8 to 10, I make additional structural recommendations designed to enhance police investigations of missing

persons and suspected multiple homicides by giving police increased tools including provincial missing persons legislation, a DNA databank, provincial Major Case Management standards, and measures to facilitate inter-jurisdictional investigations.

Before making recommendations for further reform, we need a clear understanding of the missing person policies and practices that are currently in place. The rest of the introduction provides an overview of major developments in the past decade. Change is a constant: the Vancouver Police Board adopted a major change proposed by the VPD to its missing person policy in February 2012; over the course of the Commission's mandate, the BC Police Missing Persons Centre expanded its mandate and complement from three full-time members in 2011 to ten in the spring of 2012.

Overview of Canadian trends

The Commission surveyed 20 police forces across Canada asking about their missing person policies and practices in 1997-1998 and today. The survey results demonstrate that there have been many changes implemented in the past 15 years. Information on current police policies and practices highlight some of the most notable trends from 1997 to present:

- Greater capacity to investigate missing person cases reflected by more extensive staff and resources to accept, analyze, investigate, review and oversee missing person reports;
- More formal systems for assessing and determining the priority of missing person reports, including the development of risk assessment matrices;
- Greater awareness that some categories of missing persons are generally more at-risk of foul play including Aboriginal women, people involved in the sex trade, people engaged in “high-risk” activities and people with addiction issues;
- Greater prescription of specific investigative procedures for missing persons who are considered to be “high-risk” or “endangered”;
- More detailed missing person policies governing specific investigative actions: in some cases these take the form of investigative checklists or directives;
- Nearly universal adoption of procedures requiring regular communication with reportees or family members; however, the amount of communication between police agencies, reportees and family members varies; and
- Nearly universal use of regular reviews of outstanding missing person files.²

There are still great variances between how each police force carries out missing person investigations in terms of how the response is organized in a functional sense, even though the steps taken are similar. Routine processes of follow up to missing person reports are very similar to what they were reported to be in 1997 and 1998. These routine processes usually include a number of core actions:

- Take the report from the reportee and obtain a full description of the missing person;
- Enter the report into the records management system;
- Complete a priority assessment;
- Interview the reportee and witnesses;
- Enter information onto CPIC and conduct a CPIC check;
- Assign a diary date;
- Conduct area and other searches; and
- Conduct online searches, including e-mail, social media sites and banking searches.

In 2002, the Canadian Association of Chiefs of Police (CACP) began work on the issue of Aboriginal missing person cases. Through its Policing with Aboriginal Peoples Committee, the CACP consulted widely and reviewed policies from several police services. This review raised a concern over the potential for bias in the application of the guidelines in regards to Aboriginal and marginalized populations. As a result, in August 2006, the CACP adopted the following resolution:

WHEREAS there is an ongoing need to identify and implement appropriate and effective protocols that will result in more successful investigations that are sensitive to the particular concerns and circumstances in which Aboriginal as well as marginalized people are reported missing.

THEREFORE BE IT RESOLVED *that the Canadian Association of Chiefs of Police requests that all police services in Canada consider adopting the principles incorporated in the Ontario Provincial Police Lost/Missing Persons Manual and specifically with respect to Aboriginal and marginalized people.³*

The Association recommended the adoption of Ontario Provincial Police's "comprehensive and holistic policy manual for dealing with lost/missing persons cases that, with regard to Aboriginal and marginalized people, is based on principles of cultural sensitivity, respect, compassion and empathy."⁴ The Ontario policy was updated again in February 2011.⁵

Despite advances and updates, missing persons policies and procedures are still lacking. One area for improvement was highlighted by Sergeant John Hebert from the Calgary Police Service. He spoke about his department's approach to missing persons, which was recently updated after a thorough review process. The underlying factor the Calgary Police Service identifies in its risk assessment is whether the disappearance is out of character for the missing person; therefore, it uses past behaviour to predict future behaviour. However, the information available on missing persons still lacks concrete data on a number of issues that present ongoing challenges to police attempting to identify risk. Sergeant Hebert stated that the literature does not show what time frame constitutes an increased risk, and does not show on average how long people are missing or how far they travel during that time. There are also no performance measures for missing person cases other than "missing" and "found;" there is no specific policy or goal that a missing person must be located in a specific amount

of time. According to Commission research, some statistics are available for the average length of time that a person is missing before located,⁶ but available statistics lack the type of detail outlined by Sergeant Hebert. This knowledge gap needs to be addressed.

Overview of changes to VPD and RCMP policies and practices

The VPD and the RCMP each provided detailed written submissions setting out their current missing person policies and practices. Representatives of these police forces also presented an overview of the current situation during the Policy Forums. I found all of these submissions to be helpful, with the oral submissions providing an important “on the ground” perspective.

The VPD’s policy forum submissions, *Avoiding Future Tragedies: Improving Investigations of Missing Women*, provided an overview of changes made since 2001 in how they investigate missing person reports. Many of these changes involved increasing supervision; improving selection criteria for officers assigned to the unit, including the requirement for investigative experience; requiring MCM training for inspectors and sergeants; increasing front line and investigative resource levels; improving information retention and flow; and amending policies pertaining to acceptance and investigation of missing person reports.

At the Policy Forums, Chief Constable Jim Chu and Inspector Brad Desmarais provided an oral overview of the changes to VPD missing person policies, highlighting the changes in reporting, investigative and review practices. As noted earlier, the VPD carried out an extensive audit of its Missing Persons Unit in 2004 and has implemented all of the recommendations. The VPD Missing Persons Unit is composed of one sergeant, two detectives, one civilian coordinator and one liaison detective. Missing Persons Unit officers are specifically chosen for their aptitude; VPD members spoke about the importance of having the right people to work in the system. This includes having the right manager: the sergeant managing the unit must allow officers to develop relationships with the community.

Additional reforms have been implemented since the audit. For example, in February 2012, the VPD amended its policy to conform with the CACP resolution set out above by acknowledging the heightened risks faced by marginalized persons, including specifically Aboriginal women and children, and the barriers to reporting experienced by Aboriginal persons. The policy defines marginalized persons as including the homeless, those with alcohol or drug addictions or mental disorders, sex trade workers, or anyone who may be the subject of a cultural bias. At the policy forum, the VPD stated that missing women from the DTES are now considered the highest risk.

Patrol officers now conduct the initial investigations of missing persons. Once a missing person report is received, it will be reviewed by one of four duty officers who are assigned full-time to provide oversight within the VPD.

The duty officer will ensure adequate resources are applied to the initial investigation before the Missing Persons Unit is involved. For example, if the missing person is a woman engaged in the sex trade in the DTES, they will consider whether the absence is normal for her and will send an officer to WISH to determine if she has been seen. For ground searches, the VPD will sometimes use the Search and Canvass Team and has access to an RCMP helicopter if necessary. A photograph of the missing person will be requested so police can immediately prepare a press release. The Missing Persons Unit is also available to provide advice on initial investigations: Missing Persons Unit investigators are frequently called out at night or called to provide advice to patrol sergeants or duty officers.

If the person remains missing, the file is prepared and then transferred to the Missing Persons Unit. However, missing person cases involving potential foul play are immediately referred to the Homicide Unit.

The VPD ensures missing person investigations are regularly reviewed. Outstanding missing person cases, those persons not found during the initial investigations, are reviewed regularly, internally by supervisors and the Homicide Unit and occasionally by external agencies. In addition, the Inspector in Charge of the Major Crime Section is briefed every morning on outstanding missing person cases; they are also discussed during the morning meeting with the Chief Constable and VPD executive.

VPD Inspector Desmarais reported that missing person investigations are proactive, with specific and aggressive investigative techniques used. Missing person investigations have one of the highest profiles within the VPD. The VPD has a 99.9 per cent solve rate for missing person cases; in 2010, the VPD received 3690 missing person reports, of which three remain outstanding; in 2012, the VPD received 3507 reports, of which three are outstanding.

The VPD told the Commission that it will never turn away a missing person complaint based on jurisdiction. If jurisdiction is unclear, the VPD will investigate the report in the first instance. A VPD regional duty officer may also discuss the case with an RCMP regional duty officer to determine jurisdiction. However, the VPD noted that there continues to be jurisdictional challenges in the Lower Mainland. Under the current approach, jurisdiction is determined where the missing person was last seen: in a case where sightings of the missing person are continually coming forward, jurisdiction may be transferred to various jurisdictions, as the place the person was last seen changes. The VPD stated that in such a case, jurisdiction continues to change without any police department conducting a fulsome investigation.

Although the VPD has made many changes resulting from the missing women investigations, Chief Constable Chu is concerned that other, smaller police agencies may continue to make the types of mistakes made by the VPD during the missing and murdered women investigations.

In addition to providing information about the changes it has made since 2002, the VPD also made recommendations for potential improvements to missing person investigations: improved legislation, a Regional Real Time Crime Centre, and regional crime fighting. I discuss these recommendations in Part 8.

The Government of Canada, for the RCMP, submitted written submissions for the Policy Forums. The submissions provided a detailed overview of the structure of policing in BC in addition to an overview of the RCMP's missing person and multiple homicide policies and practices, both in 1997 and currently, and the work of the BC Police Missing Persons Centre. At the Policy Forums, RCMP officers also provided an overview of the RCMP's current approach to missing person reports in the province, including recent changes to policy.

The RCMP's missing person policies have changed significantly in the past two years; current policies are more comprehensive than they were in the past. The current policy sets out detailed responsibilities of the investigating member, supervisor and commander; the policy also outlines a list of investigative steps and provides risk assessment tools to determine the level of urgency and risk. Files are reviewed regularly and diary dates are built into missing person files. A supervisor conducts the first level of review during the acceptance and risk assessment of the report. When the file is transferred to a detective unit, accredited team commanders review it to ensure the right strategies, management and resources are employed. Policies dictate that files must be reviewed after three to five days, and again after six to eight weeks. Reviews are conducted by more experienced officers who are new to the file in order to promote early recognition of gaps in the investigation and to suggest strategies. The BC Police Missing Persons Centre also reviews high-risk files, which is further discussed below.

The RCMP also provided information about changes to risk assessment protocols. All Lower Mainland detachments now use the same risk assessment tool, first implemented in Surrey, which triggers the response, supervision and oversight of cases. All missing persons are considered at-risk until demonstrated otherwise. The standard is that "foul play cannot be ruled out," which appears to be a higher threshold than where foul play is suspected. High-risk missing persons include young people, people involved in the sex trade, people with drug or alcohol dependency, confirmed victims of abduction, victims of domestic violence, and people with a risk of suicide or self-harm. Superintendent Paul Richards explained that Aboriginal people are not considered high-risk; to consider them so would be contrary to RCMP policies for bias-free policing.

In general, the RCMP policy now allows the engagement of specialized detectives earlier in the investigation. High-risk cases can quickly transition to major crime investigations. Medium or high-risk files are transferred to

the Missing Persons Unit or Major Crime Unit.

Superintendent Jim Gresham advised the Commission that RCMP detachments always accept missing person reports. On transfer to another jurisdiction, files will not be closed until the other police jurisdiction has a clear understanding of its ownership, demonstrated through a paper trail. He noted that the current basis for jurisdiction, where the missing person was last seen, is sound because it is a reasonable place from which to launch the investigation. He also stated that jurisdiction will not repeatedly change in cases where the missing person is continually spotted in a different jurisdiction; rather, the original department will hold the file and maintain liaison with the family. In determinations of jurisdiction, it is rare that the BC Police Missing Persons Centre needs to be involved. The Government of Canada's policy forum submissions also indicated that the RCMP must provide assistance when a reportee cannot report a missing person to the appropriate agency.

During the Policy Forums, RCMP officers also advised the Commission about upcoming policy changes. These amendments include requiring a debriefing of missing persons who are found, in order to gather intelligence and determine why the person went missing, to promote prevention of missing person incidents. In addition, there will be structural changes to the command of investigations that will integrate all municipal, provincial, and federal investigations under one command in certain situations, such as when foul play cannot be discounted in a missing person investigation. The RCMP is also introducing investigative service standards for all front line officers, standards that place greater emphasis on service to the community.

BC Police Missing Persons Centre

One of the major changes implemented since 2002 is the establishment of the BC Police Missing Persons Centre (BCPMPC). The BCPMPC was created in 2004 at the recommendation of the British Columbia Association of Municipal Chiefs of Police as a result of an identified need for more oversight and standardization of missing person investigations. The BCPMPC goal is to identify and locate those who are missing.

The BCPMPC is an integrated unit within the RCMP E Division Major Crime Section and is composed of both RCMP and Municipal Police Service resources. Recent restructuring has brought the number of staff at the BCPMPC to ten:

- One RCMP sergeant;
- Three RCMP corporals;
- Four RCMP investigators;
- One municipal police service investigator; and
- One civilian member analyst.

The staffing of the current BCPMPC is significant and this shows a strong

commitment to improving the investigations of missing persons in British Columbia.

The BCPMPC co-ordinates and provides support for missing person cases across BC. It can make determinations of jurisdiction and provides a daily review of high-risk missing person investigations, ensuring compliance with RCMP policy and identifying investigative gaps. It also provides operational assistance and can deploy officers to support a detachment in an investigation.

The BCPMPC has a range of responsibilities, outlined in the Government of Canada's policy forum submissions:

- *Managing the provincial AMBER Alert program;*
- *Developing provincial missing person policy;*
- *Assisting the National Missing Children Service on an ongoing basis, which includes investigational support and the recovery of missing children within the jurisdiction of BC;*
- *Monitoring and reviewing current missing person investigations, particularly those that are identified as high-risk in nature;*
- *Conducting historical file reviews;*
- *Deciding and "de-conflicting" issues of jurisdiction where uncertainty has arisen as to which police force has primary conduct of a missing person investigation; and*
- *Assisting the BC Coroner's Service with a variety of requests related to the identification of unidentified found human remains.*

An Unidentified Human Remains ("UHR") investigator, who is also attached to the BCPMPC, primarily carries out this last function. The UHR investigator liaises with the office of the BC Coroner to assist with the identification of found human remains by matching known profiles of missing persons to the profiles of unidentified found human remains.⁷ The UHR investigator also facilitates the submission of missing persons' dental records from police agencies to the British Columbia Forensic Odontology Response Team.

The establishment of the BCPMPC is clearly a step in the right direction; however, its mandate has not been set by Provincial authorities and therefore could be subject to change. This is an oversight, and I make recommendations concerning the BCPMPC's mandate and responsibilities in light of my factual findings.

One important consideration is the role of the BCPMPC in fostering innovation and standardization of missing person policies and practices in this province. I received proposals for alternative or complementary institutional developments including a more collaborative partnership committee, a civilian agency, and a specialized agency separate from existing police forces. I consider all of these proposals in this part of the report. In particular, I am concerned that the BCPMPC is designed as a police centre and does not have a public presence or a public support role. This is a gap that needs to be filled in this respect either by the BCPMPC or

by another provincial agency.

National initiatives

The RCMP has established the National Centre for Missing Persons and Unidentified Remains (NCMPUR). NCMPUR is creating a national database for missing persons and unidentified remains so police will have more comprehensive information on missing persons across jurisdictions. One of the focal points is to link with the National Aboriginal Policing Services on the issue of missing and murdered Aboriginal women. A senior Aboriginal police officer is employed by NCMPUR and is dedicated to this objective. NCMPUR will also have a website, currently under development, that will provide information on missing person cases and allow the public to provide information on cases. The website is scheduled to be launched in 2012. NCMPUR is developing training for investigators. This training will include online training modules as well as advanced investigative training at the Canadian Police College (CPC).

The RCMP has also devoted some funding to improving the Canadian Police Information Centre (CPIC) database. Specifically, more data entry fields including extended description fields, skeletal inventory, and biological and cultural affinity have been added to support investigations. Another enhancement allows the uploading of photographs.

B. Provincial Standards for Missing Person Investigations

The Need for Provincial Standards

VPD and RCMP missing person policies and practices have improved dramatically since 2002; however, there are inconsistencies between the approaches taken by police forces in this province. Lack of clarity still exists over jurisdiction. As Chief Constable Jim Chu remarked during the Policy Forums, concern remains that other, smaller police agencies have not updated their policies and practices to reflect the lessons learned in the missing women investigations and, therefore, risk making the same mistakes in the future. Furthermore, policies can be changed at any time: there is a risk that as time passes, the seriousness of the problems experienced during the terms of reference could be forgotten. Setting clear and detailed standards and providing training on those standards is an effective way of overcoming past inconsistent or problematic practices. Currently, no provincially mandated standards exist to ensure the appropriate police response is provided. Without these, changes can occur with little or no public awareness. During the Commission's consultations, many members of the community, police and non-police alike, voiced their support for uniform missing person police practices and resources across the province.

For all of these reasons, I have concluded that Provincial Government should mandate the standards of care and practice required to ensure missing person investigations are given the priority needed and undertaken

at a high and consistent standard relative to the risks involved. Without provincial standards, breakdowns in the acceptance of responsibility can be expected. Members of the public are entitled to comparable levels of service wherever they live and notwithstanding where a person who has gone missing was last seen. The proposed provincial standards will provide a basis upon which further refinements can be made over time. One mechanism for fostering ongoing innovation is the development and sharing of best practices among police forces. I set out my recommendations concerning both provincial standards and best practice protocols in the following pages.

Standards and best practice protocols are translated into policies and procedures that provide police forces and their personnel with a shared understanding of how each unit and individual within the force will act in a particular circumstance. Standards help to ensure police forces and their members act effectively, appropriately and with due regard to the law. This guidance is especially important in directing organizational and individual responses during stressful, time-constrained and resource-constrained situations. High-level guidance through standards establishes the overall approach to be taken by a police force in missing person investigations. Standards are complemented by detailed policies and procedural guidance for front line officers responding to “real time” missing person reports.

The legislative structure is in place for the creation of provincial missing person standards. Amendments to section 40 of the *Police Act* came into force in January 2012, granting legislative authority to government to create binding standards on police and to evaluate compliance with those standards. New standards are now in place governing the use of force and training of police officers.

The Police Services Division has an ongoing Standards Project:

Police Services Division is working towards centralizing the development of policing standards and resultant policies. The current model is decentralized, wherein the province has established minimum standards and requires the individual agencies to develop internal policies to meet those standards. The new model envisages a framework in which the province – in consultation with the police and other key stakeholders – would strengthen current legislation, standards and policy in order to:

- *Establish a new set of high level policing standards which are sanctioned in a Police Act regulation and complemented by a series of related regulations, guidelines and policies;*
- *Establish a regular schedule of audit and inspections for all independent police forces with priorities that are proactively managed; and*
- *Enhance the governance and development of the process by establishing a standing steering committee and related working groups with stakeholders.⁸*

Members of the public are entitled to comparable levels of service wherever they live and notwithstanding where a person who has gone missing was last seen.

In its written policy submissions, the VPD points out that provincial standards for acceptance of missing person reports are particularly important because these cases will often involve multiple police jurisdictions. Standard practices promote consistent public expectations. For these reasons, the VPD supports the development of provincial standards for practices and protocols regarding the taking of missing person reports.⁹

Standardization in Other Jurisdictions

An overview of international missing person policies and procedures is presented in the Commission's research report comparing the British, American and Australian approaches.¹⁰ Steps toward standardization have been taken in these three countries.

In the United Kingdom, the National Policing Improvement Agency (NPIA) was established pursuant to the *Police and Justice Act 2006*. It was mandated to develop policing doctrine in consultation with other groups, notably the Association of Chief Police Officers (ACPO), the Home Office, and the Police Service. One component of the NPIA is the Missing Persons Bureau, which collects data on missing persons and operates the national Missing Persons Database, a collection of all missing person reports and unidentified bodies in Great Britain.

In 2005, the NPIA and ACPO first published the *Guidance on the Management, Recording and Investigation of Missing Persons* (the "UK Guidance").¹¹ A second edition was published in 2010. The UK Guidance's purpose is to "be used by chief officers to shape police responses to ensure that the general public experiences consistent levels of service."¹² Many police agencies in the UK have based their policies on the UK Guidance or otherwise cited the UK Guidance as a source or background document for their policies.¹³

The UK Guidance outlines a standard approach to reports of missing persons and unidentified human remains. It provides direction on all aspects of missing person reports, from acceptance of a report to location of a missing person. Although the UK Guidance identifies priorities and goals for different aspects of missing person investigations, operational choices are left to individual police agencies. Therefore, although the UK Guidance describes recommended practices of police agencies in the UK, each agency can have distinct procedures at the operational level.

Efforts have been made to standardize the response to missing person reports across the U.S. The National Institute for Justice has developed a plan to improve responses to missing person incidents and unidentified human remains across the country.¹⁴ The plan includes providing training to medical examiners, police officers and victims' families on DNA evidence; providing free testing of unidentified human remains and family reference samples; encouraging states to collect DNA samples; providing free DNA reference sample collection kits; and increasing law enforcement agencies'

use of federal databases.¹⁵

The National Institute of Justice brought together a wide variety of interested parties to draft legislation to ensure efficient and prompt collection, analysis and dissemination of evidence to solve missing person cases. The National Criminal Justice Reference Service published *The Model State Missing Persons Statute* (Model Statute) in 2005.¹⁶ Generally speaking, the Model Statute imposes requirements on police agencies or other law enforcement officials to:

- *Accept all missing person reports;*
- *Share information with state and regional authorities;*
- *Take DNA samples within 30 days of a missing person report and add the missing person's profile to national, state and local databases;*
- *Assess cases involving high-risk missing persons immediately; and*
- *Perform DNA analysis on all unidentified human remains.*¹⁷

In Australia, nationwide data on missing persons is collected by the National Missing Persons Coordination Centre (NMPCC). The NMPCC is a federal agency that promotes the standardization of investigations of missing persons. The NMPCC was established in 2006 by the Australian Federal Police (AFP), and replaced the National Missing Persons Unit. Its mission is described as follows:

- *Strengthen the cooperative relationships among police, government agencies, NGOs, and families and friends of missing persons;*
- *Enhance understanding within the Australian community of the significance of missing persons as an issue;*
- *Foster partnerships that facilitate the development of a national strategy on the provision of support to missing persons and their families and friends;*
- *Provide information and referrals as required to police, government and nongovernment agencies, and families and friends of missing persons;*
- *Conduct and/or commission national research on missing persons; and*
- *Contribute to international efforts to drive and respond to global issues surrounding missing persons.*¹⁸

The NMPCC provides support and policy guidance to two federal committees. The Police Consultative Group on Missing Persons works to standardize and improve the police response to missing persons. The other committee is the National Advisory Committee on Missing Persons. This committee is comprised of police and non-police members, including representatives from police, non-government tracing services, and other service organizations. Currently, the committee is trying to attract broader participation, such as participation from representatives of mental health organizations, Indigenous people and youth.¹⁹

The NMPCC is involved in a number of initiatives to fulfill its mandate. These initiatives include media advertising campaigns to educate the

community about the importance of missing persons, an interactive website that includes an “e-sighting” function to facilitate sighting reports, research on the demographics of missing persons to identify groups at risk of going missing, information sharing among police jurisdictions and other agencies, prevention strategies, and engagement with at-risk groups.²⁰

The NMPCC plays a significant role in missing person investigations by coordinating and promoting a national integrated approach. To accomplish this, the federal NMPCC works with state and territorial police agencies directly responsible for accepting and investigating missing person reports.²¹ Each police agency in Australia has developed its own policies to accept and investigate missing person reports; in addition, the NMPCC outlines minimum standards and general practices in its *Missing Persons in Australia* report.²²

Non-governmental organizations are also involved in searches for missing persons in Australia. These organizations include The Salvation Army Family Tracing Service, the Australian Red Cross Tracking Service, Link-Up Aboriginal Corporation and the International Social Service.

It is notable that these three countries are each working toward common national standards, which can be adapted by police forces in response to local conditions. While I am not empowered to make any recommendations in this regard, a national approach would appear to be advantageous. The NCMPUR, briefly described earlier, is a step in this direction.

I discuss some of the specific features of the British, American and Australian approaches throughout this section because I find these policies and practices should be considered for integration in British Columbia standards and this should be done using best practices that are responsive to the difficulties faced in investigating missing women who are at risk due to the conditions of marginalization in which they live.

Process for Developing Provincial Standards

I recommend that the provincial standards be developed by the Director of Police Services with the assistance of a committee including representatives from the BC Association of Municipal Police Chiefs, the RCMP, community and Aboriginal groups, and the families of the missing and murdered women. While some of the details need to be determined by experts, an inclusive, collaborative process will ensure that the provincial standards are responsive to public expectations. The principles of equality, community engagement, collaboration and accountability that shape all of my recommendations are particularly important here: effective participation by representatives of Aboriginal communities, the DTES and victims’ family members is paramount. My recommendation is consistent with the above-noted practice of the Director of Police Services to consult with key stakeholders in developing provincial policing standards.

In the section below, I discuss the Saskatchewan Provincial Partnership Committee's experience as a best practice that should be adopted in British Columbia both for the development of provincial standards and as a body to foster and assist with ongoing innovations in missing person policies and practices.

Components of the Provincial Standards

I have identified 15 components recommended for inclusion in the proposed provincial missing persons standards based on all of the evidence and information available to the Commission:

- **Definition of “missing person;”**
- **Criteria for the acceptance of reports;**
- **Jurisdiction;**
- **Missing Person Risk Assessment Tool;**
- **Provincial Missing Person Reporting Form;**
- **Standards related to interaction with family/reportees;**
- **Initial steps – background information;**
- **Supervisory responsibility/quality control;**
- **Forensic evidence standards;**
- **Coroners’ Liaison;**
- **Monitoring outstanding missing person cases;**
- **Automatic annual review of unsolved cases;**
- **Closing missing person files;**
- **Prevention and intervention; and**
- **The role and authority of the BCPMPC.**

I set out a brief comment about each of these components here, but it is my expectation that the consultative body, established by the Director of Police Services to develop the standards, will find the body of information collected by the Commission to be of further assistance.

Definition of “missing person”

The definition of who should be considered a missing person is the starting point for the provincial standard. The UK Guidance includes a broad definition of a missing person: “Anyone whose whereabouts is unknown, whatever the circumstances of disappearance. They will be considered missing until located and their well-being or otherwise established.”²³ The Australian standard provides an inclusive definition of “missing person” that encompasses any person for whom there is concern for her safety or welfare.

Based on the Commission’s findings, I believe that the definition of missing persons should be very broad and avoid initial categorizations that leave room for discretion in accepting a missing person report. As we have seen, categorizations can be problematic when they are based on stereotypical beliefs. All missing person reports should be accepted; the level of police response should be calibrated by a proper risk assessment and not through

rigid categories, which can have the unintended consequence of excluding persons who are in fact missing involuntarily.

Criteria for the acceptance of reports

The definition of missing persons is closely tied to the second component, the criteria for the acceptance of reports. Evidence showed that at various times, there have been limitations in practice on when missing person reports were accepted. In some cases, this was due to a mistaken perception concerning needing to wait for 24 hours before reporting a missing person and so on. Police should accept all missing person reports when they are made, although the police response will vary according to the risk assessment that is carried out upon the receipt of a missing person report. Further, the provincial standard should ensure that the reportee is not required to be related to the missing person in order to make a report; although relatives may oftentimes be in the best position to know a missing person is missing and to provide the most pertinent information to police, this is not always the case.

Jurisdiction

The issue of which police jurisdiction was responsible to *receive* and then to *investigate* a missing person report was a significant problem in the missing and murdered women investigations. While the VPD and the RCMP report that they have improved their policies in this regard, the VPD acknowledges that lack of jurisdictional clarity is still an issue in some cases. Several police officers, including New Westminster Police Department (currently seconded to the RCMP) Detective Constable Judy Robertson, also made this point during the Policy Forums. They commented that there continues to be challenges in police departments taking jurisdiction and communicating with one another about which department is taking jurisdiction, resulting in concomitant accountability and resource issues.

The RCMP policy is:

Based on information received from a credible and identifiable witness, the police service for the jurisdiction in which the missing person was last seen is responsible for investigating the complaint. If the last known location of the missing person cannot be confirmed, then the police service for the jurisdiction where the missing person resides or last stayed is responsible for taking the missing person report, as well as conducting the follow up investigation.²⁴

It may be that the provincial standard should provide additional guidance, including a simple and clear mechanism to determine jurisdiction when there are conflicting perspectives or information on where the missing person was last seen. The BCPMPC has identified the resolution of jurisdictional conflicts as one of its functions. One body should have the responsibility to unequivocally assign responsibility, effective over the RCMP and municipal police agencies alike.

The jurisdiction first contacted to take the missing person report should have the responsibility to begin the investigation until it is taken over by the appropriate jurisdiction. It appears to be insufficient for police to assist the reportee to report to another jurisdiction; rather, it seems preferable for the police agency to take responsibility for the file and initial investigation, and the transfer of the file to the appropriate jurisdiction. This will reduce the likelihood that a missing person report will not be investigated or that there will be a time delay before an investigation begins.

Missing person risk assessment tool

The submissions received by the Commission were virtually unanimous in the view that the identification of risk factors and risk assessment approaches should be standardized in BC. As Dr. Rossmo pointed out, this is one aspect of the police's overall need to develop a risk-based response to replace "the culture based on investigative onus" that existed during the terms of reference. Rather than cases being driven by available investigative avenues, they are driven by a clear analysis of risks. Both the VPD and the RCMP have taken significant steps in this direction, but further standardization is necessary.

In the Commission's research and consultations, a number of factors identified a missing person as "high-risk": Aboriginality, involvement in the sex trade, substance abuse, forcible abduction, breakdowns of domestic relationships, past suicide attempts or a history of mental health issues, or the fact that the missing person was a child, elderly, or suffering from dementia or Alzheimer's. As discussed earlier, recent changes to the *VPD Missing Persons Policy* broadened the recognition of the groups of people who are particularly at risk, in line with a resolution of the Canadian Association of Police Chiefs.

Listing these risk factors in the standards is an important starting point; but in my view, an additional step is needed in order to strengthen risk assessment capacity. I therefore recommend that standards also include a common risk assessment tool to be employed by all police forces in the province. The development of such a tool would be a venue for identifying and synthesizing best practices in the province, incorporating lessons from other jurisdictions. The Calgary risk assessment checklist appears to be a best practice, setting out questions that should be asked and answered with respect to each missing person report. These questions help to ensure that a responding police officer turns her or his mind to a wide range of factors in making a risk assessment. Importantly, the list is left open-ended so that an officer can form an opinion that the missing person should be considered high risk for additional/alternative factors not contemplated by the risk assessment tool.

The risk assessment tool should have a systemic component in order to meet the ongoing challenge of identifying serial missing person cases. The systemic component allows for the identification of patterns of risk beyond

The submissions received by the Commission were virtually unanimous in the view that the identification of risk factors and risk assessment approaches should be standardized in BC.

what might be discerned in a single case: foul play may not be suspected if a person who has a history of going missing disappears; but if a series of such reports is received, the risk analysis would differ. Dr. Rossmo made this point very persuasively in his written and oral submissions. I discuss his proposals further in the section on best practices.

The risk assessment tool should dictate what action is required based on the risk level assessed. For example, the provincial standard may dictate that a high-risk file requires the involvement of a supervisor or homicide/major crimes officer, prompt media announcements, and so on.

The VPD policy distinguishes between non-high-risk and high-risk missing persons. Direction may also be had from the UK Guidance, which outlines three levels of risk: high, medium and low.

High risk exists when the risk is immediate and there are substantial grounds for believing the missing person is in danger. Danger can be posed by the missing person's own vulnerability, because she might have been the victim of a serious crime, or because the risk is immediate and there are grounds for believing the public is in danger. High-risk cases require immediate deployment of police resources, involvement of a member of the senior management team, and immediate notification of the NPIA Missing Persons Bureau. A media strategy, close contact with outside agencies, and family support might also be required.

During investigations, the UK Guidance suggests officers use the maxim "if in doubt, think murder" in suspicious or unexplained circumstances. This mindset will ensure that police do not lose valuable investigative opportunities or fail to gather sufficient evidence to convict a perpetrator.

Medium-risk cases exist when the missing person is likely placed in danger by the risk posed or the missing person is a threat to herself or others. Medium-risk cases require an active and measured response.

In low-risk cases, there is no apparent threat of danger. The police should record the information on the Police National Computer and advise the reportee that once all active inquiries are exhausted, the case will be deferred to regular review. Once initial inquiries are completed, the police may file low-risk cases as "inactive" on the computer review system, subject to regular reviews. At minimum, reviews should be conducted at three, six and 12 months, and then annually.

I do not suggest the provincial standard should adopt the steps exactly as outlined in the UK Guidance; for example, I disagree that any missing person case should be categorized as "inactive" as recommended in the Guidance. I do recommend that the required steps for each level of risk should be made explicit in the provincial standard. RCMP and VPD policies do contain steps for high-risk and other cases, but further expansion may be required.

A trained police officer or specialized analyst should conduct the assessment of risk and the prioritization of reports. Ideally, the acceptance of a missing person report and interview of a reportee should be carried out by a police officer dispatched for this purpose. Taking missing person reports in person is the Australian practice, except in remote areas. It is also the practice of the Toronto Police Service, the Peel Regional Police, the Service de Police de la Ville de Québec, and other Canadian departments.²⁵ In my view, this is a best practice which should be considered for inclusion in British Columbia policing standards.

In addition, it should also be considered how often police should re-evaluate the level of risk of each missing person case. Throughout the investigation, police should continuously be questioning whether the assessment of risk should be changed in light of current information. In addition to the ongoing expectation of informal evaluations, it may also be that the provincial standards outline specific time frames for formal re-evaluations of risk. In particular, it should be considered whether being missing for a specific length of time indicates higher risk. As I have previously noted, statistics show that most people are located within two weeks, a trend that is consistent across jurisdictions.

Provincial missing person reporting form

A missing person report should be taken on a common form throughout the province. After the common reporting form has been developed, its content should be reviewed and updated based on input from police forces. The responsibility to update the form on a regular basis could be assigned to the BCPMPC.

The existence of standardized provincial forms is already used with traffic tickets, Bail Reform Act Notices and ICBC Motor Vehicle Accident (“MVA”) forms. In some ways, the ICBC usage of standardized MVA information is analogous to the need for the BCPMPC to receive standardized and consistent data so it can efficiently monitor missing persons throughout the province.

In general, there is a trend toward increased reporting requirements. Current documentation standards necessitate more detail in missing person files, particularly regarding risk indicators. In many cases, members may be required to complete and record formal risk assessments or investigative checklists, in addition to documenting initial reports and investigative steps. This is connected to the application of Major Case Management principles, which can also increase the level of documentation required in an investigation. I also note that risk assessment determinations and other actions taken on a report greatly depend on the information being both accurate and comprehensive; therefore, the importance of information gathering at this stage should be reflected in the provincial standard.

The reports should be recorded electronically in compatible records

management systems. One of the most fundamental changes between 1998 and the present is the move from hard copy to electronic records. Electronic databases standardize the type of information recorded. For example, some British Columbia police agencies report using PRIME BC templates in missing person investigations: the Vancouver Police Department reports that the initial missing person report is created using information required in the PRIME BC template, and the Richmond RCMP uses the actual PRIME BC risk assessment template for their initial report. With technological changes, have also come advancements in information sharing: many police agencies use the same system, which contains information in one database and enables access to multiple uses, or compatible records management systems.

When required information is not contained in the standard missing person report, there must be a clear record of why the information is lacking and who made the decision not to include it. Many of the missing and murdered women investigative reports contained sparse information. However, the mere existence of blank entries left the Commission unable to ascertain why the information was missing:

- Was it not available although it had been sought?
- Was it expected to be coming and a follow-up investigation would be needed?
- Was it just lacking and it needed to be added?

The Commission did not receive evidence that shortcomings in these reports were subject to supervisory review and correction, although these were clear oversights or errors in occurrence reporting that might have reflected missing steps in the investigations as well.

Initial steps – background information

A provincial standard regarding the initial steps to be taken in a missing person investigation is related to the information needed for the risk assessment and reporting requirements discussed earlier. Specific investigative steps should be codified to ensure consistency in practice; as noted previously, these steps will likely be different depending on the level of risk assessed. The preliminary work conducted in a missing person case should be designed so as to fit efficiently into a new phase of a major investigation. Required and recommended steps would often encompass gathering specific information about the missing person to reveal leads the police could pursue.

One comprehensive example of initial investigative steps to gather background information can be found in the Edmonton Police Service's policy. They require patrol units to use a Missing Persons Investigative Checklist to gather information for the initial responder's report; information that is then used to determine which follow-up investigative steps should be pursued. The checklist outlines steps to be taken in significant detail, including:

- Interview reportee and witnesses;
- Conduct a thorough search of residence and outbuildings;
- Determine if this is out of character;
- Obtain a further detailed description of the missing person;
- Determine if the person has identification;
- Attend school or workplace and interview peers at school, co-workers;
- Search lockers and personal effects;
- Determine when the subject was last seen and by whom;
- Obtain a recent photograph;
- Contact applicable transport agencies (taxi, transit, etc.);
- Seize physical evidence such as surveillance footage, etc.; and
- Conduct a broadcast to all Edmonton Police Service Patrol Units.²⁶

These sorts of initial steps should be considered for inclusion in a provincial standard.

This standard acts as an accountability measure over investigative steps taken. However, it should not be constructed to abrogate police discretion, but rather to guide it. Although required and recommended steps would be enumerated, this would not prohibit officers from taking additional, unspecified steps based on the police officer's discretion or information indicating fruitful avenues of investigation.

A provincial standard regarding the initial steps to be taken in a missing person investigation is related to the information needed for the risk assessment and reporting requirements discussed previously. Specific investigative steps should be codified to ensure consistency in practice. The preliminary work conducted in a missing person case should be designed so as to fit efficiently into a new phase of a major investigation. An obvious solution is a basic computer checklist of required and recommended steps. This information is necessary not only for individual investigation, but also for linking cases and tracking trends to identify serial predators.

Supervisory responsibility/quality control

The provincial standards should also set out expectations concerning supervision and quality control. Again, this was a serious deficiency identified by the Commission. Standards will assist in the compliance process. The requirements of the standardized quality control process must be sufficiently detailed and include a clear allocation of responsibility for conducting a proper review. Diary dates should be assigned for every case and be connected to supervisory reviews.

Supervision in missing person investigations is incredibly important. The standard legislation should reflect this. The role of direct supervisors was well-stated in the UK Guidance: "direct supervisor must confirm the level of risk, manage the investigation, set tasks, ensure continuity during handover, and guide the involvement of other agencies, among other things."²⁷

The standard must set out the appropriate intervals for conducting reviews, who conducts the reviews, and the substance of reviews. It appears to me that reviews should be carried out immediately upon receipt and prioritization of the report, and frequently during the first week. Monitoring and reviewing unsolved cases is an ongoing requirement, which should be codified in separate standards, as discussed below.

The content of the review should also be standardized, perhaps by using standardized forms to ensure the supervisor considers all necessary aspects of the investigation. The content of supervisory reviews or case assessments should be recorded and communicated with the investigator.

Supervisors should also be involved in ensuring continuity among investigators: when one goes off-shift or when one is transferred from the file, a supervisor should ensure a missing person case is not forgotten or “lost in the shuffle.”

A quality control process should be put in place to review and monitor a police agency’s overall performance, in addition to the mechanisms for each individual file described previously. Such a process could include, for example, audits of concluded missing person cases. It should also be considered whether review standards should be set for missing person cases that are linked.

Standards related to interaction with family/reportees

The provincial standard should include minimum requirements to guide the interactions between police and family members/other reportees throughout the missing person process. These should include guidance regarding establishing a single point of police contact, ensuring continuity of this police contact over long-term investigations, designing a communication plan tailored to a specific family’s expectations and situation, and so on.

There was a wide range in the amount of interaction between the police and either the families or other reportees of the missing and murdered women. The Commission heard much evidence on this point, and it remains one of the primary concerns of the family members. These issues are canvassed in greater detail further in this document. The content of the provincial standard is the starting point, and further guidance should be provided through protocols developed in consultation with family members.

It is important that the provincial standards recognize that the family members/reportees are one of the best initial sources of information about the missing person. They also have the greatest likelihood of receiving updated information on an expedited basis. In many cases, these people are able to readily get information from sources that may be less likely to be frank with the police. They often also undertake their own active investigations, and this information can be valuable to the police by providing new leads or preventing unnecessary duplication of efforts.

Forensic evidence standards

The provincial standards should include guidance for the collection, storage and analysis of forensic evidence.

Dental records, while critical for identifying found human remains, are not recorded in a standardized way beyond the standard CPIC form. There is also no means of obtaining victim DNA and collecting it into a national databank: DNA cannot be submitted for analysis to a crime lab unless it is connected to a crime and there is no national missing person DNA database.²⁸ However, the RCMP informed the Commission that the BC Coroner's Service maintains a DNA databank for unidentified human remains and they have their Forensic Services and Identification Services that process DNA for criminal investigations.

The Government of Canada's policy submission also addressed their treatment of DNA samples for missing persons. The policy outlines how DNA samples for missing person investigations must be collected, stored, tracked and submitted. DNA samples must be retained indefinitely or until the missing person is located or the investigation is otherwise concluded. The policy provides that DNA samples from biological family members should also be collected and consent forms completed.²⁹ The *U.S. Model Missing Persons Statute* sets out time standards for the collection of DNA.³⁰ These protocols could serve the basis for consultation leading to the development of a fulsome provincial standard to collect, store and compare dental records and DNA of missing persons.

Coroner Liaison

The investigation of missing person reports requires effective liaison between the police and the Coroner's office. RCMP policy states that this is currently being done through the BCPMPC. This relationship should be formalized and mandated in the provincial missing person standards.

Monitoring outstanding missing person cases

At present, the timing of and approach to file reviews varies from one police agency to another. As I discussed earlier, in the section on Supervisor Responsibility/Quality Control, standards should establish the type and frequency of monitoring and historical file review within police departments. Both the degree of scrutiny and its regularity should be standardized. The position responsible for file reviews at different stages, or depending on different assessments of risk, should also be standardized. It appears to me that reviews should be conducted by another investigator, supervisor, unit manager, non-commissioned officer, analyst or other specialist who was not part of the original investigation: the "set of fresh eyes" considered important in international standards. The purpose or consequence of the reviews should also be stipulated, including, for example, ensuring documentation is complete and identifying additional investigative steps.

Reviews of individual cases may not be sufficient. My conclusions about the failings in the missing women investigations clearly identify a need to monitor the outstanding, unsolved cases of missing persons as a whole. This is one of the primary ways to recognize the patterns that will emerge from the actions of a serial killer, and will thus serve as a line of defence.

This monitoring function cannot be restricted to policing agencies within a single province. It is also a function that needs to be centralized to enable liaison with policing agencies outside of the province to detect patterns of predators that may travel beyond the BC boundaries. The recent revelation, discussed earlier, that serial predator Bobby Fowler was responsible for the murder of at least one woman in BC along the Highway of Tears, as well as crimes in the U.S., is an important reminder of this danger.

Another important role for monitoring is one of quality control: ensuring that the integrity of the reporting and investigating does not diminish over time. This can be accomplished by the BCPMPC being copied on the files of unsolved missing person cases.

For these reasons, the BCPMPC should be mandated to perform this monitoring function of unsolved missing person cases.

Automatic annual review of unsolved cases

I recommend the inclusion of a third level of review to the two described earlier: frequent supervisory review, especially in the first three weeks after a missing person report is accepted, and the monitoring of longer term files. My third proposal is for a legislated automatic annual review of unsolved missing person and homicide cases. Dr. Rossmo explained the importance of this review and why it is so effective:

In the United Kingdom, which I'll point out has a homicide clearance rate of over 90 percent compared to low 60 percent in the United States, they have established a procedure that after one year if a homicide is not solved the case goes to a senior investigating officer from another police agency to review. This isn't your drinking buddy or one of your friends, this is someone looking to advance their career by finding all the things that you missed and all the things you didn't do.

This results in two things. One is the original investigator knows that someone's going to be taking a look at their case, so they make sure they do their best, cross their T's and dot their I's. The other thing is if it's unsolved you get a fresh set of eyes, a fresh perspective, and that can be invaluable, because all of us tend to lock into a certain way of looking at things. So there's a really good example of the introduction of a policy that helps increase the solve rate for homicides to get around some inherent human failings associated with bias, which is of course, you know, critical examination of our own work.

It's like trying to find the typos in something you've written. You may not find them, but if you give them to somebody else they can easily see them.³¹

British Columbia provincial missing person standards should include a specific provision mandating this type of strong, effective annual review of unsolved missing person and homicide cases by an outside agency. Requiring an external review may enable a greater degree of criticism and evaluation, free from positions that may be shared with members of one police force or concerns about criticizing the work of a fellow member of the force.

Closing missing person files

During the terms of reference, it appears that missing person files were closed without police ensuring the missing woman was alive and well, and also during attempts to transfer files to other police jurisdictions. This indicates provincial standards should address these issues. The provincial standards should specify when a missing person file can be closed. File closure can occur when a missing person has been located, as confirmed by a police officer personally seeing the person who has been missing and speaking to or interviewing the person to ensure he or she is “safe and well” (a phrase borrowed from the UK Guidance). File closure can also occur when a file is transferred to another police jurisdiction, when the new police jurisdiction has confirmed that the transfer is complete and it has carriage of the investigation.

Standards should also set out who can authorize file closure. In my estimation, only sworn members should be able to close files and a file closure should be reviewed promptly by a supervisor to ensure it meets the standards.

I recommend against including provisions that allow for discretionary file closure, such as allowing the investigator to determine that a file can be closed or closing a file when a person is determined to be voluntarily missing (unless their well-being can be confirmed by a police officer). In lieu of closing files, standards could permit the designation of “historical.” These files continue to be subject to the monitoring and review provisions set out above, but at longer intervals. The UK Guidance requires that inactive files continue to be subject to regular reviews, although they occur at longer intervals. By exempting historical files from ongoing reviews, it would be impossible to determine if new evidence (like found human remains or new technologies permitting DNA evidence to be gathered) or a new perspective sheds light on the file; or to consider the file for province-wide patterns. This is important given the long time frame over which predators can be active.

Prevention and intervention

One important innovation in the UK is the proactive approach emphasized in the UK Guidance (the national standard described earlier). This proactive approach integrates prevention and intervention throughout the missing person process and is aimed at reducing the number of missing person

*I cannot underscore this point enough: people never go missing for **no reason**; there is always some explanation and it is important and worthwhile to take steps to understand it.*

incidents, mainly by preventing persons from going missing repeatedly. To do so, the UK Guidance encourages police to determine the causes for going missing so that police, together with other agencies, can identify intervention measures. The UK Guidance suggests that a missing person report should be considered to be a sign of underlying issues, a sign that draws attention to safety issues and can assist the police to identify criminal or exploitative behaviour linked to a person's disappearance.³² I cannot underscore this point enough: people never go missing for *no reason*; there is always some explanation and it is important and worthwhile to take steps to understand it.

Criminal or exploitative behaviour linked to missing person incidents includes violent crimes against vulnerable people. The UK Guidance prompts police agencies to discover whether the missing person was exploited or harmed during her absence through "safe and well" checks and return interviews. Using these protocols, and throughout investigations generally, police should be alert to recognize sexual exploitation of youth, particularly involvement in prostitution; domestic abuse; human trafficking; forced marriage; and honour-based violence.³³

During the Policy Forums, Superintendent Grisham reported that the RCMP in British Columbia has recently begun to carry out interviews with returned missing persons, although no detail on these intervention measures were provided. **I strongly recommend that the provincial standards mandate a proactive missing persons process that requires the police to take prevention and intervention measures including "safe and well" checks when an individual is found.**

The role and authority of the BCPMPC

Provincial standards should explicitly set out the role and authority of the BCPMPC. In this discussion section, I have set out a number of functions that should be specifically assigned to the BCPMPC, including resolving jurisdictional conflicts, fulfilling the Coroner's Liaison function, updating the missing person report form, and monitoring unsolved missing person cases. While the Government of Canada's policy submissions state that many of these functions are already being undertaken by the BCPMPC, these should be formalized so that the mandate of the Centre is fully transparent.

C. Best Practices in Missing Person Investigations

Provincial standards will promote uniformity and consistency in the acceptance of missing person reports and the initiation and conduct of missing person investigations. Standardization must be coupled with continual efforts to foster innovation. The recommendations that I have made for the monitoring and review of missing person cases will assist by creating feedback loops; evidence-based evaluation creates opportunities for individual learning and institutional improvements. Another approach

to fostering innovation is through the development of best practice guides and protocols, which can provide much more detailed guidance and be updated much more frequently than provincial standards.

In their responses to the Commission's survey of current policies and practices for missing person investigations, many police forces reported that they continuously update their policies to reflect best practices and changes in technology. For example, technological advances have facilitated change in missing person investigations by creating new investigative methods, such as "pinging" cellphones (to identify the location of the cellphone) and searching electronic banking records. Technological advancements have also led to changes in information distribution. This was noted by the Toronto Police Service, which reported that technological changes have allowed it to disseminate information among police and communities more widely than in the past. Both the VPD and the RCMP also report that they continually update their missing person policies and practices; this practice should be encouraged and promoted among all police forces. Together, police in the province should continuously strive for improvement and learn from past experiences.

Best Practices Priorities

Five gaps in missing person investigative practices stood out in the Commission's findings and need to be addressed on a priority basis. **I recommend that best practice protocols be established for (1) enhanced victimology analysis of missing persons, (2) investigative steps in missing person cases, (3) collaborative missing person investigations, (4) collection, storage and analysis of missing persons data, and (5) training specific to missing person investigations.**

Victimology

Most traditional crime analysis approaches are not applied in missing person investigations. For example, the absence of crime scenes or evidence that might reveal information about the offender had a deep impact on the missing and murdered women investigations. A greater analysis of information related to the victim would assist in these situations. The field of victimology is a relatively new one³⁴ and a best practice protocol on this new field of science would assist police officers in investigating missing person reports. One essential step is for the collection of more in-depth information right from the time of the first report. As I discussed earlier, it is important for provincial standards to require detailed information to be gathered at the reporting of a missing person. This information is necessary for the individual investigation: to conduct the risk assessment and inform investigative avenues. Gathering information will also be critical to understanding victimology, including patterns or shared characteristics.

Investigative steps

One of my main conclusions is that the police spent too much time on “confirming the women as missing” through records checks and did not dedicate sufficient resources to active investigation. A protocol and checklist for investigative steps based on best practices would assist in structuring this critical piece of a missing person investigation. Many of these steps may overlap in substance with components of the provincial standard regarding initial investigation steps to gather background information; however, the best practices for investigative steps should encompass the entire investigation, should be provided in greater detail and be particularly responsive to technological advances. Provincial standards may be understood to be more basic, while best practices will be more particularized and detailed.

To help ascertain which steps should be included in a best practice, it will be helpful to consider international practices. For example, the New South Wales *Police Services Handbook* supplies officers with a checklist of actions for suspicious cases. It includes instructions to search records for previous missing person reports and prior police responses to incidents in the area, such as prowlers, abductions or indecent exposure; to broadcast information over the police radio or statewide messaging system; to ask a supervisor or Duty Officer for assistance if required; to interview all persons at the scene separately, and specifically ask each person where she last saw the missing person and what she thinks happened to her; to treat the area as a crime scene and collect evidence and forensic material; and to contact the Missing Persons Unit for specialist advice.

Many Canadian police forces also rely on checklists or policies delineating investigative steps.³⁵ For example, the Winnipeg Police Service, in addition to specifying other steps, requires plainclothes members to interview (and re-interview as necessary) the last person to have seen and the last person to have had contact with the missing person; immediate neighbours, family members and friends, co-workers and associates, and teachers and classmates of the missing person; and any other person that can provide information.³⁶

Although many BC police forces use checklists enumerating active investigative steps for missing person investigations, the development of a best practice would foster consistency and innovation across the province. It would also provide detailed guidance to all officers conducting missing person investigations. These best practices should include requirements and guidance for interviews, records and database checks, and area and residence searches. The best practice should also provide guidance on the kind of information officers should be seeking in the outlined steps. Best practices should also attempt to identify the time frame investigative steps should be conducted within, particularly for steps in which timeliness is important.

Collaborative investigations

Missing person investigations could also be enhanced through a best practices protocol for collaborative investigations to guide the joint efforts of police, family members, community members and community organizations. The results of the Commission research and consultations emphasized that private citizens and community organizations are instrumental in solving missing person cases, and therefore must be involved in the investigative models followed by police.

The Warm Zone is an example of an organization that is well-suited to assist police in investigating missing, vulnerable women because of the information they can provide to police. A staff member of the Warm Zone, Michele Giordano, told the Commission that they ask their clients to let them know if they are going out of town or will not be attending the Centre, and they use daily sign-in sheets and logs to keep track of when women attend and the details of their visit. The Centre collects as much personal information about their clients as each woman is comfortable disclosing for the Centre to use in an emergency. This information includes next of kin, contact persons, drug of choice, and tattoos and distinctive marks. Staff members put up posters of missing women in their Centre and, through their networks with other service agencies, assist in locating missing women. Due to its ongoing relationships, the Centre is also able to discover when a woman last picked up her welfare cheque or methadone prescription. Organizations such as WISH play a similar critically important function in the DTES.

Service agencies may also be able to provide police with an assessment of a missing woman's family relationships. For example, Ms. Giordano cautioned that it is important for service agencies not to assume that a family member is a positive force in the woman's life. The Warm Zone can also provide an assessment of the health or safety of a woman's home environment.

During the Policy Forums, RCMP Staff Sergeant Gerald MacNeil spoke of Project KARE's approach and particularly its success in developing a highly efficient "fan-out" system in missing women cases to establish two-way communication between the police and organizations that assist vulnerable women. Project KARE has established several protocols that are best practices and should be considered by British Columbia policing agencies.

Recommendations made during the Policy Forums encompassed how the police communicate with service and government agencies during missing person investigations to ensure police and community departments are able to search effectively and quickly for missing persons:

- Police should involve other agencies in the investigation by forwarding a skeleton version of the report to, for example, coroners, hospitals and support service agencies;
- The province should create an inter-agency living will, enabling

- people to authorize agencies to share information if they go missing;
- Networks of grassroots agencies for female sex workers should establish protocols for information sharing and co-ordination outside of police investigations; and
- When trying to locate a missing person, police should contact support services that act as central agencies.

These all raise important considerations that a best practice for collaborative investigations should address. The best practice model should include a framework to promote multi-agency collaboration on missing person investigations, so they do not rely on ad hoc and individual relationships.

Collection, storage and analysis of missing persons data

Collecting, storing and searching data on missing persons are all areas that present obstacles. I have outlined the content of a provincial standard on these topics previously, but there are many additional practical issues that should be addressed through best practice protocols. A number of ongoing practical barriers were highlighted during the Commission's consultations. For example, it was noted that when police officers contact hospitals for information on a missing person, there is no single central source they can contact; they must go through a list of contacts. Dental records, while critical for identifying found human remains, are not recorded in a standardized way beyond the standard CPIC form. There is also no means of obtaining victim DNA and collecting it into a national databank: DNA cannot be submitted for analysis to a crime lab unless it is connected to a crime. Finally, former E-COMM operator Rae-Lynne Dicks noted that CPIC only contains basic statistics on missing persons. A protocol or protocols are needed to address these gaps.

Many steps need to be taken to eliminate barriers to police gathering information about a missing person. Missing person investigations could be made more effective through the development of one central source where police could check for information about whether a missing person has been admitted to a hospital or medical facility. A single point of information could co-ordinate records on mental health, BC Medical, hospitals, addiction services, crime analysts, crime stoppers, police detachments, media, ICBC, Victim Services, social assistance, information technology, and so on to facilitate rapid collection and analysis of information about a missing person.

Police officers also noted that the lack of legislative support for missing person investigations presents a significant challenge. Because of privacy legislation, police officers cannot access information about missing persons that would assist investigations. I address the need for British Columbia legislation in Part 8.

Training

Training is essential for the successful investigation and recovery of missing

persons for two reasons. The issue of a missing person is extraordinarily complex: there are many reasons a person can go missing, and many different vulnerabilities a person can be subject to, all indicating various levels of risk. Each missing person case requires officers and supervisors to make choices about the most effective approach for investigation and recovery. Training provides the mental framework and understanding required to perform the cognitive tasks associated with missing person cases.

Training is also necessary to ensure officers can perform these tasks quickly. Timing is of the essence in these cases. Front line officers must be able to respond quickly to the reporting of a missing person, perform an assessment of the risk, and decide what action, if any, is appropriate in the circumstances. Training can provide a solid foundation upon which front line officers and supervisors can rely when facing the high-stress and time-constrained circumstances that exist in missing person cases.

The Commission received a number of specific training recommendations that could be integrated into a protocol:

- Development of expertise and dissemination of expertise through training modules within and across police agencies and key partners;
- Online continuous professional development on the subject of missing persons for front line officers and supervisors;
- Joint training for police and community members, particularly in rural and remote areas where community members are called upon to assist in searches; and
- Joint training with key partners.

Ongoing development of expertise and training is an essential aspect of the continuous improvement of missing person investigations and proper investment should be made to ensure support for these activities.

Fostering Innovation

Institutional support is required to update policies and procedures related to missing persons on an ongoing basis. Investigative techniques and processes need to be regularly tested for effectiveness and modified as required. The development of best practices is one of the BCPMPC's responsibilities; it has taken important steps in this regard, and similar efforts are ongoing at the national level. I conclude, however, that two additional institutional mechanisms are required to foster innovation: the establishment of a provincial missing persons partnership committee and an agency independent of police dedicated to the analysis of missing persons cases.

Provincial partnership committee

One stark conclusion in this report is that the police cannot address the complex challenge of missing persons alone. In the past, the prevention

and resolution of missing persons incidents were viewed solely in terms of police responsibility. Today's world requires a new approach. This approach recognizes the importance of co-ordination, cooperation and communication between the police and its partners. In particular, strong partnerships are required with state agencies, non-governmental organizations, other volunteer organizations, and the media. Ongoing, established partnerships are key; ad hoc consultation will not suffice to meet the challenge of missing person cases. Partnerships are required to ensure collaborative investigations as discussed above, but also to facilitate policy development and innovation in missing person investigations.

A mechanism must be established to facilitate the collaboration of these groups in the ongoing development of best practice protocols for missing person cases. I recommend that a provincial partnership committee on missing persons be established for this purpose. The Committee should be chaired by a senior government official and include representatives of the missing and murdered women's families, Aboriginal organizations, community groups, service providers, police, and Victim Services.

The Saskatchewan Provincial Partnership Committee on Missing Persons (PPCMP) should serve as the model for British Columbia. During the Policy Forums, RCMP Staff Sergeant Maureen Wilkie shared information about the Saskatchewan RCMP's work through the PPCMP to improve the response to missing person incidents. The PPCMP is a partnership of 19 agencies including police, coroners, First Nations, non-governmental organizations, Victim Services agencies, and so on. The work of the PPCMP resulted in the drafting and passage of the 2009 Saskatchewan *Missing Persons and Presumption of Death Act*,³⁷ an act that enables greater and easier police access to private information during missing person investigations and allows families to deal with the estates of missing persons they believe to be deceased. The PPCMP is currently working to develop a standardized intake form and risk assessment for missing person reports across police agencies in Saskatchewan.

Two critical factors have contributed to the success of the Saskatchewan PPCMP, and I recommend that both be adopted in British Columbia. First, the Committee is chaired by a government official, not by the police. Second, the PPCMP has consulted extensively with family members of missing women and has invited several family members to serve on the Committee. The PPCMP met with family members of missing persons in 2007 and again in 2009; these meetings culminated in a report with 20 recommendations on how to improve missing person investigations. In 2011, the PPCMP had a Western Regional Forum that resulted in 16 recommendations.

The PPCMP is involved in a media and public awareness campaign to dispel myths on reporting missing persons. There is also a sub-group of the Committee that works with media to improve the sensitivity in the media's reporting of missing person stories.

A British Columbia partnership committee could assist in implementing many of the recommendations made in Part 7, including the provincial standards discussed in the previous section. One priority topic is the development of risk assessment protocols that would include a preventive/intervention approach. Such a committee should also commit to periodic reviews of all adopted protocols in order to ensure the protocols are well understood and successfully implemented by all parties. Joint debriefings of specific cases could also foster further innovation.

Many family members told the Commission that they would like to assist in the development of future improved missing person policies and several specifically recommended that representatives from this group be invited to sit on a committee for this purpose. I accept this recommendation; many family members are very knowledgeable and thoughtful about missing person investigations, and acknowledgment of a role for family members could contribute to healing and reconciliation.

Independent agency for analysis of missing person statistics and trends

Dr. Kim Rossmo identified ongoing challenges to the identification of serial missing person cases. He noted that missing person cases are assessed case by case; however, in the context of a serial killer, multiple cases may span over years and across different police jurisdictions. He stated that police are relatively good at identifying some high-risk missing persons, but cases that are not assessed as high-risk when viewed in isolation from other cases can slip through the cracks. Therefore, it is important that police be able to identify series or clusters of missing persons, because this is the only way to detect predators who successfully hide or dispose of the bodies of their victims. During the Policy Forums, representatives of all participating police forces recognized the need for improved analytic capacities regarding missing person trends and pattern identification. The VPD specifically acknowledged the need for “a stronger centralized organization to properly analyze trends, with capacity to look at all missing persons, but especially high risk missing persons.”³⁸

Information gathering is crucial to identifying a series of suspicious missing person cases or potential multiple homicides. Dr. Rossmo pointed out that pattern identification must be built into the missing person system to determine a series of offences. Information collected upon acceptance of the report must include information crime analysts could use to identify connections with other missing person cases. Historical information must be collected. Analysts must collect enough information over a large enough geographic area and time span to analyze events outside the norm. Things outside the norm should operate as a warning of something needing police response. One method might be to formally establish standards for series identification, and apply a number to each series so it can be assigned for follow-up and cross-referencing; this would contribute to responsibility and accountability.

The BCPMPC is intended to analyze missing persons data at the provincial level. However, the BCPMPC has many other responsibilities; in my view, the analysis of missing persons data should be carried out by an agency that is independent of police and is dedicated to this sole task. I adopt the proposals made by Dr. Rossmo in this regard. The agency would provide oversight and analytic functions, but would not have any investigating responsibilities. One of the functions of such an agency would be to provide an “early warning system” for anomalous patterns of missing persons through the complex analysis of police records. It could also carry out modelling of “typical” missing person investigations to contribute to detailed performance standards.

I recommend that Provincial Government establish an agency independent of all police agencies with the purposes to include co-ordinating information, identifying patterns, establishing base rates, reviewing police investigations, ensuring accountability for linked inter-jurisdictional series, and warning the public. It should provide oversight and analytical functions, but it should not be an investigating entity.

Police forces have greatly increased their analytic capacities over the past decade. Notable developments include the VPD’s Consolidated Records Intelligence Mining Environment (CRIME), through which:

The Analysts are able to create complex queries to identify trends and quickly identify crime series in the early stages, such as predatory sex offences, using incident details and geo-spatial patterns with advanced software applications. This analysis capacity has evolved over several years and matured into a sophisticated system that has resulted in several notable successes and has been recognized as a best-practice.³⁹

The RCMP has also increased its analytic capabilities including through the establishment of the Behavioural Sciences Unit in 2003.⁴⁰

The increased police capacity to analyze patterns of crime is an important development, but it is insufficient in the missing person context because it remains focused, as it should be, on investigation. An independent agency is required to go beyond simply investigating individual cases, and to ensure accountability and to provide a form of external oversight and accountability in case of police error. As suggested by Dr. Rossmo, this agency could be set up within the Provincial Government in a manner similar to the new Provincial Office of Domestic Violence, which has a parallel mandate to ensure co-ordination and accountability across agencies in British Columbia. The agency would develop an enhanced capacity for pattern identification and case linkage and establish a resource network of relevant expertise.

D. Working with and Supporting Families and Other Reportees

Building and maintaining positive relationships with family members, the community, the wider public and the media can be essential to locating missing persons and solving potential crimes, particularly when the missing persons are living in non-traditional or precarious circumstances. I have already made several recommendations for enhanced collaboration through the establishment of a best practice protocol and the provincial partnership committee. In this section, I discuss more specific recommendations to address the needs and roles of family members and reportees in missing person investigations. A collaborative and integrated response involving communities, organizations, and individuals requires that those involved be treated fairly and equally, and that the networks and investigative mechanisms in place meet their needs for information and emotional support.

Facilitating Reporting and Information Sharing

The Commission received many submissions from family members of the missing and murdered women and other members of the community concerning the unmet need for information and support during all stages of missing person investigations. Many individuals expressed concerns about the police's treatment of, and communication with, family members as well as systemic barriers, including a lack of public information.

I discuss these issues and recommendations in relation to the stages of the missing person process described at the beginning of Part 7. I set out the views and proposals made during the Commission's consultations in some detail, in order to provide background and context to the central recommendations made in the Commission Report.

Prevention and situation of concern

The Commission found that there is a general lack of public awareness in the missing person process including, for example, inaccurate views about needing to wait 24 hours before making a report. Greater public awareness could contribute to preventing barriers to timely reporting of a missing person and assist a worried individual when they face a situation of concern about the possibility that someone they care about is missing. Participants in the Policy Forums made a number of recommendations concerning the need to make more information about missing person issues and policies available to the general public. Specific recommendations were provided:

- There should be a media campaign via video and social media to educate people on the process of making missing person reports, and safety and prevention;
- Safety and prevention information on the RCMP's website should also be available offline: in television commercials, billboards, newspapers, courses, etc.;

A collaborative and integrated response involving communities, organizations, and individuals requires that those involved be treated fairly and equally, and that the networks and investigative mechanisms in place meet their needs for information and emotional support.

- There should be a “mapping book” or information booklet for people trying to find a missing person;
- The use of tool kits about navigating the missing person process should be expanded. The tool kit used by NWAC and the RCMP should be looked at for examples; and
- Police must continue to target community groups and First Nations in outreach.

The Native Women’s Association of Canada (NWAC) has developed a *Community Resource Guide* (CRG) based on its Sisters In Spirit initiative consisting of three fact sheets, 10 tool kits and other resources to assist family members and others in understanding and navigating missing person reporting and investigation processes.⁴¹ Some of the topics addressed in the CRG are: “Sisters In Spirit Vigils,” “Men as Effective Allies,” “Unlocking the Mystery of Media Relations,” “Navigating Victim Services,” and “Safety Measures for Aboriginal Women.” The RCMP is committed to educational and prevention aspects of their engagement with communities and has assisted in the distribution of the Sisters In Spirit tool kits.

I recommend the development of a provincial missing person website aimed at educating the public about the missing persons process and engaging them in proactive approaches to prevention and investigation. Missing person information is available on a number of websites in British Columbia, but the multiple websites are difficult to navigate. A single, easily navigated website is required. The Saskatchewan Missing Person Website could serve as a model. The website could include checklists to assist persons in the reporting process similar to those produced by NWAC’s Sisters In Spirit initiative.

Reporting a person as missing

In my meeting with family members, participants were highly critical of the way that police had dealt with them during the investigations into their loved ones’ disappearances. There was agreement that anyone dealing with families of missing persons, whether a police officer or civilian staff, should have psychological training in handling distraught, bereaved or grieving people. For example, police need to know how to quell a relative’s anxiousness of not knowing what happened to their loved one.

Several family members noted that admitting someone is missing and reporting it to police are difficult steps to take. They suggested that officers undergo sensitivity training to learn how to be respectful to families. Several people were extremely upset by the derogatory language police used to describe their loved ones and the tendency of police to emphasize, above all, the women’s drug addiction and lack of self-care. I was told that police, both in the Vancouver Police Department and in the RCMP, “should learn to listen with their hearts and use compassion.”

It was also suggested that police should first carefully read the files they take over and get family members’ names and relationships right, before dealing

with potentially distraught families. Some felt officers were defensive when they were corrected.

In many cases, the first person families have contact with is an E-COMM or 911 operator, who may work long shifts and take many calls during those shifts. Former E-COMM operator Rae-Lynne Dicks reported that organizational and traumatic stressors can affect these operators and can result in the poor treatment of family members making reports. The fact that many of the police involved in the missing women investigations were also traumatized further suggests that additional support is required by all of those involved in missing person investigations.

Specific recommendations for improving the reporting process were made:

- People taking missing person reports should be given empathy training to ensure they ask questions respectfully;
- Cultural sensitivity training should be provided so officers understand Aboriginal traditions;
- Counselling should be available to families when they make the missing person report;
- Ensure that police have training on dealing with bereaved and grieving people with compassion and sensitivity; and
- Require police to take cultural sensitivity training.

The *SisterWatch Report* set out two areas for improvement related to reporting.⁴² First, the Report notes that in some cases, people are unclear about to whom they should report a missing person: “They may live in one community but the missing person may have disappeared from another community.”⁴³ Second, the Report states that “even if they do manage to report the person missing to a local police department, the information may or may not be received by the police jurisdiction responsible for the community where the person was last seen, thus delaying (or eliminating the possibility of) a proper investigation.”⁴⁴ The Report sets out a number of examples where this happened in the missing and murdered women investigations.

The *SisterWatch Report* provides the following example of how a person could be reported missing in one community, but the information wouldn’t become known to the community from which the person had actually gone missing:

For example, the person would be reported missing in community “A” because that’s where her family lived and the information would be placed on CPIC. But community “B,” the location from which the person went missing, wouldn’t be alerted and neither jurisdiction would be actively looking for her. Alternatively, a reportee in community “A” would be told they had to call the police in community “B” to make the report, but would be unable to get through to that jurisdiction’s report line, or might be dissuaded because of long distance charges, a misunderstanding about the process, or inconsistent police practices.⁴⁵

Improved communication between police agencies can go part of the way to ameliorating this situation, but it does not eliminate barriers to reporting. In particular, it does not improve access to police for families living outside of the jurisdiction where the missing person was last seen.

The Commission received numerous recommendations for the establishment of a provincial 1-800 number to take reports of missing persons. This recommendation is supported by the families, many community groups, and the VPD, and is highlighted in the *SisterWatch Report*. The request for a 1-800 number has been made for a number of years, beginning at least as early as 2002, but it has yet to be implemented.

I recommend the establishment of a provincial 1-800 phone number for the taking of missing person reports and accessing case information. The 1-800 phone number would not replace existing intake processes in various jurisdictions; rather, it would be used to provide an additional point of access. As pointed out in the *SisterWatch Report*, this development would help prevent cases from falling between the cracks, as the 1-800 clearing house would liaise with the appropriate police agency of jurisdiction to ensure an investigation is initiated. As well, increased service could be provided to reporters who are having difficulty accessing information about their cases.

Careful planning will be required in implementing the 1-800 number so that it is well-integrated into the process for accepting missing person reports set out earlier, particularly in light of my recommendation that the full report be taken in person rather than over the phone wherever possible. Similarly, protocols will have to be established governing the types of information that can be shared over the phone and with whom information can be shared, given privacy concerns and related issues.

The most straightforward means to implementing this recommendation is through the BCPMPC. During consultations, I learned that a 1-800 number had been considered in the past, but the suggestion was discarded. During the Policy Forums, representatives of the RCMP explained that it had not created a 1-800 number for missing person reports in BC. An RCMP officer identified concerns that such a number would detract from community policing. Under the current system, if a report is made to a specific department, it triggers a quick response and networking with service groups; there are fears that this would be lost through the provision of a centralized number. This is a thin argument, in my view, and is not a sufficient reason to reject this sensible, important and community-supported proposal. Alternatively, the 1-800 number could be operated by a civilian agency, created to assist family members and to facilitate their information sharing in a comprehensive manner. This option is further discussed later in this report.

The *SisterWatch Report* also recommended the establishment of a national clearing house with a 1-800 phone number as one function of the newly

established National Police Missing Person and Unidentified Human Remains Center, which is in the process of linking provincial and territorial jurisdictions.

The *SisterWatch Report* notes a national system has been implemented in Australia with some success. The Australia Federal Police operates a national website funded by the federal government devoted to, among other goals, reducing the incidence and impact of missing persons. The Australian national website does not include a 1-800 phone number. There are only seven state and territorial police services in Australia, and each has a missing persons unit with their phone numbers and websites linked to the federal website. The Canadian situation is more complex because of the very large number of police agencies, which points to a greater need for a national co-ordination function through a 1-800 number.

I support this recommendation in principle as an important step to further reduce barriers to reporting and supporting effective missing women investigations, although it is outside of my mandate to recommend a national initiative. In a number of the missing and murdered women cases, family living outside the province found it difficult for them to report their loved one missing and to seek updates on the investigations.

Investigation/response

Family members and other reportees have an ongoing need for regular contact and information sharing. They want to be involved in the investigations to the greatest extent possible and want advice on steps they can take to assist. Lila Purcell, the aunt of Tanya Holyk, told the Commission that one improvement that she would like to see so “[T]hat the lives of these women that went missing, with my niece, is not in vain” would be for police to deal “a little more closely with the family, the people that knew them, and assisting us in how we could go about helping them find our children, helping each other.”⁴⁶ When asked whether she felt like an important part of the investigation, Ms. Purcell said without any hesitation, “Not at all.”⁴⁷

Many community speakers commented on the police’s treatment of family members of missing and murdered women during the investigation phase. Lori-Ann Ellis explained her concerns that some family members are excluded from the process, by police or Victim Services, and not treated respectfully, because they are family by marriage. There were also concerns that police do not understand the meaning “family” has to Aboriginal people.

Ms. Ellis noted that the police contact person, from whom families could seek information about the case, may regularly change without the family being informed. This may create confusion in families regarding whether they need to provide information about the case anew to the officer.

During the Policy Forums, one woman living outside Vancouver remarked

Family members stressed the importance of continuity on individual files, not only to ensure proper investigations, but also to develop relationships with officers and to ensure that the families of those missing are treated properly.

that often while calling to ask for file updates, she was disconnected and had to hunt for someone else: “If someone is transferred, they should phone you, and say this new officer is the person responsible. It’s inconsiderate otherwise.”

Family members stressed the importance of continuity on individual files, not only to ensure proper investigations, but also to develop relationships with officers and to ensure that the families of those missing are treated properly. Constant turnover of officers and investigators hinders good relationship-building between families and police.

As noted previously, many felt that officers needed cultural sensitivity training, about both general diversity and Aboriginal culture. Such training could assist officers to be sensitive and empathetic with family members who are Aboriginal.

Members of the VPD spoke about its current practices regarding communication with family members and involving the public and other agencies in the investigations of missing persons. VPD members noted that it is important for families to have a single point of contact for police, particularly for situations in which a person is located and for next of kin notifications. VPD detectives who begin the investigation and develop a relationship with the family will do the notification. The VPD will also ask the family to tell them how they want to be notified if their family member is found deceased. This occurs when it appears a file will be difficult or long: an officer will explain the normal protocol and ask the family their preference; typically family members will want an investigator who is known to them to contact them, preferring an over-the-phone notification from a known contact to an in-person notification by an officer unknown to them. In addition, if a file is transferred to another police jurisdiction, the VPD officer who developed a rapport with the family will nonetheless notify next of kin if the missing person is located.

The RCMP stated that the ways it engages with families have changed as a result of the lessons learned from the Air India tragedy and Project Evenhanded. The current approach for the Highway of Tears investigation, Project E-Pana, involves annual family meetings with all family members and private “kitchen table meetings” with individual families to provide updates on the investigations. The RCMP also holds town hall meetings.

With each family, officers develop a schedule for contact based on what the family wants. RCMP officers understand the need for a primary and often a secondary contact in each family; if a family needs the police to have contact with multiple family members, the RCMP will meet that need. They also ensure the police contact does not change so that families do not need to tell their stories repeatedly. To mitigate the problem of police officers transferring out of positions, the Victim Services worker maintains continuity with family members. RCMP members also ensure that the family understands which police department or detachment has jurisdiction

of the investigation.

RCMP officers told the Commission that, with regard to how officers treat family members, the RCMP has a strong and detailed policy on bias-free policing to ensure everyone is treated with respect. RCMP officers are provided with training about treating people with empathy and non-judgment.

One criticism many family members shared had to do with the police requirement that one contact person in each family was responsible for communicating information to other family members. Ann Livingston noted that family dynamics and the different abilities of family members to accept reality or address a given situation influence who is best suited to be the contact person for the police. As one family member noted, the police assume that families communicate well internally and that information given to one person will be passed on. In fact, “most families are a combination of individuals: sometimes we’re at odds about things, or not speaking, or just not in touch with each other.”⁴⁸ In one case, the family requested that both the adult daughter and the sister of the missing woman receive annual updates on her case; the police refused because they wished to deal with only one person. It was noted that a system whereby police contacted all immediate family members, or those family members who specifically requested updates, would be preferable. As noted, the RCMP has responded to this concern and will provide multiple family updates. All police forces should adopt this family-centered approach.

A number of the families had contact with the police on their missing person case for a decade or more. They noted that the high turnover among the junior officers who are often assigned to such investigations meant there was no continuity. New officers were often not properly briefed on what had been done previously on the file, forcing family members to relive their frustrations and retell their stories over and over again. Families were also stymied by the lack of regular contact by the police and suggested that a system needs to be put in place to require more regular updates, so that families are kept advised of developments on the file.

Police officers also discussed the current relationship of police with families. They noted that in police departments an officer may hold a specific position for only two to three years, but that it was understandable that families of missing persons would want to deal with the same officer over the course of the investigation. It was also noted that Victim Services may not know how to handle missing persons’ families.

The Commission received remarkably similar recommendations about the need for improved information sharing with families in its Northern Community Consultations. In Part 5, I made recommendations for community liaison positions to facilitate the relationship between police, community and family members, which will also assist in facilitating communication in missing person investigations. Some of the key best

practices emerging from these discussions are:

- Police should carefully review files before contacting families and keep good records of their communications, in the event of turnover on the file;
- Police must be inclusive and responsive regarding who is part of a family, particularly for Aboriginal people who have an extended definition of families;
- Police should work with family members/reportees to develop a tailored communication plan; and
- Single point of police contact and continuity in this contact.

Outcome

Several families had traumatic experiences with respect to how they had been notified of their loved ones' deaths. One woman, who was pregnant at the time, was notified by telephone that her mother had been murdered. In at least two instances, police went to bingo halls to tell mothers that their daughters had been killed. Family members stressed that police should notify family members of a missing person's disappearance or provide information concerning that person's death in a private place and that the information should not be given to media or others before it is shared with the family.

Lilliane Beaudoin told the Commission:

I would have appreciated someone coming to my home and personally telling me what had – what took place, even if to let us know that my sister was on the streets, that she was reported missing. We didn't know that, and then to find out she was murdered. I thought it was very insensitive that no one came to the home to tell the mother of this girl that her daughter was murdered, very insensitive.⁴⁹

Lori-Ann Ellis also stated that, in some of the Pickton cases, the way in which family members were informed that their loved ones were murdered was disrespectful.

One family member suggested that when a missing person report is taken, police should be required to record how the family members would like to be notified in the event that it is confirmed the person is dead and whether they would like clergy or other support persons present at that time.

Family members were very concerned that police not withhold details concerning the murders of women from their families, particularly when that information was potentially available to others.

During my meeting with family members, I learned that many were upset because they had been asked to sign undertakings regarding disclosure of police files on their loved ones. For many family members, this was the first time they saw or understood the steps that had been taken in the

investigations of the loved ones' disappearances. Some claimed that they had received very long files and were concerned that they would not have time to read them before they were required to destroy the file. Some wanted to keep the files. There were also complaints that the files were incomplete, in the sense that much of the information had been redacted. Family members asked that they be provided with complete files to keep after the Inquiry ends.

For some families, it took a long time for them to receive counselling. There were also concerns about the language used with families with regard to their grief: some family members do not like the word "closure" because they may not be ready to deal with the finality it implies, and prefer the term "peace."

There were also concerns about police saying that they would offer something to families and subsequently not providing it. For example, Lori-Ann Ellis explained that it was very distressing when police or Victim Services suggested to families that they could view photographs of the personal items of loved ones but were later told that this opportunity would not be available. During the Policy Forums, RCMP representatives accepted this criticism and committed to taking additional steps to meet family needs.

Specific recommendations for the outcome phase are:

- In giving families bad news, officers and Victim Services workers must be respectful and compassionate;
- Promises that cannot be kept should not be made to family members, because it can cause suffering and resentment;
- Police should be asking if they are providing the right level of service, so that if they are not doing a good job, they can do better in the future;
- Make it a policy that if a person has died, police should notify relatives in a private place and before media or others are informed; and
- Ensure that police and criminal justice system personnel do not withhold details of a loved one's death from family members, especially when others are able to access that information.

These recommendations should be integrated into best practice protocols.

Meeting the Support Needs Throughout Missing Person Investigations

It is clear to me that, despite best efforts by the individuals involved, victim support services did not meet the needs of the families of the missing and murdered women throughout the investigations within my mandate. During the Policy Forums, I received numerous submissions, including from Victim Services' providers themselves, that the support system remains deficient in important respects. In addition, families told the Commission that information provided to them about support services was often out of date or referred to services out of the area. For some families, it took a long

Unresolved missing person cases that extend over a long period of time result in a range of physical, emotional, psychological and financial impacts on family members and close friends. It is clear that our justice support system has not fully recognized or addressed these needs to date.

time for them to receive counselling. Both the VPD and the RCMP are aware of these unmet needs and do not have the capacity to provide the full range of supports required.

The Commission received numerous specific recommendations regarding support services, including:

- Police should ensure contacts they provide to families for support services are local and up to date;
- There should be changes in Victim Services to provide more education and healing to families;
- A healing retreat, a place where families could heal together, should be provided;
- Victim Services should do an exit questionnaire with lots of room for comments to gather input on people's experiences;
- Policy for initial communication with Victim Services and reporting needs to be fleshed out and formalized;
- There should be some counselling or support for families of unsolved missing person cases, as they have no peace;
- When attending a family, police should provide a list of resources the family can access, including Victim Services and counselling;
- When possible, take information with the missing person report about how the relatives would like to be notified in the event of a death and whether they would like faith-based representatives present;
- Ensure that families are given clear and correct information about their rights with respect to Victim Services and compensation; and
- Support services should be tailored to the needs of Aboriginal families.

As discussed in the section on assessing the harm of the failed investigations, relatives, friends and other community members are deeply affected when a person goes missing. The impact differs from other situations because of the ambiguity of the loss. Unresolved missing person cases that extend over a long period of time result in a range of physical, emotional, psychological and financial impacts on family members and close friends. It is clear that our justice support system has not fully recognized or addressed these needs to date. Additional supports are needed both to enable family members and friends to play their important role in the investigative process and to ward off secondary and tertiary victimization. A more holistic and tailored system of support services is urgently needed and a sympathetic and supportive approach throughout all phases of the investigation is key.⁵⁰ I received numerous submissions both in the Northern and Southern consultations that particular attention should be paid to the support needs of families and friends of Aboriginal missing persons. I recognize that the needs of Aboriginal families are not homogenous and that needs vary from one situation to another. It is equally clear that victim support services must be culturally appropriate and take into consideration the practices within different Aboriginal communities.

I recommend that provincial authorities develop an enhanced, holistic

comprehensive approach for the provision of support to the families and friends of missing persons. This should be based on a needs assessment carried out in consultation with the provincial partnership committee on missing persons. The approach should recognize that there are diverse family and close friendship relationships and that need will vary between different family situations and over time. One model of service delivery for consideration is the Australian Family and Friends Missing Person Unit described in the following section in relation to recommendation 7.11.

While the focus of the Commission's consultations was on the needs of family members and friends for support services, several individuals noted that police officers and civilian members of police agencies involved in missing person investigations also require support services. Support programs should be available to all first responders to incidents, including 911 operators, civilian responders, police members and firefighters, to help them cope with the cumulative stress of this work. I encourage the VPD, RCMP and the Provincial Government to consider ways to provide support in relation to these unmet needs.

Interactions with the Media

The media plays an important but complex role in building public awareness about crimes and potential crimes. It can contribute to prevention about missing persons and related issues and can assist or hinder investigation efforts. Numerous policy reform issues were raised during the Commission's consultation processes regarding the relationship between the media, police, families and community. I summarize the issues and approaches to the role of the media in missing person investigations. However, the Commission was not in a position to study these important issues in an in-depth manner.

The FPT MWWG found that media reports can have a significant impact on the conduct and outcomes of missing women cases in numerous ways:

- Affecting the process of locating missing women;
- Encouraging or discouraging the offender to commit more crimes;
- Increasing the public's feeling of safety or danger;
- Compromising the privacy of victims and their families;
- Affecting how society views victims; and
- Compromising the investigation and trial of serial predators.⁵¹

As I noted in Volume II, the media played an important and positive role in bringing attention to the situation of the missing women from the DTES. At the same time, some of the media messages about the missing women contributed to negative stereotyping about them and some family members believe that they were poorly treated by the media.

Many family members felt that the police have a role to play in preparing families for what they should expect from the media if a loved one becomes the subject of a missing persons investigation and how to deal with it.

Families were generally of the view that the media also needs training to run positive stories about missing persons, rather than further sensationalizing the graphic nature of the horrendous cases that have occurred. They felt police could reinforce proper messaging by using appropriate and respectful language when describing missing persons, remembering that they are also mothers, sisters, daughters and aunts.

There were also concerns about police recommendations to families regarding their interactions with the media. Police recommended that family members not speak to the media. However, some found the media was a good way to get their messages out and, most of the time, their first source of new information about the case; the media usually provided information before Victim Services did.

Sergeant John Hebert from the Calgary Police Service also noted concerns about releasing information to the media about a missing person: police need to be cognizant of privacy concerns and the need for media releases to be infrequent enough to have an impact before disclosing information. This is particularly important now, given that once information is posted online, it is there forever.

VPD Inspector Jana McGuinness provided information on the VPD's current practices regarding information dissemination and media releases in missing person investigations. Patrol officers will obtain a photograph of the missing person from her friends and family and canvass hospitals, taxis and transit services, among other venues, to find the missing person. Notifications will also be made to health services, Realty Watch,⁵² and border agencies. Investigators also use social media, such as Facebook, to find people, particularly youth.

If the missing person cannot be found by patrol, VPD duty officers will inform the media relations unit about the case. The current system allows for information to get to media relations quickly. Media relations will send out information about the missing person to 350 people or agencies, and to police agencies outside of Vancouver. For media releases, it is important that police have a photograph of the missing person, something that is not always available for people living in difficult circumstances.

The VPD issues approximately two or three media releases for missing persons per week; a further media release will be issued if the case remains outstanding, or if there is a cluster of missing persons.⁵³ In extraordinary cases, the VPD will engage family members to make a public plea for information. The VPD remains, however, careful about the privacy of the missing person, ensuring that it only releases appropriate and sensitive information.

Like the VPD, the RCMP uses media to assist in investigations of missing persons. Dawn Roberts, a civilian member of the RCMP, provided the Commission with information about the RCMP's media strategy. Missing

persons is an important priority section of the RCMP website: it contains news releases, public alerts and safety tips. The RCMP also has a growing social media presence: it uses Facebook and Twitter to share information with the community. The RCMP is cognizant that the use of media in rural environments must be tailored to take into account the different geography and accessibility in that environment.

The RCMP advised the Commission that its members also work closely with families to help them deal with the media. This process includes news conferences, statements from the RCMP and ensuring a liaison for the release of information.

Gunargie O'Sullivan recommended that media should play audio clips of women who are currently missing on the radio. I agree that voices can be a powerful alternative to photographs to assist in the process of locating a missing woman or uncovering information about what has happened to her.

Concerns continue to be expressed about how the media portrays missing vulnerable and marginalized women, particularly Aboriginal women. Anne-Marie Livingston, daughter of Elsie Sebastian, recommended that there should be a protocol for media to ensure derogatory language is not used to describe Aboriginal women and to ensure women are portrayed in a dignified manner. Professor Lisa Monchalin also spoke about the role of the media in perpetuating negative stereotypes about Aboriginal women and the need to undertake educational programs, starting in schools, to interrupt these patterns of stereotyping.

The Commission did not receive submissions from representatives of the media on these topics and is not in a position to make a formal recommendation on this. **I recommend that representatives of the media be invited to be members of the provincial partnership committee and that the committee should develop a protocol on issues related to the role of the media in missing person investigations.**

E. Weighing the Merits of a Civilian Operated Missing Persons System

The Commission received several recommendations for a civilian operated missing persons system. The *In Memory of Our Falling Angels* report, prepared by an ad hoc group of participants as a follow-up to the Policy Forums, recommends that a service be created to assist persons after filing a missing persons report. After the report is taken, the reportee could be referred to this service. This service could provide support and advocacy for the family members and other reportees, including an explanation of the investigative process, and offer guidance on what to do next. The report made a separate recommendation that volunteers in the DTES should be available to provide information to individuals looking for missing family members in that neighbourhood. The local volunteers could provide

information about places to stay and services available, and generally provide guidance and information about the missing person investigation process.

The VPD would also like to see that a provincial organization be established to communicate information that would be helpful for families, communities and the media about how missing person cases are handled and how they can help. This is important, given that families and friends who are in a different jurisdiction from the place where the missing person was last seen often report missing persons. This agency could host the 1-800 number and the website discussed earlier.

Independent Counsel for DTES Interests, Jason Gratl, recommended the creation of a province-wide missing person intake system and a civilian operated missing persons system with clear and formal rules to transfer investigations to the appropriate police service if foul play is suspected. A civilian system could be more accessible for people who do not trust the police. Civilians could engage the kind of informal procedures and social media contacts that are already being used with some success.

In New South Wales, Australia, the Families and Friends of Missing Persons Unit (FFMPU) was established in 2000 as part of the Victims of Crimes Bureau of the Attorney General's Department. The FFMPU is an organization dedicated to co-ordinating support services for families and friends of missing persons. It has seven key objectives:

1. *To provide specialist counselling and support services to families and friends of missing persons;*
2. *To establish and maintain an Interagency Forum across government and non-government agencies;*
3. *To provide an information, referral and support service for families and friends of missing persons;*
4. *To develop relevant policies;*
5. *To promote administrative, legislative and social reform;*
6. *To produce high quality products to assist families and friends of missing persons; and*
7. *To raise community awareness regarding the issues affecting families and friends of missing persons.*²⁵⁴

The FFMPU provides free counselling and support, including crisis counselling, emotional and practical support, liaison and referral, information about search agencies, and support when families and friends are reunited with missing persons.

I do not have sufficient information to perform a cost-benefit analysis of

creating a civilian-based missing persons system, which could provide support, assist in locating missing persons and liaise with police in cases. One concern is that a civilian-based missing persons system might create another silo or communication barrier with police. However, this model does appear to have a greater ability to provide support and information services, leaving the police to focus on investigative functions. **I recommend that the provincial partnership committee consider these issues and develop a proposal for either an enhanced BCPMPC to meet these additional responsibilities relating to the needs of members of the public and in particular, reportees; or to create an independent civilian-based agency for this purpose.**

F. Recommendations for Improved Missing Person Policies and Practices

I make the following recommendations for the improvement of missing person policies and practices including fostering innovation and standardization:

- 7.1 That the provincial standards be developed by the Director of Police Services with the assistance of a committee consisting of representatives of the BC Association of Municipal Police Chiefs, the RCMP, representatives of community and Aboriginal groups, and representatives of families of the missing and murdered women.
- 7.2 That proposed provincial missing persons standards include at least 15 components:
 - Definition of “missing person;”
 - Criteria for the acceptance of reports;
 - Jurisdiction;
 - Missing Person Risk Assessment Tool;
 - Provincial Missing Person Reporting Form;
 - Standards related to interaction with family/reportees;
 - Initial steps – background information;
 - Supervisory responsibility/quality control;
 - Forensic evidence standards;
 - Coroners’ Liaison;
 - Monitoring outstanding missing person cases;
 - Automatic annual review of unsolved cases;
 - Closing missing person files;
 - Prevention and intervention; and
 - The role and authority of the BCPMPC.
- 7.3 That the provincial standards require a proactive missing persons process whereby police must take prevention and intervention measures including “safe and well” checks when an individual is found.
- 7.4 That best practice protocols be established for (1) enhanced victimology analysis of missing persons, (2) investigative steps in

missing person cases, (3) collaborative missing person investigations collection, (4) storage and analysis of missing persons data, and (5) training specific to missing person investigations.

- 7.5 That Provincial Government establish a provincial partnership committee on missing persons to facilitate the collaboration of key players in the ongoing development of best practice protocols for missing person cases. The committee should be chaired by a senior government official and include representatives of the missing and murdered women's families, Aboriginal organizations, community groups, service providers, police, and Victim Services.
- 7.6 That Provincial Government establish an agency independent of all police agencies with the purposes to include co-ordinating information, identifying patterns, establishing base rates, checking on police investigations, ensuring accountability for linked inter-jurisdictional series, and warning the public. It should provide oversight and analytic functions, but it should not be an investigating entity.
- 7.7 That provincial authorities create and maintain a provincial missing person website aimed at educating the public about the missing persons process and engaging them in proactive approaches to prevention and investigation.
- 7.8 That provincial authorities establish a provincial 1-800 phone number for the taking of missing person reports and accessing case information.
- 7.9 That provincial authorities develop an enhanced, holistic, comprehensive approach for the provision of support to the families and friends of missing persons. This should be based on a needs assessment carried out in consultation with the provincial partnership committee on missing persons.
- 7.10 That representatives of the media be invited to be members of the provincial partnership committee and that the committee should develop a protocol on issues related to the role of the media in missing person investigations.
- 7.11 That the provincial partnership committee develop a proposal for either an enhanced BCPMPC to meet additional responsibilities relating to the needs of members of the public and, in particular, reporters; or to create an independent civilian-based agency for this purpose.

PART EIGHT

ENHANCING POLICE INVESTIGATIONS OF MISSING
PERSONS AND SUSPECTED MULTIPLE HOMICIDES

One of the barriers police face in investigating missing person reports is that they do not have ready access to personal information about the missing person because it is protected through privacy legislation.

PART 8 – ENHANCING POLICE INVESTIGATIONS OF MISSING PERSONS AND SUSPECTED MULTIPLE HOMICIDES

A. Introduction

Inadequate policing support systems contributed to the critical police failures in the missing and murdered women investigations. These system failures include the lack of Major Case Management systems, inadequate systems for the management and analysis of information, inadequate systems for sharing information across jurisdictions, barriers to the collection of personal information about the missing women, and underdeveloped systems for the collection, storage and analysis of DNA. Police are handicapped without strong support systems; they are the foundation upon which policies and practices can be effectively operationalized. In this section, I focus on ensuring that police have access to the tools they need to meet the challenge of preventing violence against vulnerable women and for the initiation and conduct of investigations into missing women and suspected multiple homicides.

Policing has changed dramatically over the past decade, particularly with respect to the utilization of information technology. During the early part of the Commission's reference period, officers were taking notes by hand and e-mail was inconsistently used; today most cruisers are equipped with tablets. Detective Constable Shenher, who was in charge of the Missing Persons Unit and was the lead officer in investigating the murders, had no computer.

In this part of the report, I address three additional proposals to strengthen police capacity to effectively deal with investigations of missing women and suspected multiple homicides: missing persons legislation, provincial Major Case Management standards, and a national DNA databank. In Part 9 and Part 10, I make recommendations to improve co-ordination of these investigations across jurisdictions.

B. Missing Persons Legislation

Timely access to information is integral to the analysis of a missing person case and can be of vital importance in an investigation. The Commission found that an enormous amount of time was spent by police officers on basic data checks for information on the missing women. One of the barriers police face in investigating missing person reports is that they do not have ready access to personal information about the missing person because it is protected through privacy legislation. This inaccessibility presented a significant challenge in the missing and murdered women investigations and continues to be an obstacle today. This obstacle can be overcome through the adoption of provincial missing person legislation, providing a statutory basis for police to obtain access quickly, thereby expediting the investigation. Saskatchewan, Alberta and Manitoba have enacted this type of legislation. The Commission received numerous submissions supporting the adoption of British Columbia missing person legislation including

from family members, members of the public, the VPD and the RCMP; no dissent was voiced. **I recommend that Provincial Government enact missing persons legislation to grant speedy access to personal information of missing persons without unduly infringing on privacy rights.** This legislation should be enacted on a priority basis.

Overview of existing legislation in other provinces

In September 2009, Saskatchewan became the first Canadian jurisdiction to adopt missing person legislation on the recommendation of the Provincial Partnership Committee on Missing Persons. The Saskatchewan *Missing Persons and Presumption of Death Act*¹ provides the police in Saskatchewan with the authority to seek judicial authorization from the court for a warrant granting access to information, notwithstanding that it may be protected by any other law.² The legislation provides broad access to information, including financial information; information respecting accounts and transactions; telephone or electronic communication records; health information; identification information (including a photograph); and any other information the judge considers appropriate.

In the spring of 2010, the Alberta Association of Chiefs of Police passed a resolution asking the Government of Alberta to develop missing persons legislation. The Alberta *Missing Persons Act*³ passed into law on May 10, 2011. Subsection 1(b) of the Act defines a missing person as:

- (i) *an individual who has not been in contact with those persons who would likely be in contact with the individual, or*
- (ii) *an individual*
 - a. *whose whereabouts are unknown despite reasonable efforts to locate the individual, and*
 - b. *whose safety and welfare are feared for given the individual's physical or mental capabilities or the circumstances surrounding the individual's absence.*

The new legislation allows police officers to seek authorization from a Justice of the Peace to access personal information to help locate missing people, even if police determine a crime has not been committed. A warrant can be granted allowing police to search various kinds of records including cellphone and computer records, employment, education and health files, closed circuit television records, and financial histories. Previously, this information was only accessible if officers determined a crime had been committed. Pursuant to s. 4 of the Act, in an emergency situation police can make a direct written demand of any person, requiring that person to release information in their possession within a stipulated period of time.

There is ongoing debate about the balancing of rights with respect to

this legislation; critics say that the types of access granted are “far too sweeping.”⁴ However, there is an important safeguard in the legislation providing that the information gained cannot be used for any purpose other than locating the missing person.⁵ The Alberta Act also includes a provision for a comprehensive review of the operation of the Act five years after enactment.⁶

In April 2012, the Manitoba Government introduced a bill to provide the police timely access to the kind of information needed to solve cases involving missing people. In introducing the bill, Minister of Justice Andrew Swan said: “Helping families find loved ones who are missing is an extremely important job done by police services across this province. We know that timely access to information can be critical to the safe return home of a missing family member.”⁷ The Minister states that the Act balances privacy rights with access to important information because it contains protection to ensure the information access is confined to what is needed to resolve the missing person investigation.⁸ The *Missing Persons Act* was assented to on June 14, 2012.⁹ The legislation is similar to the Alberta statute.

The adoption of missing person legislation would provide the police with an additional tool to quickly locate a missing person or to assist in ascertaining whether foul play is involved. The experience in other jurisdictions is too new to review the strengths and weaknesses of the approaches. **I recommend the adoption of single purpose legislation, as in Alberta and Manitoba, with a provision for a comprehensive review of the operation of the Act after five years.**

C. Provincial Standards for Major Case Management and Electronic Case Management

One of my main conclusions is that the failure to follow Major Case Management (MCM) principles contributed to the failings in the missing and murdered women cases. I have referred to Mr. Justice Archie Campbell’s review of the Paul Bernardo investigation throughout this report and noted his emphasis on the importance of mandated provincial MCM standards. The Ontario government implemented this recommendation soon after the *Bernardo Review* was published. MCM is now widely used in British Columbia, but it is not mandated and provincial standards have not been adopted. This is an oversight that should be corrected forthwith.

I recommend that Provincial Government mandate the use of Major Case Management (MCM) for major crimes and that the Director of Police Services develop these MCM standards in consultation with the police community and through a review of best practices in other jurisdictions. These standards should include a definition of “major cases” or “major crimes.” All missing person cases that are not under active investigation and have been outstanding for more than six months shall be considered a “major crime.”

The standards should also incorporate a heightened review and accountability function. **I recommend that the Director of Police Services mandate accountability under the MCM standards by requiring that police forces:**

- **Provide an explanation as to why MCM was not used for a “major crime” in an annual report to the Director of Police Services;**
- **Notify the Director of Police Services of all “major crime” investigations that are not under active investigation and have remained open for more than one year. Upon receipt of such notification, the Director will appoint another police department to conduct an independent audit of the prior investigation and conduct such additional investigatory steps as it deems necessary, and report its finding to the Director and the originating police agency; and**
- **Conduct annual internal audits of a statistically valid random selection of MCM investigations to ensure proper compliance with the model.**

These measures will facilitate the development of best practices in MCM. The VPD and the RCMP report that they already carry out reviews of major cases. However, the additional measures recommended here will provide an important additional level of external accountability and contribute to the province-wide evolution of best practices in MCM over time.

In the VPD’s *Missing Women Investigation Review*, Deputy Chief Constable Doug LePard recommended the adoption of a common electronic MCM system for the whole province.¹⁰ However, the VPD did not repeat this recommendation in its policy submissions to the Commission. This may be because of the current emphasis on other effective shared information management and analysis systems such as the Real Time Crime Centre discussed later in this document. Given the huge problems faced by the VPD and the RCMP in the transition from the MWRT files to Project Evenhanded, it is important to ensure that systems are in place to facilitate a timely sharing of information between police agencies. **I recommend that issues related to a single electronic MCM system for British Columbia, as well as compatibility with cross-Canada systems, be reviewed as part of the consultation on MCM standards set out above.**

D. National Support Systems

In Part 2, I provided an overview of the Government of Canada initiative to establish a National Police Centre for Missing Persons and Unidentified Human Remains. This initiative promises to provide additional cross-Canada support for missing person cases, with an emphasis on missing and murdered Aboriginal women and girls. One outstanding issue is whether the new Centre will develop a national databank of missing persons.

The issue of a national Missing Persons Index or DNA databank has been

on the national policing agenda for more than a decade. Retired RCMP Deputy Commissioner Gary Bass told the Commission that he had testified in support of proposed federal legislation to establish a DNA bank for missing persons in 1998, but that the provision had been discarded due to opposition. He remains a supporter of this initiative.¹¹

The federal government prepared a consultation paper on a proposed national DNA Missing Persons Index in 2005.¹² The paper describes the purpose of a DNA MPI as:

*to identify anonymous human remains, and to help provide certainty to families and loved ones of missing persons in Canada. A DNA MPI would help law enforcement personnel to connect unidentified remains with a person who has been reported missing.*¹³

Members of the public who participated in the consultation supported the development of this Index, but concerns were expressed by some individuals and organizations about how to operationalize this initiative. Some of the concerns included whether the Index should be co-located with the National DNA Databank, whether it should include DNA profiles for relatives of missing persons, and whether an advisory or oversight body was needed.¹⁴ The central privacy concerns involve the inclusion of victim DNA and, potentially, samples from relatives.

In its 2012 report, the FPT MWWG noted that discussions are ongoing concerning a proposed Missing Persons Index. It was reported that at present, the Index is envisioned as:

*a database separate from the National DNA Data Bank, possibly with separate indices: human remains (unidentified human remains); personal effects of missing persons (voluntarily supplied but in accordance with guidelines and verification practices); and relatives of missing persons (voluntarily supplied, with measures to ensure active, informed consent).*¹⁵

The MWWG further noted that privacy concerns and other issues need to be resolved and it was recommended:

*that jurisdictions support further consideration of the feasibility and utility of a Missing Persons Index, including potential resolutions to privacy concerns relating to the possible cross-matching feature of the sub-indices and also subject to the ongoing review of the DNA Databank Scheme.*¹⁶

I urge the Provincial Government to take active steps to support the development of a National DNA Missing Persons Index and to assist in overcoming the impasse on outstanding concerns over its creation and operationalization.

E. Recommendations for Enhanced Police Investigations

I make the following recommendations to enhance police investigations of missing persons and suspected multiple homicides:

- 8.1 That Provincial Government enact missing persons legislation to grant speedy access to personal information of missing persons without unduly infringing on privacy rights. I recommend the adoption of single purpose legislation, as in Alberta and Manitoba, with a provision for a comprehensive review of the operation of the Act after five years.
- 8.2 That Provincial Government mandate the use of Major Case Management (MCM) for major crimes and that the Director of Police Services develop these MCM standards in consultation with the police community and through a review of best practices in other jurisdictions.
- 8.3 That the Director of Police Services mandate accountability under the MCM standards by requiring that police forces:
 - Provide an explanation as to why MCM was not used for a “major crime” in an annual report to the Director of Police Services;
 - Notify the Director of Police Services of all “major crime” investigations that are not under active investigation and have remained open for more than one year. Upon receipt of such notification, the Director will appoint another police department to conduct an independent audit of the prior investigation and conduct such additional investigatory steps as it deems necessary, and report its finding to the Director and the originating police agency; and
 - Conduct annual internal audits of a statistically valid random selection of MCM investigations to ensure proper compliance with the model.
- 8.4 That issues related to a single electronic MCM system for British Columbia, as well as compatibility with cross-Canada systems, be reviewed as part of the consultation on MCM standards set out above.
- 8.5 That Provincial Government take active steps to support the development of a National DNA Missing Persons Index and to assist in overcoming the impasse on outstanding concerns over its creation and operationalization.

PART NINE

COMMITTING TO A REGIONAL POLICE FORCE IN
GREATER VANCOUVER

In my 1994 report on policing in BC, I asked: "Can the regionalization debate be resolved?" Today, my clear message is that we must move beyond the debate to practical planning.

PART 9 – COMMITTING TO A REGIONAL POLICE FORCE IN GREATER VANCOUVER

One of this Commission's stark conclusions is that the fragmentation of policing in the Lower Mainland materially contributed to the failures of the missing women investigations. The Greater Vancouver area is the only major center in Canada without a regional police force. It is clear from the evidence that a regional police force stood a good chance of apprehending Robert Pickton much earlier. Greater regionalization of policing in the Lower Mainland has been under discussion for decades. As Retired VPD Inspector Dan Dureau said during the hearings: "My first day in a police car I was told we were going regional any month now and that was 1975."¹

The jurisdictional problems with the missing women investigations have been described in other areas of the report and I will not revisit them in detail in this section. Without doubt, one of the critical police failures in the missing women investigations was the failure to address cross-jurisdictional issues and the ineffective coordination between police forces and agencies.² At different points in time there were problems with sharing file information between the agencies with the result that investigators did not have access to all the intelligence that had been gathered about Pickton's activities. Joint meetings did not provide the same level of effective collaboration as would a properly coordinated multi-jurisdictional investigation. It took years before a Joint Forces Operation, Project Evenhanded, was established to further the investigation.

DC Evans noted that a quicker and more coordinated response would have resulted if "one police agency held the same jurisdictional control over both Pickton's residence and the DTES where the women went missing from."³ DC LePard observed that "the current structure causes investigations with regional implications to not be policed on a regional basis":

This disconnect was evidenced in the missing women investigations, and caused issues such as competing priorities, communication difficulties, and not having a single, large pool of resources to draw on. Investigators from the VPD and RCMP commented that barriers in the missing women investigation would have been minimized or eliminated had a regional force been in place.⁴

Furthermore, the VPD recognizes that the jurisdictional challenges with respect to missing person cases in the Lower Mainland are ongoing. Citing cases involving repeated sightings of a missing person in different locations, the VPD indicated that jurisdiction may be transferred to the various jurisdictions of the sightings with the result that no one police department conducts a fulsome investigation.⁵

In my 1994 report on policing in BC, I asked: "Can the regionalization debate be resolved?"⁶ Today, my clear message is that we must move beyond the debate to practical planning. I do not recommend yet another study on the feasibility of regional policing. A decisive step must be taken

to break this impasse. **I recommend that Provincial Government commit to establishing a Greater Vancouver police force through a consultative process with all stakeholders.** I note that this proposal is consistent with the International Association of Chiefs of Police model policy that states that detailed consultations toward integration of police forces should be based on a consensus that change is needed.⁷

A. Options and Issues

From the outset, it is important to be clear about the question and options at issue. “Regionalization” refers to the amalgamation of police agencies. It is important to distinguish regionalization from other forms of collaboration between policing agencies. For example, joint service delivery through “agreements” involves collaboration between entities that remain independent agencies, as was the case with Project Evenhanded, the Joint Forces Operation between the VPD and the RCMP. Meanwhile, “tiered” structures involve the use of local police agencies to provide general policing services and regional coordination for specialized services such as forensic, accounting and recruiting. This is a form of “rationalization” which refers to the implementation of shared delivery of specific services that may, but does not necessarily, involve amalgamation of agencies.

Given its clear mandate, the Commission prioritized the need to revisit the regionalization debate in light of the cross-jurisdictional issues that arose during the missing women investigations. The Commission did so as part of its study commission process. For this purpose, the Commission co-sponsored, with the Ting Forum on Justice Policy at Simon Fraser University, an expert roundtable on regionalization of the police on April 14, 2012. I co-chaired the event with Dr. Robert Gordon, Professor and Director of the School of Criminology. Invitations were sent to mayors and police chiefs in the Greater Vancouver area, to the RCMP, to participants who were granted standing at the Inquiry and to a number of additional experts on this topic. The group did not achieve a consensus in support of regionalization, rather there was an agreement that further information was required, particularly on the issue of costing.

The debate and discussion regarding a regional police service in the Greater Vancouver region and Capital Region has been ongoing for almost three decades. The VPD has advocated for a Greater Vancouver police force for some time. Meanwhile the RCMP takes no position on this topic. I agree with Dr. Gordon: this is not an RCMP issue or a VPD issue. Citizens do not generally distinguish between police forces when their safety is at risk; they simply want high quality police services to help them. Regionalization of police services in British Columbia is a matter that must be about ensuring effective and efficient policing. As Retired Chief Constable Bob Stewart said during the Commission’s consultation, “politics and policing are like oil and water.” My intention in making this recommendation is to minimize the impact of politics and to move toward a rational discussion about what form of regional police force is required to address the types of inter-

One legacy of the missing and murdered women should be to surpass these hurdles and resolve to rationalize police services, at a minimum in Greater Vancouver.

jurisdictional police failures that occurred in the missing and murdered women investigations. The focus must be on the future and the greater good to the region as a whole.

The pros and cons of regionalization are canvassed in several reports prepared for the Commission and are discussed briefly further on in the report.⁸ This discussion of regionalization is not exhaustive. My mandate for this Commission consists of making findings of fact and recommendations on how police solve multiple homicides in multiple jurisdictions. Based on this Inquiry, I conclude that it is time to stop deferring to the historical ad hoc planning that has resulted in fragmentation and to the local political concerns on the part of some municipalities. One legacy of the missing and murdered women should be to surpass these hurdles and resolve to rationalize police services, at a minimum in Greater Vancouver.

The large metropolitan regions in Ontario are served by regional police forces. There, regionalization of police services was generally achieved by the regionalization of municipal governments. Metropolitan Toronto was the first city in Canada to have a regional police force and the City of Ottawa was one of the last large metropolises in Ontario to regionalize its police force. The underlying interests of all municipalities can and must be taken into account in a regional police force. I fully understand the concerns of local municipalities that want a close connection to their police. For instance, Mayor Lois Jackson and Chief Constable Jim Cessford of Delta have both argued that a larger metropolitan police force would compromise community based policing. With respect, I disagree. The establishment of decentralized infrastructure with local precincts, for instance, could address the needs of local municipalities while still accomplishing the benefits provided by regionalization.

Integration is an Insufficient Response

The Commission received many submissions concerning the enormous changes in policing in the Vancouver area since Robert Pickton was arrested in 2002. Focus was placed on the positive impact of a greater integration of police service that reflected in what Mayor Richard Stewart of Coquitlam called the ongoing process of “hybridization,” a situation that was somewhere between 20 different police forces and a regional force.

Concerns over the limits of integration of policing across forces include insufficient accountability and oversight of integrated units, limits on integration across police forces due to cultural differences and inter-agency rivalry, institutional and structural barriers to communication and cooperation, and duplication of services (including emergency response teams, canine units, gang units, and patrol deployment patterns). Dr. Gordon spoke for the majority of participants in the Policy Forums when he said that the integrated team system is an attempt to get around the politics of police reform and to avoid the issue of regionalization; suggestions for integration are merely suggestions to prop up a broken system.

The greatest concern about integration, and one that can only be fully overcome through the establishment of a regional police force, is the lack of regional leadership and the ability to set and pursue regional policing priorities. I accept the position taken by the VPD that without a unified command structure, there are many people in charge, and when there are many people in charge, no one is in charge. In the words of Retired Chief Constable Bob Stewart, where there are a half a dozen leaders, “the buck stops nowhere” – no one is accountable. It is worth reiterating DC Evans’ conclusion in this regard:

In multi-jurisdictional cases, investigators are often disadvantaged due to the difficulty in assessing who has authority over the case. I believe this was a significant factor and was more than evident with the Pickton investigation. Jurisdiction played one of the most significant factors in how this entire case was managed. While there was ample evidence of cooperation and communication between various police agencies, breakdowns began when the case became formidable.⁹

I agree. While there was much cooperation between the officers of both forces, there also appears to be considerable rivalry between the VPD and the RCMP as institutions; with each being critical of the other’s actions and steps taken. The simple fact of having the same tragedy being investigated by two different institutions, with similar skills and tools, demands either comprehensive and open communication (through agreements), or integration (through regionalization, rationalization and tiered arrangements). The justice system and the public have had many conversations and consultations about adapting the current policing model to better apply these different approaches; the move from discussion to implementation is long overdue.

I accept the position taken by the RCMP that no matter how large the regional police force, there would always be a boundary, and therefore regionalization is not a cure to issues that arise in inter-jurisdictional investigations. I agree with former Deputy Commissioner Peter German that “regional” is not a panacea for everything. That being said, a Greater Vancouver police force would dramatically lower the number of jurisdictional barriers. I address other mechanisms to facilitate cooperation in Part 10.

Reasons in Support of Creating a Regional Police Force

Cooperative enforcement and improved effectiveness in providing safety and security

Regionalization could greatly improve cooperation and coordination between law enforcement personnel in agencies that are currently operating independently. While separate police forces can come together to respond to serious, sophisticated or multi-jurisdictional crime, two different forces working together may cause problems. For example, issues arise when

separate forces investigate a crime together because each force may have its own case management system, command structure, training standards and information management software, among other things. As a result, the forces may not come together in a “seamless” way.¹⁰ Further, mechanisms for accountability and follow-up may be lacking or inconsistent when collaboration is based on ad hoc arrangements.

In 2008, Professor Griffiths and Mr. Easton prepared a report on regional policing for the Vancouver Police Board and Chief Constable Jim Chu, which the VPD released as a discussion paper entitled *Options for Service Delivery in the Greater Vancouver Region: a Discussion Paper of the Issues Surrounding the Regionalization of Police Services*. Relying on a report from the Ministry of the Solicitor General, the discussion paper states that the government of the Province of British Columbia “noted that a regional police service would, with sufficient resources, have the flexibility required to provide superior service to a greater extent than a smaller police service.”¹¹ Successful cooperation can have significant implications for ensuring effective service delivery, including responding to and investigating complaints. Responsive systems require integration and the ability to adapt.

Observers have argued that regional police forces can provide better service for protecting citizens, by undertaking quality investigations, adequately deploying patrol resources to deal with emergency situations, and responding faster to emergency calls.¹²

Centralized operations helps to ensure that decision-makers have the information they require to shift resources appropriately in response to demands and priorities. Benefits of a regional police service identified by provincial and municipal officials, members of a regional police board, and senior police leaders in Ontario include the following:

- Better equipment;
- More staffing;
- The ability to mount, and support, specialty squads, and the ability to maintain an interface between specialty squads and the service as a whole;
- The ability to back-fill positions;
- The ability to move people and expertise across the region in a seamless manner; and
- The ability to supplement staffing levels in one district from another, should levels fall below the mandated staffing minimums.¹³

Regionalization can allow the police to create strategic plans and set priorities across the region for issues such as youth gangs, regional crime reduction and gang violence, among others, and generally ensure that existing resources are deployed effectively.¹⁴ It can further enable long-range and contingency planning and research.¹⁵ This is particularly so for combatting multi-jurisdictional crime and prioritizing crime.

Regionalization could also create better co-ordination to respond to major

incidents. With regionalization comes a single procedure and central command to respond to planned celebrations, riots, natural disasters and terrorist attacks.¹⁶

Improved communication, access to information and accountability

Communicating appropriately and effectively is an essential aspect of successful operations, including policing. As discussed in Volume IIB, criminals often exploit jurisdictional boundaries to evade the criminal justice system. The VPD submissions acknowledge that communication issues between the agencies are an example of problems with a segmented policing model. Inadequate communication between the VPD and the RCMP, including isolation of agents, lack of cooperation between agencies, and miscommunication of information, contributed to the failures in the missing women investigations.

A regional police force can provide for sound organizational and operational structure. Regionalization can allow for the implementation of consistent accountability mechanisms on the assignments of tasks and progress on investigative strategies. Regionalization could also provide for superior file management systems with established procedures and standards for proper record keeping, bring-forward dates, follow-up steps, and the transferring and closing of files. Ultimately, improved internal communication and reporting systems can lead to better information sharing and decision-making.

Capacity to deliver specialized services

Complex crimes require sophisticated responses. Cooperative information sharing can help ensure that officers and investigators have the necessary information to fulfill their duties. Lacking size and specialization, smaller police forces mainly focus on front line policing. They are often unable to address or respond to certain types of crime, such as organized crime or homicides, which require quick mobilization of resources, critical mass of officers and expertise. Therefore, larger urban agencies are often left to address these types of crime due to their capacity and because, for organized crime, they police the areas where it tends to operate.¹⁷

Regionalization, and the increased size that it brings, may allow for increased specialization within the force. Therefore, in a regionalized model, municipalities can have improved access to specialized services that are currently unavailable or difficult to secure. These include services that are expensive, used infrequently, or that require specialized training and equipment, such as emergency response teams, forensic laboratories, and special investigation and enforcement units. Further, uniformity in access to these services can guard against criminals exploiting policing jurisdictions that have fewer resources and/or less sophisticated systems.

Large forces can initiate and maintain specialty squads, squads dedicated

to sophisticated, violent or cross-jurisdictional crime, and maintain an interface between specialty squads and the whole service.¹⁸ Specialization can also include a community crime prevention component. Large forces may be better able to dedicate resources to community crime prevention programs, victim and witness services, storefront police stations, beat patrols, generalist patrol officers and other programs that put police officers in contact with the public.¹⁹

Financial benefits

Although the regionalization of police services, in and of itself, does not decrease operating costs, it does have great potential to reduce the “hidden costs” of delivering police services through different agencies in the same region. For example, common police recruitment and training could lower costs by reducing the number of training facilities necessary and ensuring all recruits are trained to use the same equipment.²⁰ Costs may also include the additional expenses associated with failing to apprehend serious offenders quickly or lacking sufficient resources to conduct investigations that lead to convictions.²¹ The VPD submits that resource issues that arose in the missing women investigations are another rationale for moving toward regionalized policing in the Lower Mainland. While not an exhaustive list, a few of the financial efficiencies that could be achieved through regionalization include:

- Economies of scale in the use of specialized resources and bulk purchasing (buying equipment and supplies in larger quantities);
- Savings by reducing duplication in administrative overhead through centralized records systems, infrastructure and staffing costs; and
- Reduced wage costs by amalgamating the organizational structures and eliminating duplicate positions.

The equitable distribution and sharing of resources across the region is an important economic rationale for regionalization.²² As I noted in my report in 1994:

Core city officials sometimes argue that a considerable amount of the crime in their municipalities is committed by citizens from suburban municipalities (the core-city syndrome). These officials say present law enforcement is not equitable because they must absorb the bulk costs of policing for the area. They argue that regionalization would provide more equitable distribution and sharing of resources.²³

In Greater Vancouver, the VPD and the RCMP provide specialty services that smaller agencies do not, including squads dedicated to homicides, gangs and drugs, surveillance teams, forensic ID services and crowd control. Smaller agencies rely on the VPD, RCMP and integrated teams for these services and, generally, do not pay for them. On occasions when payment is made, it does not capture the full cost, such as equipment depreciation and training costs. As a result, city taxpayers subsidize municipal police agencies and municipal taxpayers receive police benefits

they do not pay for.²⁴ Regionalization can also help ensure that the costs of enforcement are assessed and distributed according to areas of need rather than having some municipalities bearing the costs of enforcement that are disproportionate to their financial capacity.

Professional and career development

Regionalization could provide for developing standardized recruitment and training processes, improved consistency across roles and responsibilities, including flexibility in deployment to various assignments, opportunities for professional development and advancement, promote equity in wage compensation, benefits and working conditions across municipal boundaries, and eliminate retention problems of smaller municipalities.²⁵ Increased efficiencies in service delivery could also provide for more consistent and comprehensive supports for police agents. These types of consistencies could help cultivate a more collaborative, and less competitive, culture in the agency. These improvements could help work toward a more satisfied workforce and better service delivery.

Community relations and law enforcement equity

The importance of developing a stronger relationship between policing agencies and the communities they serve is at the forefront of this recommendation. The Commission has heard the call for consistency in service delivery and, as set out in Volume IIB, considers this to be an extremely important issue that played a role in the missing women investigations. The different responses of the policing agencies and inadequate communication with the DTES community are problems with the missing women investigations that could be addressed through regionalization.

Enhanced uniformity through regionalization could also extend to rationalization of police accountability and public complaint processes. For example, in the Vancouver region, independent municipal police services are accountable under the BC *Police Act*, R.S.B.C. 1996, c. 367 and the RCMP is accountable under the federal *Royal Canadian Mounted Police Act*, R.S.C. 1985, c. R-10 (VPD Planning at 15-16). Without regionalization, citizens in different areas of the region may be required to follow different processes to pursue complaints.

Ultimately, regionalization can promote equity in law enforcement: all citizens in a given region are provided the same quality of service and personnel.²⁶ More clarity and uniformity in the policies and procedures of a regional police force could help address confusion among the public about what services are available, and how those services will respond to their concerns and complaints. This is one important step to strengthen positive relations between police agencies and the community.

Multiple Options for a Regional Police Force

Studies indicate that there are multiple models for a regional police force that could work in the Greater Vancouver area. The VPD's 2008 discussion paper set out three options: status quo, amalgamate and regionalize police forces in the Greater Vancouver Region; and create a hybrid model (regional police service and local police services).²⁷ During the Commission's forum, Dr. Gordon presented three options for a more rational model of police service delivery in Greater Vancouver. I set these out briefly here to provide a sense of the expansiveness of options that could be considered.

The first option is a Single Police Service Model, which involves creating a single provincial police service, governed by a semi-independent police authority, overseen by a Provincial Government ministry. This model is, and has always been, used in Australia and New Zealand. In Australia, which is a federal polity similar to Canada in its constitutional structure, provincial police services are complemented by an overarching federal police service. Dr. Gordon refuted the concern that a provincial service would be detached from the community: this is simply not so, as long as the service is properly set up. A large police service, properly constructed and administered with community advisory boards, will ensure proper community priority setting and oversight. The main advantages are massive economies of scale; a single set of standards; a single government authority calling the shots without interference with operations; single recruitment, training, and complaint systems; and so on.

The second option is a Multi-Region Policing Model, which would have some of the benefits of shared provincial standards and training but would be organized along regional lines. Dr. Gordon did not believe that this model was appropriate for British Columbia at present.

The third option is a model that combines Provincial and Regional Policing. Dr. Gordon expressed the view that this model is the most viable option for the province and a very effective model. The regional policing bodies would be similar to regional health authorities. Dr. Gordon was of the view that it was important not to extrapolate too much from Ontario, which has city, regional and provincial police services: that model is not readily adaptable to our province.

I do not express support for any particular model at this time. I include this overview here only for the purpose of showing that the commitment to a regional police force is simply a new, effective starting point for the discussion. It is not intended to foreclose a thorough canvassing of the cost and benefits of options for a Greater Vancouver police force.

Issues and challenges

Regardless of the model selected, the transition process will require skillful planning. A number of issues and challenges were identified during the

Commission's consultations. Some of these are also canvassed in the VPD's *Options for Service Delivery in the Greater Vancouver Region* discussion paper as arguments in opposition to the creation of regional police services.²⁸ These issues and challenges include:

- Cost implications;
- *Need for clearer economic data on the costs of various models and transition costs;*
- *Organizing and managing the transition;*
- *Timing of transition must be gradual;*
- *Funding start-up/transition;*
- *Personnel issues, such as negotiating collective agreements and benefits, the loss of senior positions and the impact on promotional opportunities;*
- *Changing the physical infrastructure, equipment, etc.;*
- *Training, retraining, transfer and recruitment;*
- *Domination of smaller forces by larger ones;*
- *Deciding who will continue to do the policing;*
- *Accountability issues are key;*
- *Loss of community control;*
- *Reduction in service levels;*
- *Effectiveness issues, such as miscommunication, isolation, and lack of cooperation;*
- *Confidence and trust in police is critical.*

Process issues

These issues and challenges can be resolved through a strategic approach based on a commitment to a regional, accountable police force that maintains adequate links to communities within the region. Resources have to be devoted to this change process, or it won't happen. Provincial leadership is key.

The consultation process should be based on the Provincial Government's commitment to move forward; the process had to be well-designed and integrate stakeholders, from the community perspective, the municipal leadership perspective, and police institutions.

Information and analysis are required to support this design consultation process to develop the optimal model for the Greater Vancouver regional police force. This information gathering process could include:

- A current analysis of what is working well now and what is not;
- A review of both successes and failures;
- An economic analysis of the costs of the current system, including the costs to public safety, and any proposed models;
- Data gathered within an analytical framework to ensure insightful questions are asked, and the appropriate data is gathered and understood properly;
- An apolitical process through which to hear community views; and
- Independent performance and financial audits.

These issues and challenges can be resolved through a strategic approach based on a commitment to a regional, accountable police force that maintains adequate links to communities within the region.

It is time for the Province of British Columbia to commit to the creation of a unified police force and to set up an independent evaluation and consultation process to develop the best model and implementation plan for a Greater Vancouver police force.

Independent third parties are required to facilitate this process to ensure that all stakeholders should be involved in this discussion and all affected communities should have a voice in any new structure that is proposed. **I recommend that Provincial Government establish an independent expert committee to develop a proposed model and implementation plan for a Greater Vancouver police force.**

I recognize that there are outstanding questions as to the best model to employ and how to efficiently manage the transition. I underscore that the barriers to a regional police force for Greater Vancouver are political; they have nothing to do with better policing. This is not a new debate and the divisions are clearly drawn between advocates and detractors of a regional police force. The challenge is to find a balance between local control and input while getting the benefits of regional policing.

In light of the clear findings of this Inquiry, this situation of a stalemate cannot be allowed to continue to prevail. It is time for the Province of British Columbia to commit to the creation of a unified police force and to set up an independent evaluation and consultation process to develop the best model and implementation plan for a Greater Vancouver police force. As Dr. Rossmo stated: history tells us there will be another serial killer, and in those circumstances there must be a strong effective response. Let's not wait for the next Robert Pickton to strike.

B. Recommendations for Regional Policing

I make the following recommendations respecting a regional police force:

- 9.1 That Provincial Government commit to establishing a Greater Vancouver police force through a consultative process with all stakeholders.
- 9.2 That Provincial Government establish an independent expert committee to develop a proposed model and implementation plan for a Greater Vancouver police force.

PART TEN

FACILITATING EFFECTIVE MULTI-JURISDICTIONAL
RESPONSES TO CRIME

PART 10 – FACILITATING EFFECTIVE MULTI-JURISDICTIONAL RESPONSES TO CRIME

Even within the context of a regionalized police force for Greater Vancouver, there will always be the potential for serial predators to operate across jurisdictional boundaries. Informal communication and collaboration abounds, but does not meet the requirements of close collaboration required in major cross-jurisdictional cases. The issues involved in the investigation of major crimes are quite different from the situation of services provided through integrated units on an ongoing basis. Much progress has been made on this front since 2002; however, the spectrum of breakdowns on communication and collaboration between policing agencies remains real. This concern over “institutional separateness” was described well in a letter from a senior police officer reproduced in the *Bernardo Review*:

“Institutional Separateness”

(4) Another problem that negatively impacts on such investigations from the start is institutional separateness. Members of one agency just aren’t used to working with members of other services who are pursuing the same killer. This hesitancy comes from “institutional memories” about how previous investigations were shared amongst different agencies, particularly when things went badly. When things went wrong, it was the other guys fault. When things went right, credit wasn’t shared equally. The more cunning killers intentionally abduct victims from one jurisdiction and eventually dump their bodies in another because they know that bickering alone between members of different police agencies will delay or even prohibit any meaningful investigation (i.e. Bernardo).¹

The Commission is specifically mandated to “recommend changes considered necessary respecting homicide investigations in British Columbia by more than one investigating organization, including the co-ordination of those investigations.” Greater co-ordination of major crime investigations can be achieved in a number of ways: by strengthening inter-jurisdictional structures and protocols; by establishing cross-jurisdictional systems; and by transforming cultural practices within police agencies in order to facilitate cross-agency cooperation. The Commission received numerous submissions on these topics.

The policy submissions of the VPD and the RCMP detail the progress made toward facilitating effective multi-jurisdictional police responses to crime. Some of the developments highlighted by the RCMP are: a growing number of integrated teams (partnerships between RCMP and municipal police departments); regional duty officers who provide day and night reports and briefing notes on high-risk cases, and share information around the region; a Lower Mainland Strategic Communication Centre; and district-wide protocols for responses to high-risk major crimes, which include protocols for risk assessment, reviews and information sharing.

Information is shared between police forces through meetings, communication bulletins and shared databases. All police departments

in BC use PRIME, an information management database developed at the request of the British Columbia Association of Chiefs of Police. Investigators in all police departments in BC can access information, or find a point of contact to access information, for major crime investigations, about files in BC. Other databases provide similar access.

The VPD has also taken steps to improve its response to multi-jurisdictional crime that emphasizes proactive analysis and rapid response that has resulted in a dramatic reduction in the homicide rate in Vancouver. The VPD is a nimble and flexible organization allowing it to change form and muster resources quickly; for example, it is able to put together a team of 20 to 50 investigators within hours. The model works because it allows the VPD to respond quickly.² As a result, VPD members are not in favour of an integrated model such as the Integrated Homicide Investigation Team, although the VPD does recognize that focused integrated investigations can be effective.

Many of the submissions received highlighted the cultural differences between the RCMP and municipal police departments as a barrier to effective multi-jurisdictional investigations. These differences exist from the management level to the patrol level, even though there can be effective cooperation between officers at an individual, ad hoc level. One key to transcending these differences is through increased basic and advanced training on the importance of collaboration.

Another important recommendation made by sex worker and activist Susan Davis is for the development of an integrated strategy on the sex trade and the protection of women, to overcome differences in approaches between police forces across the province. New Westminster Police Service Detective Constable Judy Robertson made a similar recommendation noting that women involved in the sex trade do not stay within jurisdictional boundaries, so police should work together in a way that bridges boundaries as well.

All in all, it is clear that solutions must be multi-dimensional and include technological integration, structure, policies and practices, and cultural dimensions. I have already addressed capacity-building and increased standardization of police policies and practices throughout this report and, in particular, in Part 7 on improved missing person investigations. For example, I recommended the enhancement of the analytical capacity to identify cross-jurisdictional series of crimes through the establishment of an independent agency dedicated to this purpose.

In this section, I recommend three additional mechanisms to facilitate an effective multi-jurisdictional response to crime and, in particular, to major crimes: provincial standards for multi-jurisdictional and multi-agency investigations, a protocol to guide the establishment of a Joint Forces Operation, and enhancing the capacity for regional crime fighting.

Provincial Major Case Management standards will help to overcome organizational diversity and should include detailed standards for various aspects of multi-jurisdictional Major Case Management.

A. Multi-Jurisdictional and Multi-Agency Major Case Management Standards

Provincial Major Case Management standards (MCM) will help to overcome organizational diversity and should include detailed standards for various aspects of multi-jurisdictional Major Case Management. Both Ontario and Alberta have made significant progress in this regard. For example, the Ontario MCM Manual sets out detailed standards for various aspects of multi-jurisdictional Major Case Management including identification systems; the role of the Serial Predator Crime Investigations Coordinator, Multi-Jurisdictional Major Case Manager, Major Case Management Executive Board, Joint Management Team and Investigative Consultant Team; and multi-jurisdictional major case investigative functions and responsibilities. These standards include criteria for activation and the use of interdisciplinary expertise. The multi-jurisdictional Major Case Management process is illustrated in a flow chart, which highlights the differences between the management of a multi-jurisdictional case by comparison with a single jurisdiction case.³

I recommend that the Director of Police Services mandate provincial standards for multi-jurisdictional and multi-agency investigations to be incorporated into the provincial MCM standards referred to in recommendation 8.2. These standards will provide a solid framework for multi-jurisdictional and multi-agency investigations. MCM training often includes training in inter-jurisdictional collaboration, and this could be enhanced through professional development training provided in conjunction with the adoption of the new provincial MCM standards.

These standards should be augmented through the development of protocols for the operation of multi-jurisdictional major case investigations. The Commission heard substantial evidence about the difficulties in triggering a Joint Forces Operation for the missing and murdered women investigations. One of the main causes was the difference in perspective between the investigators and senior management on the need for such an operation. In his will-say statement, Retired RCMP Inspector Keith Davidson proposed the establishment of:

a formalized process or system through which an investigative team can present a proposal for a JFO, or for more resources for an investigation, to a panel of command-level staff from the originating police department and with representation from the provincial police force.⁴

Based on his experience, a panel of decision-makers “would reduce the influence of personal biases, stereotypes and beliefs, and a requirement for a written decision would encourage a principled basis for their decision.”⁵ This would encourage a more objective assessment of the evidence. In his view, the process could be structured in a number of ways to ensure proper accountability and controls, as long as the process was “clear, well defined and responsive.”⁶

In light of my conclusions regarding the critical police failures in the missing and murdered women investigations, I agree with the concerns expressed by Retired Inspector Davidson and am generally supportive of his proposal. **I recommend that the Director of Police Services consult with the BC Association of Police Chiefs and the RCMP to create a protocol or framework for multi-jurisdictional major case investigations to ensure the timely and seamless implementation of multi-agency teams, including a provision for an independent panel to resolve disputes regarding when the protocol should be triggered.**

B. Regional Crime Fighting

The Commission received many submissions in favour of an enhanced capacity for regional crime fighting. Often these proposals were couched as an alternative to a regional police force; if full regionalization is not obtainable in the short term, intermediary steps should be taken. I have already taken a position in favour of a Greater Vancouver police force, but I also see room for enhancing regional crime fighting through the establishment of a Real Time Crime Centre. In the transition period toward regionalization, I agree with the VPD's recommendation of obligatory regular meetings of policing agencies in the Lower Mainland and an interim protocol for regional priority setting for crime fighting.

A Real Time Crime Centre (RTCC) is an intelligence centre for information sharing and crime analysis, with the capacity to look at regional issues and come up with regional solutions. During the Policy Forums, Dr. Rossmo explained the operation of the Real Time Crime Centre in Texas and Sergeant John Hebert described the Real Time Crime Centre in Calgary, a central repository for analytics, intelligence, investigative support, communication, and so on, that serves the entire city. RTCCs are currently in operation in other large jurisdictions, such as New York, Los Angeles, Chicago, Philadelphia and Memphis.

In its policy submission, the VPD describes how an RTCC works:

An RTCC typically consists of a secure data warehouse with a powerful mainframe computer containing such information as computerized police records, call records, arrest records, jail records, street check data, traffic ticket data, accident data, automated licence plate reader data, global positioning system data, investigative case files, intelligence reports, crime analysis reports, close-circuit television (CCTV) feeds, mapping data and satellite imaging data.

Once the data is stored in the RTCC mainframe, the staff at the RTCC use advanced indexing, analytical, data mining, mapping and search software with integrated search capabilities which enable officers and analysts to quickly query and cross-reference multiple data sources simultaneously. Automated alerts notify frontline officers and detectives when suspicious patterns become apparent or when critical information becomes available. Other tools like linkage analysis software, artificial intelligence programs, 3-D visualization tools, video analysis tools, translation capabilities, text recognition

software, fingerprint recognition software and facial recognition software can also be considered. Finally, the RTCC staff members communicate the information identified by the system back to the front line officers.⁷

Marked improvements in information sharing between police forces has not been matched by the skills and technical ability to analyze crime trends, suspicious activity, human source information and other forms of intelligence, to develop effective policing strategies. An RTCC would help to fill this gap.

The VPD is currently in preliminary discussions with other police agencies in Metro Vancouver, including the RCMP. Some limited steps have been taken in this direction. The RCMP has developed a Provincial Intel Centre, providing a multi-jurisdictional approach to gathering crime intelligence and conducting analysis. During the Policy Forums, representatives of the RCMP reported that this centre was set to begin operations in the Lower Mainland in the summer of 2012. The centre is to be staffed by agencies throughout the Lower Mainland and with provincial resources. Its focus will be on gangs and organized crime, but it will also look at other emerging crimes.

I recommend that Provincial Government move expeditiously to implement a regional Real Time Crime Centre. A regional RTCC is supported by the VPD, the RCMP and other police agencies in the Greater Vancouver area and has the potential to facilitate effective multi-jurisdictional responses to crime, including strengthening the capacity for proactive approaches that reduce serious crime.

C. Recommendations for Effective Multi-Jurisdictional Policing

I make the following recommendations for effective multi-jurisdictional policing related to the investigation of missing persons and suspected multiple homicides:

- 10.1 That the Director of Police Services mandate provincial standards for multi-jurisdictional and multi-agency investigations to be incorporated into the provincial MCM standards referred to in recommendation 8.2.
- 10.2 That the Director of Police Services consult with the BC Association of Police Chiefs and the RCMP to create a protocol or framework for multi-jurisdictional major case investigations to ensure the timely and seamless implementation of multi-agency teams, including a provision for an independent panel to resolve disputes regarding when the protocol should be triggered.
- 10.3 That Provincial Government commit to moving expeditiously to implement a regional Real Time Crime Centre.

PART ELEVEN

ENSURING POLICE ACCOUNTABILITY TO THE
COMMUNITIES THEY SERVE

Change is required in the overall government model for policing in order to ensure greater accountability of police to the communities they serve.

PART 11 – ENSURING POLICE ACCOUNTABILITY TO THE COMMUNITIES THEY SERVE

One of the four major themes of the Commission's recommendations is enhancing police accountability to the community. One of my findings is that the critical police failures were partially attributable to the weaknesses in the external accountability mechanisms reflecting the situation of the Vancouver Police Board during the reference period.

Accountability measures are varied and include the proposals for provincial standards, police audits, training, and individual performance measures and informal feedback mechanisms at the officer level – set out earlier in the report. Moreover, effective community policing, by definition, increases police contact with and accountability to the community through regular meetings and direct input on policing priorities. Here, I consider police accountability from a more holistic perspective and focus on the role of police boards as the intermediary between the community and police. Change is required in the overall government model for policing in order to ensure greater accountability of police to the communities they serve.

A. Accountability Themes

The Commission heard a number of recurring accountability themes in its consultations. Family members were particularly vocal about their disappointment in the lack of accountability they perceived in their dealings with police, and wanted changes to the system so that more could be done when officers behaved inappropriately or failed in their duties. They suggested the creation of an advocate or ombudsman to assist with police complaints. They also wanted a mechanism outside of the police force for holding individual officers accountable, such as a citizen's accountability board. It was also suggested that a neutral, non-police body could act as an intermediary to hear such complaints and make general recommendations on an annual basis. Some family members felt that there should be an independent body entrusted with dealing specifically with sex workers' complaints, such as persistent stories about police raping women or requiring sexual favours from them in exchange for not arresting them.

During the Policy Forums, discussions centered on the police failure to marshal the resources needed to conduct effective investigations because of indifference, bias and/or poor risk assessment. Accountability in this context concerns allocation and prioritization of resources in police and government decision-making, and the community's involvement in oversight. It also concerns the conduct of individual officers in carrying out their duties. The focus was on issues of community input into priorities and police discipline, and whether changes are needed in existing systems.

As in the family consultation, several community members spoke about the alleged misconduct of police officers including the failure to provide protection, particularly with respect to vulnerable women, and the failure

of the current accountability system to address those allegations. Similar themes were raised during the DTES consultations. The police, and particularly the VPD, deny these allegations and in reporting the outcome of consultations I do not comment on the validity of these general statements. I do highlight that, at a minimum, the comments reflect a serious distrust of the police.

Concerns were expressed about the current system's response to community complaints. Many of these concerns were raised by Ann Livingston, a representative of VANDU and relative of Elsie Sebastian. She said that the Mayor should not be on the Police Board; rather the Chair should be in a non-political position. She also noted that the Police Board appears to have no function with respect to accountability. Moreover, she identified community concern that some accountability issues, notably the treatment of the entire DTES neighbourhood, did not qualify as something the Office of the Police Complaint Commissioner could investigate, leaving the community with little or no recourse. This was also noted by Dr. Kim Rossmo: the police complaint system is designed to deal with specific incidents of individual police officer misconduct, not larger systemic problems. To identify underlying problems, such as the organization not functioning as the community thinks it should, patterns of offences or complaints not amounting to offences must be examined.

Both Dr. Mike Webster, a police psychologist, and Dr. Robert Gordon, a professor of criminology, emphasized that a wide range of controls on police is needed in order to ensure they are fully responsive and responsible to the communities they serve. To address more widespread concerns, Dr. Gordon said that accountability must encompass more than receiving and investigating complaints of police misconduct. It requires a structure to administer the police: an independent authority for control, oversight, allocation of resources (including financial audits), resolution of complaints, and a community board to set out the priorities of police. In the view of many of the Participants in the Policy Forums, the current Police Board structure does not perform all of these functions. Additionally, the current accountability mechanism is unclear and confusing because some provincial accountability mechanisms do not apply to the RCMP. Numerous recommendations were made to improve accountability, such as the creative application of "mystery shopping"¹ conducted by an external body to determine what police are doing, including with respect to accepting reports of missing persons.

Furthermore, as noted in Part 9, police accountability issues are inextricably connected to the issue of a regionalized police force.

B. Toward Empowered Community Oversight

The Commission does not have a mandate to re-imagine the police accountability system in British Columbia. I agree with the general call for a more holistic approach to police accountability. **I recommend that**

the accountability structure for the Greater Vancouver police force incorporate a holistic approach that provides oversight on both an individual and systemic level and is fully responsive and responsible to the communities it serves. Retired Chief Constable Bob Stewart recommended the move to a police commissioner model and Dr. Gordon recommended that a series of community boards could feed input into a regional board. Both of these options should be considered in the design process for the new regional police force.

In addition to this general recommendation, I make a number of proposals to empower police boards so that they are better able to carry out their community oversight function.

First, police boards should be truly representative of the communities they serve and be independent of municipal and provincial politics. In the 1994 report on policing, I recommended that mayors not serve as chairs of police boards, and the importance that I have placed on this recommendation has strengthened in the intervening years, and especially in light of the Commission's findings. In his testimony, former Mayor Philip Owen agreed that mayors should not serve in this capacity.² A recent study on the functioning of municipal police boards in British Columbia by the Justice Institute came to the same conclusion.³ **I recommend that the *Police Act* be amended to provide that the Mayor is an *ex officio* member of the Board, but has no voting authority.**

I also recommend that additional steps be taken to ensure representation of vulnerable and marginalized members and Aboriginal peoples on police boards. In her testimony, former Vancouver Police Board member Elizabeth Watson agreed that it is useful for the Board to have a wide representation of the community on it.⁴

Angel Wolfe, daughter of Brenda Wolfe, recommended "disinvolvement of the current police board and new creation of a new board with Aboriginal and community representation."⁵ Independent Counsel for Aboriginal Interests recommended that each police board include, at a minimum, one representative from the Aboriginal community. Police Complaint Commissioner Stan Lowe recommended that community accountability committees be developed. These committees should include a representative who would bridge the gaps between the police, marginalized communities, and the community at large, to create a regular dialogue about accountability in a broader way. Both of these recommendations are sound.

Second, police boards need to be empowered to fulfill their important function through training, resources and other measures that ensure each board member has an understanding of her or his role. In her testimony, former Vancouver Police Board member Kinder Mottus spoke about the difficulties faced in this role:

...you do need to be able to feel that equal footing when you're walking through the door because you don't feel it. You really don't feel it. You are simply a layperson walking into a paramilitary organization who has a certain way of running and whether they want you to feel welcome or don't want you to feel welcome, there's a certain way that things are done and unless you feel that you have the ability to challenge and act on that equal footing, it's just a very difficult place to be.⁶

The processes undertaken by police boards are as important as their composition.⁷ The Justice Institute Study made the following recommendation:

To be strong, effective governing bodies, municipal police boards in British Columbia require strong support from the Police Services Division, an ongoing commitment to competency based selection of new board members, ready access to new board member orientation programs, and ongoing professional development opportunities. These support systems, coupled with an ongoing dialogue and focus on best practices in governance, will overcome the issues and challenges faced by police boards today.⁸

I agree with this conclusion. In addition, evidence before the Commission illustrated how important it is for police board members to have sources of information that are independent of the police force which they have the responsibility to oversee. **I recommend that police boards have access to greater resources from the Division of Police Services to gather and analyze information to enable them to better carry out their oversight functions.**

C. Recommendations to Increase Police Accountability to Communities

I make the following recommendations to increase police accountability to the communities they serve:

- 11.1 That the accountability structure for the Greater Vancouver police force incorporate a holistic approach that provides oversight on both an individual and systemic level and is fully responsive and responsible to the communities it serves.
- 11.2 That the *Police Act* be amended to provide that the Mayor is an *ex officio* member of the Board, but has no voting authority.
- 11.3 That additional steps need to be taken to ensure representation of vulnerable and marginalized members and Aboriginal peoples on police boards.
- 11.4 That police boards have access to greater resources from the Division of Police Services to gather and analyze information to enable them to better carry out their oversight functions.

PART TWELVE

ASSURING THE WOMEN'S LEGACY:
Implementation, Change Management
and Evaluation

PART 12 – ASSURING THE WOMEN’S LEGACY: IMPLEMENTATION, CHANGE MANAGEMENT AND EVALUATION

A. Introduction

I have concluded that the police investigations into the missing and murdered women from the DTES from 1997 to 2002 were a blatant failure. I acknowledge that the VPD and the RCMP have taken meaningful steps to improve their practices in light of this experience and commend them for these efforts. At the same time, as I set out in Part 3, these critical police failures have harmed the community’s trust in policing in fundamental ways. Furthermore, I have identified a number of additional reforms that are required to improve police practices and enhance the safety of vulnerable women across British Columbia.

I share with you the powerful call for change that the challenge issues to me by Lori-Ann Ellis, sister-in-law to Cara Ellis, in her testimony:

Mr. Commissioner, I do not envy the task that you have taken on as commissioner of this inquiry. I understand that the recommendations that you make at the end of the day could be an uphill battle to implement. This I know, this I know. All the work we have done and are doing today is looking at the problem that has been left in shadows for a long time. Let us use this inquiry for what it is. It is a way to shine light on the deplorable situation and make real changes. What has been done is obviously not working. You have the power to recommend changes that it be done and it must be done. Ask people working in the trenches. They look at these problems right in the eye every day. Ask them for help and listen to them. The lives of these girls were taken right, one at a time, right under the noses of the Vancouver Police Department and the RCMP. If we do not fix this now, maybe the next woman slain could be your daughter.¹

Many of the issues before the Commission are well-known; some, in fact, have been “studied to death.” The problem lies in the gap between our knowledge of what needs to be done and our ability to apply this knowledge to effectuate substantive change. I need only harken back to my earlier comments concerning unlearned lessons from reviews of other serial killer investigations to underscore this point.

In this final section, I set out two final recommendations with a view to addressing the gap between knowledge and action within a framework that acknowledges the complexities of the underlying problems that contributed to the police failures. In doing so, I am seeking a commitment from all involved to take the steps required to assure the women’s legacy of safety. This is a goal that can only be achieved if all responsible individuals and institutions work together in a concerted fashion.

B. Best Practices in Managing Change in a Complex Policy Environment

The Inquiry's mandate relates to very complex policy problems – even with the focus on policing. These complex policy problems are highly resistant to resolution. Successfully tackling the problems raised by the Commission's mandate requires a broad recognition and understanding that there are no quick fixes and simple solutions. These problems share a range of characteristics:

- They are difficult to clearly define: the nature and extent of the problem depends on who is asked, as different stakeholders have different views of what the problem is;
- They are often interdependent or co-exist with other problems and there are multiple causal factors;
- They usually have no clear solution;
- They go beyond the capacity of any one organization to understand and respond to;
- There is often disagreement about the causes of the problems and the best way to tackle them;
- They tend to be “socially complex” rather than “technically complex;”
- Usually, part of the solution to these problems involves changing the behaviour of groups of citizens or all citizens;
- Sometimes these problems are characterized by chronic policy failure and therefore appear intractable; and
- Attempts to address these problems often lead to unforeseen consequences.²

Successfully tackling the problems raised by the Commission's mandate requires a broad recognition and understanding that there are no quick fixes and simple solutions.

All of these pose challenges to traditional approaches to policy-making and program implementation. Complex policy problems require governmental and non-governmental agencies to work together in new ways and through novel processes.

A number of best practices for managing the change process entailed by the Commission's recommendations include:

- Successfully working across both internal and external organizational boundaries;
- Engaging citizens and stakeholders in policy-making and implementation;
- A principle-based rather than a rule-based approach;
- Implementation processes that involve continuous learning, adaptation and improvement;
- Developing innovative, comprehensive strategies or solutions that can be modified in light of experience and on-the-ground feedback; and
- Designating a leader to manage the change process.³

Throughout the report, I have framed my recommendations to include collaborative engagement processes to develop detailed proposals and oversee implementation. I have also highlighted the importance

Let us not fail the women again: this is a critical moment to regain public trust and the opportunity must be seized.

of specifically engaging family members of the missing and murdered women, Aboriginal communities and community groups representing vulnerable and marginalized women. I carry these recommendations through to my overall recommendations for implementing this report. It is important to acknowledge that a leader or champion will be required to spearhead and manage the implementation process given the breadth of my recommendations and the number of institutions and agencies involved in their implementation. I was very taken by the VPD's recommendation for a champion for the vulnerable and marginalized in the DTES in its *Project Lockstep Report* and based my recommendation on this idea. **I recommend that Provincial Government appoint an independent advisor to serve as a champion for the implementation of the Commission's recommendations. This appointment should take effect within 12 weeks of the release of the report. I also recommend that the independent advisor work collaboratively with representatives of Aboriginal communities, the DTES, and the victims' families in the implementation process.**

Let us not fail the women again: this is a critical moment to regain public trust and the opportunity must be seized.

C. Recommendations for Measures to Assure the Women's Legacy

I recommend that the following measures be taken to assure the women's legacy through the implementation of all of this Report:

- 12.1 That Provincial Government appoint an independent advisor to serve as a champion for the implementation of the Commission's recommendations. This appointment should take effect within 12 weeks of the release of the report.
- 12.2 That the independent advisor work collaboratively with representatives of Aboriginal communities, the DTES, and the victims' families in the implementation process.

PART THIRTEEN

CONCLUSION AND SUMMARY
OF RECOMMENDATIONS

PART 13 – CONCLUSION AND SUMMARY OF RECOMMENDATIONS

A. Conclusion

As stated earlier, the Missing Women Commission of Inquiry has concluded that the police investigations into the missing and murdered women were blatant failures. I have reviewed in great detail the evidence that the critical police failings were manifest in recurring patterns of error that went unchecked and uncorrected over several years. Given the history of unlearned lessons of serial killer investigations, I delved further into the underlying causes of these failures and found that the causes were themselves complex and multi-faceted. I have framed my recommendations to address these complexities within the context of four overarching themes: equality, community engagement, collaboration and accountability. It should come as no surprise that I have made a large number of recommendations to address these complexities: 63 in total. The recommendations dovetail one with another, each provides an additional tool, an additional check or counterbalance, an additional collaborative mechanism, all geared toward the central goals of enhancing the safety of vulnerable women and improving the initiation and conduct of investigations of missing persons and suspected multiple homicides.

I have found that the missing and murdered women were forsaken twice: once by society at large and again by the police. There is no mirroring concept of “unforesaken,” but together we can work toward this end by protecting and supporting vulnerable women. Together, we can and we must, build a legacy of safety to honour the missing and murdered women who are remembered and missed. In doing so, we can provide the only right answer to the question posed by Sarah de Vries’ quote at the beginning of my report:

“Will they remember me when I am gone, or would their lives just carry on?”

It is only together that we can ensure that, while the women are gone, they are not forgotten.

B. Summary of Recommendations

I urge the Provincial Government to commit to these two measures immediately upon receipt of this report:

- 1) To provide funding to existing centres that provide emergency services to women engaged in the sex trade to enable them to remain open 24 hours per day.
- 2) To develop and implement an enhanced public transit system to provide a safer travel option connecting the Northern communities, particularly along Highway 16.

Please note that points 1 and 2 are not formal recommendations.

Restorative Measures

Please note that recommendations are numbered according to the Part of the Report in which they are introduced. (Example: Part 3 begins with 3, Part 4 begins with 4, and so on.)

I make the following recommendations in order to lay the foundation for effective change through acknowledging the harm and fostering healing and reconciliation:

- 3.1 That Provincial Government appoint two advisors, including one Aboriginal Elder, to consult with all affected parties regarding the form and content of the apologies and other forms of public acknowledgement required as a first step in the healing and reconciliation process.
- 3.2 That Provincial Government establish a compensation fund for the children of the missing and murdered women.
- 3.3 That Provincial Government establish a healing fund for families of the missing and murdered women. These funds should be accessed through an application process pursuant to established guidelines.
- 3.4 That Provincial Government appoint two advisors, including one Aboriginal Elder, to consult with all affected parties regarding the structure and format of this facilitated reconciliation process and to consider mechanisms for funding it. These consultations and recommendations could be undertaken together with recommendation 3.1.

Equality-Promoting Measures

I make the following recommendations in order to renew our commitment to equal protection of the law through practical measures:

- 4.1 That the Minister of Justice direct the Director of Police Services to undertake equality audits of police forces in British Columbia with a focus on police duty to protect marginalized and Aboriginal women from violence. These audits should be carried out by an external agency *and* with meaningful community involvement.
- 4.2 That Provincial Government set a provincial standard establishing that police officers have a general and binding duty to promote equality and to refrain from discriminatory policing.
- 4.3 That Provincial Government amend the *BC Crown Policy Manual* to explicitly include equality as a fundamental principle to guide Crown Counsel in performing their functions.
- 4.4 That Provincial Government develop and implement a Crown

Vulnerable Women Assault Policy to provide guidance on the prosecution of crimes of violence against vulnerable women, including women engaged in the sex trade.

- 4.5 That Provincial Government adopt a policy statement in the *BC Crown Policy Manual* requiring that a prosecutor's evaluations of how strong the case is likely to be when presented at trial should be made on the assumption that the trier of fact will act impartially and according to the law.
- 4.6 That Provincial Government direct the Director of Police Services to consult with the BC Association of Municipal Chiefs of Police, the RCMP and community representatives to recommend the wording of a statutory provision on the legal duty to warn and a protocol on how it should be interpreted and applied.
- 4.7 That police forces work with local communities to develop communication strategies for the issuance of warnings that ensure the message is conveyed to community members who are most at risk of the specific threat.
- 4.8 That Provincial Government fund three law reform research projects on aspects of the treatment of vulnerable and intimidated witnesses:
 - The effects of drug and alcohol use on memory and how to support those experiencing dependency or addiction to provide testimony;
 - Police, counsel and the judiciary's bias and perceptions of credibility of people with drug addictions or who are engaged in the survival sex trade; and
 - Potential changes to the law of evidence to better allow vulnerable witnesses, including those who have been sexually assaulted, those suffering from addictions, and those in the sex industry, to take part in court processes.
- 4.9 That Provincial Government develop guidelines to facilitate and support vulnerable and intimidated witnesses by all actors within the criminal justice system based on the best practices identified by the Commission through its review of protocols and guidelines existing in other jurisdictions.
- 4.10 That police forces integrate into training, performance standards, and performance measurement the ability of police officers to develop and maintain community relationships, particularly with vulnerable members of the community who are often at risk of being treated unequally in the delivery of public services.
- 4.11 That the BC Association of Municipal Chiefs of Police and the RCMP establish a working group to develop a best practices guide for the establishment and implementation of formal discussion mechanisms to facilitate communication and collaboration that transcends the institutional hierarchy within a police agency.

- 4.12 That police officers be required to undergo mandatory and ongoing experiential and interactive training concerning vulnerable community members:
- Active engagement in overcoming biases, rather than more passive sensitivity training (sometimes called anti-oppression training);
 - More intensive and ongoing training in the history and current status of Aboriginal peoples in the province and in the specific community, particularly with respect to the ongoing effects of residential schools and the child welfare system;
 - Training and resources to make prevention of violence against Aboriginal women a genuine priority;
 - Training to ensure an understanding of violence against women in a range of settings including family violence, child sexual exploitation and violence against women in the sex trade; in particular, the scenarios used in police training should incorporate issues of cultural sensitivity and violence against women; and
 - Training in recognizing the special needs of vulnerable individuals and how to meet those needs, including recognition of a higher standard of care owed by the police to these individuals.
- 4.13 That the Police Complaint Commissioner, working with police forces across the Province, take steps to develop, promote and refine informal methods of police discipline, particularly in marginalized communities such as the DTES and with Aboriginal communities.
- 4.14 That Provincial Government engage with the RCMP in order to bring them into the provincial complaints process.

Measures to Enhance the Safety of Vulnerable Urban Women

I make the following recommendations in order to enhance the safety of vulnerable women in the DTES and other urban settings, including by listening to and learning from vulnerable women and responding to their needs:

- 5.1 That SisterWatch be evaluated to provide a basis for further refinements and with a view to establishing best practices for meaningful police-community partnerships; and that these best practices be shared with other police forces to encourage them to develop and maintain ongoing, collaborative community forums.
- 5.2 That all entities with proposed responsibilities under the Living in Community Action Plan commit to these priority actions that together form a strong basis for enhancing the safety of women engaged in the survival sex trade.
- 5.3 That other communities be encouraged to undertake the type of collaborative community engagement strategy employed by Living

in Community to develop an integrated strategy for enhancing the safety of women engaged in the survival sex trade.

- 5.4 That Provincial Government fund additional full-time Sex Trade Liaison Officer positions in the Lower Mainland.
- 5.5 That the City of Vancouver create and fund two community-based liaison positions to be filled by individuals who have experience in the survival sex trade.
- 5.6 That Provincial Government undertake a community consultation, needs assessment and feasibility study concerning the re-establishment of an independent society comparable to the former Vancouver Police Native Liaison Society.
- 5.7 That the VPD establish a position of Aboriginal Liaison Officer whose responsibilities would include assisting Aboriginal persons in their interactions with the Missing Persons Unit.
- 5.8 That all police forces in British Columbia consider developing and implementing guidelines on the model of the Vancouver Police Department's Sex Work Enforcement Guidelines in consultation with women engaged in the sex trade in their jurisdiction.
- 5.9 That the City of Vancouver and the Vancouver Police Department take proactive measures to reduce the number of court warrants issued for minor offences by:
 - Reducing the number of tickets issued and charges laid for minor offences;
 - Developing guidelines to facilitate greater and more consistent use of police discretion not to lay charges; and
 - Increasing the ways in which failures to appear can be quashed early in the judicial process.
- 5.10 That courts consider making increased use of diversionary or alternative measures to deal with bench warrants and breaches of conditions. This is in light of the barriers that outstanding warrants have on the ability of vulnerable women who are victims of violent crime to access police services. And that proactive steps be taken to assist women to clear outstanding warrants.
- 5.11 That the Minister of Justice consult with the judiciary, police and community representatives to develop a protocol providing the police with the discretion not to enforce a warrant in a circumstance where a sex trade worker is attempting to report a violent crime.
- 5.12 That the Minister of Justice establish a working group to develop options for enhanced legislative protection for exploited women. The working group should include representatives of sex workers, community-based organizations providing support to and advocacy for women engaged in the sex trade, Aboriginal women's organizations, police agencies and the Crown Counsel Association.

- 5.13 That the BC Association of Municipal Police Chiefs and the RCMP, with support from the Director of Police Services, should develop a protocol containing additional measures to monitor high-risk offenders, including recommendations for the efficient and timely sharing of information.

Measures to Prevent Violence Against Aboriginal and Rural Women

I respond to the call to stand together and move forward and make the following recommendations in order to prevent violence against Aboriginal and rural women:

- 6.1 That Provincial Government fully support the implementation of The Highway of Tears Symposium action plan, updated to the current situation and in a manner that ensures involvement of all affected communities along Highway 16.
- 6.2 That Provincial Government fund a community consultation process led by Aboriginal organizations to develop and implement a pilot project designed to ensure the safety of vulnerable Aboriginal youth during the rural-urban transition.
- 6.3 That Provincial Government provide additional funding to Aboriginal women's organizations to create programs addressing violence on reserves, so that fewer women and youth are forced to escape to urban areas.
- 6.4 That Provincial Government provide additional funding to Aboriginal women's organizations to provide more safe houses and counselling programs run for and by Aboriginal women and youth.
- 6.5 That Provincial Government fund a collaborative action research project on the entry of young women into the sex trade, especially Aboriginal women who are often homeless during the transition from reserves or foster homes to urban centres, and to develop an action plan to facilitate and support exiting the survival sex trade.

Improved Missing Person Policies and Practices

I make the following recommendations for the improvement of missing person policies and practices including by fostering innovation and standardization:

- 7.1 That the provincial standards be developed by the Director of Police Services with the assistance of a committee consisting of representatives of the BC Association of Municipal Police Chiefs, the RCMP, representatives of community and Aboriginal groups, and representatives of families of the missing and murdered women.

- 7.2 That proposed provincial missing persons standards include at least 15 components:
- Definition of “missing person;”
 - Criteria for the acceptance of reports;
 - Jurisdiction;
 - Missing Person Risk Assessment Tool;
 - Provincial Missing Person Reporting Form;
 - Standards related to interaction with family/reportees;
 - Initial steps – background information;
 - Supervisory responsibility/quality control;
 - Forensic evidence standards;
 - Coroners’ Liaison;
 - Monitoring outstanding missing person cases;
 - Automatic annual review of unsolved cases;
 - Closing missing person files;
 - Prevention and intervention; and
 - The role and authority of the BCPMPC.
- 7.3 That the provincial standards require a proactive missing persons process whereby police must take prevention and intervention measures including “safe and well” checks when an individual is found.
- 7.4 That best practice protocols be established for (1) enhanced victimology analysis of missing persons, (2) investigative steps in missing person cases, (3) collaborative missing person investigations collection, (4) storage and analysis of missing persons data, and (5) training specific to missing person investigations.
- 7.5 That Provincial Government establish a provincial partnership committee on missing persons to facilitate the collaboration of key players in the ongoing development of best practice protocols for missing person cases. The committee should be chaired by a senior government official and include representatives of the missing and murdered women’s families, Aboriginal organizations, community groups, service providers, police, and Victim Services.
- 7.6 That Provincial Government establish an agency independent of all police agencies with the purposes to include co-ordinating information, identifying patterns, establishing base rates, checking on police investigations, ensuring accountability for linked inter-jurisdictional series, and warning the public. It should provide oversight and analytic functions, but it should not be an investigating entity.
- 7.7 That provincial authorities create and maintain a provincial missing person website aimed at educating the public about the missing persons process and engaging them in proactive approaches to prevention and investigation.
- 7.8 That provincial authorities establish a provincial 1-800 phone number for the taking of missing person reports and accessing case

information.

- 7.9 That provincial authorities develop an enhanced, holistic, comprehensive approach for the provision of support to the families and friends of missing persons. This should be based on a needs assessment carried out in consultation with the provincial partnership committee on missing persons.
- 7.10 That representatives of the media be invited to be members of the provincial partnership committee and that the committee should develop a protocol on issues related to the role of the media in missing person investigations.
- 7.11 That the provincial partnership committee develop a proposal for either an enhanced BCPMPC to meet additional responsibilities relating to the needs of members of the public and, in particular, reporters; or to create an independent civilian-based agency for this purpose.

Enhanced Police Investigations

I make the following recommendations to enhance police investigations of missing persons and suspected multiple homicides:

- 8.1 That Provincial Government enact missing persons legislation to grant speedy access to personal information of missing persons without unduly infringing on privacy rights. I recommend the adoption of single purpose legislation, as in Alberta and Manitoba, with a provision for a comprehensive review of the operation of the Act after five years.
- 8.2 That Provincial Government mandate the use of Major Case Management (MCM) for major crimes and that the Director of Police Services develop these MCM standards in consultation with the police community and through a review of best practices in other jurisdictions.
- 8.3 That the Director of Police Services mandate accountability under the MCM standards by requiring that police forces:
 - Provide an explanation as to why MCM was not used for a “major crime” in an annual report to the Director of Police Services;
 - Notify the Director of Police Services of all “major crime” investigations that are not under active investigation and have remained open for more than one year. Upon receipt of such notification, the Director will appoint another police department to conduct an independent audit of the prior investigation and conduct such additional investigatory steps as it deems necessary, and report its finding to the Director and the originating police agency; and

- Conduct annual internal audits of a statistically valid random selection of MCM investigations to ensure proper compliance with the model.

- 8.4 That issues related to a single electronic MCM system for British Columbia, as well as compatibility with cross-Canada systems, be reviewed as part of the consultation on MCM standards set out above.
- 8.5 That Provincial Government take active steps to support the development of a National DNA Missing Persons Index and to assist in overcoming the impasse on outstanding concerns over its creation and operationalization.

Regional Police Force

I make the following recommendations respecting a regional police force:

- 9.1 That Provincial Government commit to establishing a Greater Vancouver police force through a consultative process with all stakeholders.
- 9.2 That Provincial Government establish an independent expert committee to develop a proposed model and implementation plan for a Greater Vancouver police force.

Effective Multi-Jurisdictional Policing

I make the following recommendations for effective multi-jurisdictional policing relating to the investigation of missing persons and suspected multiple homicides:

- 10.1 That the Director of Police Services mandate provincial standards for multi-jurisdictional and multi-agency investigations to be incorporated into the provincial MCM standards referred to in recommendation 8.2.
- 10.2 That the Director of Police Services consult with the BC Association of Police Chiefs and the RCMP to create a protocol or framework for multi-jurisdictional major case investigations to ensure the timely and seamless implementation of multi-agency teams, including a provision for an independent panel to resolve disputes regarding when the protocol should be triggered.
- 10.3 That Provincial Government commit to moving expeditiously to implement a regional Real Time Crime Centre.

Increase Police Accountability to Communities

I make the following recommendations to increase police accountability to the communities they serve:

- 11.1 That the accountability structure for the Greater Vancouver police force incorporate a holistic approach that provides oversight on both an individual and systemic level and is fully responsive and responsible to the communities it serves.
- 11.2 That the *Police Act* be amended to provide that the Mayor is an *ex officio* member of the Board, but has no voting authority.
- 11.3 That additional steps need to be taken to ensure representation of vulnerable and marginalized members and Aboriginal peoples on police boards.
- 11.4 That police boards have access to greater resources from the Division of Police Services to gather and analyze information to enable them to better carry out their oversight functions.

Measures to Assure the Women's Legacy

I recommend that the following measures be taken to assure the women's legacy through the implementation of all of this Report:

- 12.1 That Provincial Government appoint an independent advisor to serve as a champion for the implementation of the Commission's recommendations. This appointment should take effect within 12 weeks of release of the report.
- 12.2 That the independent advisor work collaboratively with representatives of Aboriginal communities, the DTES, and the victims' families in the implementation process.

ENDNOTES

Part One

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- ² Terms of Reference, para. 4d.
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- ⁴ Transcript, April 26, 2012, p. 230.
- ⁵ Exhibit 199, p. 26-27.
- ⁶ Transcript, April 26, 2012, p. 92.
- ⁷ Transcript, April 26, 2012, p. 92.
- ⁸ Transcript, April 26, 2012, p. 93.
- ⁹ Transcript, March 6, 2012, p. 115.
- ¹⁰ Transcript, March 6, 2012, p. 117.
- ¹¹ Transcript, October 25, 2011, p. 128.
- ¹² Transcript, October 25, 2011, p. 129.
- ¹³ Transcript, May 17, 2012, p. 48.
- ¹⁴ Transcript, April 17, 2012, p. 85.
- ¹⁵ Exhibit 6, p. 40.
- ¹⁶ See: Exhibit 6; Transcript, October 17, 2011; Transcript, October 18, 2011.
- ¹⁷ Transcript, October 13, 2011, p. 104-105.
- ¹⁸ These issues are addressed in greater depth in her master's thesis: Michelle Giordano, *An Overview of the Current Strategies for Exiting Street Level Prostitution: What Works?* (M.A. Thesis, University of Alberta, 2009). [Unpublished]
- ¹⁹ C. Mahaffy, *Working Together to Address Sexual Exploitation in Edmonton: A Snapshot of Initiatives and Insights* (2007), p. 28.

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- ³ Policy Submissions of VPD, p. 2.
- ⁴ Policy Submissions of Government of Canada.
- ⁵ Coordinating Committee of Senior Officials (Criminal) Missing Women Working Group, Report and Recommendations on Issues Related to the High Number of Murdered and Missing Women in Canada (January 2012), online: BC Ministry of Justice <http://www.ag.gov.bc.ca/missing_women_working_group/index.htm>, p. 4. [FPT MWWG Report]
- ⁶ FPT MWWG Report, p. 4.
- ⁷ John Colebourn, "Smithers' Council calling for shuttle bus on Hwy. 16" *The Province* (13 September, 2012) p. A4; Kelly Sinoksi, "Mayors call for shuttle bus; Municipalities want province to fund public transit" *Vancouver Sun* (11 September, 2012) p. A3.
- ⁸ "Mayors call for shuttle bus; Municipalities want province to fund public transit", *supra*.
- ⁹ Ted Clark "Hitchhikers Studied" *Prince George Citizen* (14 September, 2012) p. 5.

¹⁰ Native Women's Association of Canada, "Final Report for Department of Justice, Canada" (Co-hosting Initiative: x^wsimíwən ct ?i? 0əy0ət ct, Collaboration to End Violence: National Aboriginal Women's Forum, Vancouver, 31 July, 2011), online: NWAC, <<http://www.nwac.ca/home>>.

¹¹ City of Vancouver, General Manager, Community Services Group "Administrative Report: Preventing Sexual Exploitation and Protecting Vulnerable Adults & Neighbourhoods Affected by Sex Work: A Comprehensive Approach and Action Plan (8 September, 2011), online: City of Vancouver: Vancouver City Council <<http://vancouver.ca/your-government/vancouver-city-council.aspx>> at p. 1.

¹² Submissions of Ty Mistry, former Executive Director, PEERS Vancouver.

¹³ See *Living in Community: Balancing Perspectives on Vancouver's Sex Industry, Action Plan, June 2007*, online: Safe in Collingwood <<http://safeincollingwood.ca/>>.

¹⁴ *Living in Community: Balancing Perspectives on Vancouver's Sex Industry, Annual Report, December 2011*, online: Living in Community <<http://livingincommunity.ca/>> p. 3.

Part Three

- ¹ Closing Submissions of Independent Counsel for Aboriginal Interests, p. 2.
- ² Transcript, April 17, 2012, p. 51-52.
- ³ Transcript, April 17, 2012, p. 52-53.
- ⁴ National Missing Persons Coordination Centre, "Life is a puzzle – every piece is important", *Platypus Magazine*, Edition 92 (September 2006), online: Australian Federal Police <<http://www.afp.gov.au/media-centre/publications/platypus.aspx>>, cited in Dr. Melina Buckley, "Towards More Effective Missing Women Investigations: Police Relationships with Victims' Families, the Community and the Media" (Missing Women Commission of Inquiry, 2012) p. 1.
- ⁵ Brenda Belak, "Voices of the Families – Recommendations of the Families of the Missing and Murdered Women" (Missing Women Commission of Inquiry, 2012). [Voices of the Families]
- ⁶ Dr. Melina Buckley, "Standing Together and Moving Forward: Report on the Pre-Hearing Conference in Prince George and the Northern Community Forums" (Missing Women Commission of Inquiry, 2012) p. 9. [Standing Together and Moving Forward]
- ⁷ Linda Locke, Q.C. "Standing Together and Moving Forward: The Northwest Consultation Report" (Missing Women Commission of Inquiry, 2012) p. 21. [The Northwest Consultation Report]
- ⁸ Transcript, October 27, 2012, p. 107-110.
- ⁹ Transcript, October 25, 2011, p. 103-104.
- ¹⁰ The Northwest Consultation Report, p. 9.
- ¹¹ The Northwest Consultation Report, p. 21.
- ¹² Transcript, April 16, 2012, p. 41-42.
- ¹³ Standing Together and Moving Forward, *supra*, p. 9.
- ¹⁴ Record of Meeting with the Families, p. 32.

- ¹⁵ Voices of the Families, p. 22.
- ¹⁶ Transcript, November 1, 2011, p. 30.
- ¹⁷ Transcript, October 12, 2011, p. 101.
- ¹⁸ Voices of the Families, p. 6.
- ¹⁹ Standing Together and Moving Forward, p. 18.
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- ²⁶ Transcript, February 28, 2012, p. 23-24.
- ²⁷ Transcript, February 28, 2012, p. 24.
- ²⁸ Transcript, February 28, 2012, p. 25.
- ²⁹ Transcript, January 19, 2012, p. 35.
- ³⁰ Transcript, May 11, 2012, p. 72.
- ³¹ Transcript, January 31, 2012, p. 123.
- ³² Transcript, January 31, 2012, p. 127-128.
- ³³ Transcript, February 6, 2012, p. 191.
- ³⁴ Transcript, February 28, 2012, p. 26.
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- ³⁷ Transcript, January 12, 2012, p. 32-34; Transcript, January 13, 2012, p. 72-75.
- ³⁸ Neal Hall, "RCMP apologizes for not doing enough sooner" Vancouver Sun, (January 27, 2012), online: <http://www.vancouversun.com/news/RCMP+apologizes+doing+enough+solve+missing+women+case+sooner/6062723/story.html>
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- ⁴¹ Voices of the Families, p. 24-25.
- ⁴² "In Memory of Our Fallen Angels" available as Appendix B – Supplemental Report on Healing and Reconciliation in Elizabeth Welch, "Bridging the Gap to Shape the Future: The Report on the Policy Forums" (Missing Women Commission of Inquiry, 2012). [In Memory of Our Fallen Angels]
- ⁴³ Submissions of Kerry Porth, p. 9.
- ⁸ Transcript, October 24, 2011, p. 88.
- ⁹ Policy Forum Submissions of VPD, Appendix E "Spreadsheet of recommendations from the Schouten Report" and Appendix F "Report from Sgt. Fairweather summarizing implementation of the recommendations from the Schouten Report"; Exhibit 47, p. 14-96; Exhibit 1.
- ¹⁰ Policy Forum Submission of VPD, p. 5-6. Issues addressed in these reviews include: the City-wide enforcement team, patrol deployment, civilianization in the VPD, chronic offenders, an examination of lack of capacity in the mental health system and the impact on the mentally ill and police resources, and an analysis of trends in sexual assaults incidents.
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- ¹³ These audits and reviews are listed on p. 5-6 of the VPD's Policy Submissions.
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- ¹⁵ Policy Submissions of the VPD, p. 7.
- ¹⁶ Government of Alberta, *Provincial Policing Standards Manual* (Solicitor General and Public Security, March 2006), p. 3-4.
- ¹⁷ *Guidance on the Management, Recording and Investigation of Missing Persons*, 2nd ed. (National Policing Improvement Agency and Association of Chiefs of Police Officers, 2010), p. 15 [UK Guidance]
- ¹⁸ Submissions of Dr. Kim Rossmo, p. 3.
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- ²⁸ Expert Report of Dennis Murray, QC, to the Missing Women Commission of Inquiry, April 2012, para. 46.

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- ² Transcript, April 17, 2012, p. 135.
- ³ Transcript, October 27, 2011, p. 77-78.
- ⁴ *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982* being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11, s. 15.
- ⁵ *Canadian Charter of Rights and Freedoms*, *supra*, s. 7.
- ⁶ *Andrews v. Law Society of British Columbia*, [1989] 1 SCR 143; *Eldridge v. British Columbia (Attorney General)*, [1997] 3 SCR 624; *British Columbia (Public Service Employee Relations Commission) v. BCGSEU*, [1999] 3 SCR 3.
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³⁹ Boyle memorandum, p. 5.

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⁴¹ For more information see: Brenda Belak, "Policies and Practices in the Treatment of Vulnerable and Intimidated Witnesses," (Missing Women Commission of Inquiry, 2012). [Treatment of Vulnerable Witnesses]

⁴² Elizabeth Welch, "Bridging the Gap to Shape the Future: The Report on the Policy Forums" (Missing Women Commission of Inquiry, 2012). [Report on the Policy Forums]

⁴³ Treatment of Vulnerable Witnesses, p. 47-49.

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¹⁶ Policy Submissions of the VPD, p. 5.

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⁴ The Northwest Consultation Report, p. 15.

⁵ *A Collective Voice For Those Who Have Been Silenced - Highway of Tears Symposium Report* (Lheidli T'enneh

First Nation, Carrier Sekani Family Services, Carrier Sekani Tribal Council, Prince George Nechako Aboriginal Employment and Training Association and Prince George Native Friendship Center, July 2006). [HOT Symposium Report]

⁶ Cecilia Nikal's disappearance is investigated as part of Project Evenhanded rather than Project E-Pana.

⁷ HOT Symposium Report, p. 9.

⁸ High-risk behaviour generally refers to involvement in prostitution and/or drug use.

⁹ Volume I, Part 3B "In Memoriam". Additional poems are included in *Standing Together and Moving Forward: The Northwest Consultation Report* (Missing Women Commission of Inquiry, 2012), p. 27-31.

¹⁰ The Northwest Consultation Report, p. 30.

¹¹ HOT Symposium Report, p. 7.

¹² The Northwest Consultation Report, p. 6.

¹³ The Northwest Consultation Report, p. 9.

¹⁴ The Northwest Consultation Report, p. 9.

¹⁵ HOT Symposium Report, p. 20.

¹⁶ Policy Submissions of Government of Canada, p. 5-6.

¹⁷ David Eby, *Small Town Justice – A report on the RCMP in northern and rural British Columbia* (Vancouver, BC Civil Liberties Association, 2011), p. 22.

¹⁸ The Northwest Consultation Report, p. 19-20.

¹⁹ The Northwest Consultation Report, p. 16-17.

²⁰ Anette Sikka, "Trafficking in Aboriginal Women and Girls in Canada (Institute on Governance, May 2009), p. 11.

²¹ This global trend is discussed in Doug Saunders, *Arrival City – The Final Migration and our Next World* (Alfred A. Knopf, 2010).

²² The Northwest Consultation Report, p. 17.

Part Seven

¹ Saskatchewan Provincial Partnership Committee on Missing Persons, *Final Report of the Provincial Partnership Committee on Missing Persons* (October 2007), p. 22.

² Elizabeth Welch, "Practices and Procedures in the Investigation of Missing Persons Across Canada: 1997 to Present" (Missing Women Commission of Inquiry: March 2012). [MWCI Canadian Survey]

³ Canadian Association of Chiefs of Police, Resolution 2006-07 (Adopted at the 101st Annual Conference, St. John's, Newfoundland and Labrador, August 2006). [CACP Resolution]

⁴ CACP Resolution.

⁵ Vancouver Police Board Report # 1184, 2012-02-02.

⁶ See for example Dr. Rossmo's power point presentation, Exhibit 67 discussed in Volume I, part 5C.

⁷ Using a CPIC search engine called Rapid ID (established in 1995).

⁸ <http://www.pssg.gov.bc.ca/policeservices/standards/index.htm>.

⁹ Policy submissions of the VPD, p. 35.

¹⁰ Elizabeth Welch, "Comparative Approaches to Missing Persons Procedures: An Overview of British, American and Australian Policies" (Missing Women Commission of

Inquiry: March 2012). [Comparative Approaches]

¹¹ UK Guidance.

¹² UK Guidance, at the cover page.

¹³ Comparative Approaches, p. 4.

¹⁴ Nancy Ritter, "Missing Persons and Unidentified Remains: The Nation's Silent Mass Disaster" (2007) 256 N.I.J. Journal, p. 3. [Ritter]

¹⁵ Ritter, p. 3.

¹⁶ Model State Missing Persons Statute, 2005, published by the National Criminal Justice Reference Service, administered by the Office of Justice Programs, U.S. Department of Justice, available online: www.ncjrs.gov/pdffiles1/nij/210740v2.pdf. [Model Statute]

¹⁷ Discussed in Ritter, p. 6.

¹⁸ Marianne James, Jessica Anderson, Judy Putt, *Missing Persons in Australia* (Australian Institute of Criminology, Research and Public Policy Series No. 86, 2008), p. 5. [Missing Persons in Australia]

¹⁹ Missing Persons in Australia, p. 6.

²⁰ Missing Persons in Australia, p. 6.

²¹ Missing Persons in Australia, p. xiv.

²² Missing Persons in Australia, p. 227

²³ Guidance, p. 15.

²⁴ Policy Submissions of the Government of Canada, p. 49.

²⁵ MWCI Canadian Survey, p. 10.

²⁶ MWCI Canadian Survey, p. 72-73.

²⁷ UK Guidance, p. 36-39.

²⁸ See discussion in Part 8.

²⁹ Policy Submissions of the Government of Canada, p. 134-135.

³⁰ Model Statute, p. 15.

³¹ Transcript, January 24, 2012, p. 124-136, 139-156.

³² UK Guidance, p. 11.

³³ UK Guidance, p. 11-15.

³⁴ See discussion in Dr. Melina Buckley, "Policies and Practices in the Investigation of Missing Persons and Suspected Multiple Homicides" (Missing Women Commission of Inquiry: March 2012), p. 23-25.

³⁵ MWCI Canadian Survey, p. 31.

³⁶ MWCI Canadian Survey, p. 81.

³⁷ *Missing Persons and Presumption of Death Act*, SS 2009, c M-20.01.

³⁸ Report on the Policy Forums, p. 32 (per Insp. Desmarais)

³⁹ SisterWatch Project, *The Tragedy of Missing and Murdered Aboriginal Women in Canada: We Can Do Better* (Vancouver Police Department, March 2011), p. 21. [SisterWatch Report]

⁴⁰ Policy Submissions of the Government of Canada, p. 120.

⁴¹ <http://www.nwac.ca/programs/community-resource-guide-what-can-i-do-help-families-missing-and-murdered-aboriginal-women->

⁴² SisterWatch Report, p. 19-23.

⁴³ SisterWatch Report, p. 20.

⁴⁴ SisterWatch Report, p. 20.

⁴⁵ SisterWatch Report, p. 20.

⁴⁶ Transcript, April 16, 2012, p. 37-42.

⁴⁷ Transcript, April 16, 2012, p. 37-42.

⁴⁸ Voices of the Families, p. 15.

⁴⁹ Transcript, October 27, 2011, p. 103.

⁵⁰ See discussion in *Toward More Effective Missing Women Investigations*, p. 10-14.

⁵¹ FPT MWWG, p. 67-68.

⁵² A voluntary organization of realtors who provide information to police: www.realtywatch.net.

⁵³ Referring to the disappearances of five young men in the Lower Mainland 2011; see: <http://www.vancouversun.com/news/Vancouver+five+unsolved+2011+missing+persons+cases+young/6099055/story.html>.

⁵⁴ FFMPU, "Families and Friends of Missing Persons Unit Vision Statement", online: http://www.missingpersons.lawlink.nsw.gov.au/missingpersons/ffmpu_about_ffmpu.html

Part Eight

¹ S.S. 2009, c-M-20.01.

² Section 8.

³ Statutes of Alberta 2011, C- M-18.5.

⁴ James Wood and Kelly Cryderman, "Privacy Goes Missing with Alberta's New Missing Persons Act: critics", *Calgary Herald*, September 8, 2012.

⁵ Section 6.

⁶ Section 13.

⁷ Police Would Get Information Boost for Missing Person Cases with Legislation Proposed Today: Swan, Manitoba Government News release - April 19, 2012.

⁸ Police Would Get Information Boost for Missing Person Cases with Legislation Proposed Today: Swan, Manitoba Government News release - April 19, 2012.

⁹ Statutes of Manitoba, 2012, c.6.

¹⁰ Exhibit 1, p. 335-336.

¹¹ Exhibit 199, p. 26-27.

¹² Public Safety and Emergency Preparedness Canada. (2005, March). *DNA Missing Persons Index (MPI): A Public Consultation Paper*. Ottawa, ON. http://www.ulcc.ca/en/poam2/DNA_Missing_Persons_Index_CP_En.pdf

¹³ Public Safety and Emergency Preparedness Canada. (2005, March). *DNA Missing Persons Index (MPI): A Public Consultation Paper*. Ottawa, ON. http://www.ulcc.ca/en/poam2/DNA_Missing_Persons_Index_CP_En.pdf

¹⁴ Ministry of Public Safety, "2005 Public Consultation on DNA MPI: An Overview", online: <http://www.publicsafety.gc.ca/res/dna-mpi-eng.aspx>.

¹⁵ FPT MWWG Report, p. 50.

¹⁶ Recommendation #35, p. 52.

Part Nine

¹ Transcript, April 25, 2012, p. 160-161.

² See Volume IIB, Part 3F and 4D.

³ Exhibit 34, p. 89.

⁴ Report, Exhibit 1, p. 242.

⁵ See Volume III, Part 7.

⁶ Wallace T. Oppal, *Closing the Gap: Policing and the Community* [Commissioner: Honourable Wallace T. Oppal, QC] (Victoria: Policing in British Columbia

Commission of Inquiry, 1994). [Oppal Report].

⁷ International Association of Chiefs of Police, *Consolidating Police Services: An IACP Planning Approach* (May 2003), p. 4.

⁸ See Structure and Organization of Policing, p. 13-17, 40-45; Dr. Melina Buckley, "Revisiting the Regionalization Debate: A Dialogue on the Structure and Organization of Policing in British Columbia (Missing Women Commission of Inquiry: May 2012) [Revising the Regionalization Debate]; Steve Sweeney, "Municipal Policing in the Lower Mainland District of British Columbia" (Missing Women Commission of Inquiry: February 2012). [Sweeney Report]

⁹ Evans Report, Exhibit 34, p. 86 (8-42).

¹⁰ C.T. Griffiths & S. Easton, *Options for Service Delivery in the Greater Vancouver Region: a Discussion Paper of the Issues Surrounding the Regionalization of Police Services*, prepared by the Planning, Research and Audit Section for the Vancouver Police Board and Chief Constable Jim Chu (2008), p. 18. [Options for Service Delivery in the Greater Vancouver Region]

¹¹ *Options for Service Delivery in the Greater Vancouver Region*, p. 7, citing Ministry of Solicitor General (1990), *Policing British Columbia in the Year 2001: Report of the Regionalization Study Team*, (Victoria, BC: Queen's Printer for British Columbia), p. 5

¹² *Options for Service Delivery in the Greater Vancouver Region*, p. 8.

¹³ *Options for Service Delivery in the Greater Vancouver Region*, p. 8.

¹⁴ *Options for Service Delivery in the Greater Vancouver Region*, p. 13 and 18.

¹⁵ *Policing in BC*, p. 6.

¹⁶ *Options for Service Delivery in the Greater Vancouver Region*, p. 10.

¹⁷ *Options for Service Delivery in the Greater Vancouver Region*, p. 11.

¹⁸ *Options for Service Delivery in the Greater Vancouver Region*, p. 8.

¹⁹ Ministry of Solicitor General, *Police Services Branch, Policing in British Columbia in the Year 2001: Report of the Regionalization Study Team* (1990), p. 6. [Policing in BC]

²⁰ *Options for Service Delivery in the Greater Vancouver Region*, p. 7; Hon. Rene J. Marin, *Policing in Canada: Issues for the 21st Century* (Aurora, Ont.: Canada Law Book, 1997), p. 98-99.

²¹ *Options for Service Delivery in the Greater Vancouver Region*, p. 7 and 20.

²² *Options for Service Delivery in the Greater Vancouver Region*, p. 7.

²³ Oppal Report, p. D-4.

²⁴ *Options for Service Delivery in the Greater Vancouver Region*, p. 11 and 24.

²⁵ *Options for Service Delivery in the Greater Vancouver Region*, p. 7 and 19; Oppal Report, p. D-4.

²⁶ Linda Graham, *Regionalization of Policing Services in British Columbia: Quality and Equity Issues* (Draft submitted to the Policing in British Columbia Commission of Inquiry, 1994) p. 6 [unpublished]

²⁷ *Options for Service Delivery in the Greater Vancouver Region*, p. 38-40.

²⁸ *Options for Service Delivery in the Greater Vancouver Region*, p. 8-9. These issues and challenges are examined further in the papers prepared for this Commission: Structure and Organization of Policing; Revisiting the Regionalization Debate; Sweeney Report.

Part Ten

¹ Letter dated March 21, 1996, to Mr. Justice Archie Campbell, of the Bernardo Investigation Review, from Sergeant Robert Hotston, Criminal Investigation Division, Peterborough Community Police Service. Bernardo Review, p. 497.

² Report on the Policy Forums, p. 42.

³ Ontario Major Case Management Manual (2004), p. 23-27.

⁴ Exhibit 214, para. 37.

⁵ Exhibit 214, para. 38; Transcript, May 24, 2012, p. 60-63.

⁶ Exhibit 214, para. 40.

⁷ Policy Submissions of the VPD, p. 30.

Part Eleven

¹ Mystery shopping or a mystery consumer is a tool used externally by market research companies, watchdog organizations or internally by companies themselves to measure quality of service or compliance with regulations, or to gather specific information about products and services. The mystery consumer's specific identity is generally not known by the establishment being evaluated. Mystery shoppers perform specific tasks such as purchasing a product, asking questions, registering complaints or behaving in a certain way, and then provide detailed reports or feedback about their experiences. See for example: "Mystery Shopping Research Services" Informa Research Services, <http://www.informars.com/main/OpinionResearch/MysteryShop.aspx>.

² Transcript, May 16, 2012, p. 53.

³ Mark LaLonde and Darrell Kean, *Municipal Police Board Governance in British Columbia* (New Westminster: Justice Institute of British Columbia, Police Academy, 2003), p. 99-103. [Municipal Police Board Governance]

⁴ Transcript, May 16, 2012, p. 181.

⁵ Transcript, October 27, 2011, p. 77-78.

⁶ Transcript, May 16, 2012, p. 54-55.

⁷ *Municipal Police Board Governance*, p. 30, 125.

⁸ *Municipal Police Board Governance*, p. 60.

Part Twelve

¹ Transcript, October 25, 2011, p. 35-38.

² Australian Public Service Commission, *Tackling Wicked Problems: A Public Policy Perspective* (Commonwealth of Australia, 2007). See discussion in Dr. Melina Buckley, "From Report to Substantive Change: Healing,

Reconciliation and Implementation" (Missing Women Commission of Inquiry: April 2012), p. 8-11.

³ Australian Public Service Commission, *Tackling Wicked Problems: A Public Policy Perspective* (Commonwealth of Australia, 2007).

GLOSSARY

E Division	RCMP Headquarters in British Columbia
AG	Attorney General of British Columbia
BCCLA	British Columbia Civil Liberties Association
BCPMPC	British Columbia Police Missing Persons Centre
CC	Chief Constable
CEDAW	Committee on the Elimination of Discrimination against Women (UN)
CJB	British Columbia Criminal Justice Branch
Comm Centre	Vancouver Police Department Communications Centre
CPC	Canadian Police College, Ottawa, Ontario
CPC-RCMP	Commission for Public Complaints Against the RCMP
CPIC	Canadian Police Information Centre
Cpl.	Corporal
CRAB	CRAB-Water for Life Society
Cst.	Constable
D2	Vancouver Police Department District 2 (includes Downtown Eastside)
DC	Deputy Chief
DCC	Deputy Chief Constable
Det.	Detective
Det. Cst.	Detective Constable
Det. Insp.	Detective Inspector
DEYAS	Downtown Eastside Youth Activities Society
DTES	Downtown Eastside Neighbourhood in City of Vancouver
E-COMM 9-1-1	Emergency Communications for SW British Columbia
Evans Report	Report prepared for Missing Women Commission by Deputy Chief Jennifer Evans, Peel Regional Police
FBI	Federal Bureau of Investigation (U.S.)
FNS	First Nations Summit
FPT MWWG	Federal-Provincial-Territorial Missing Women Working Group
Insp.	Inspector

JFO	Joint Forces Operation
JIBC	Justice Institute of British Columbia, New Westminster, BC
LePard Report	<i>Missing Women Investigation Review</i> , prepared by DCC Doug LePard, Vancouver Police Department
Lower Mainland	Metropolitan Area in southwestern British Columbia
MCM	Major Case Management
MCS	Vancouver Police Department Major Crime Section
MPI	Missing Persons Index
MPU	Vancouver Police Department Missing Persons Unit
MWRT	Vancouver Police Department Missing Women Review Team
MWTF	Missing Women Task Force
MWWG	Vancouver Police Department Missing Women Working Group
NCMPUR	National Centre for Missing Persons and Unidentified Remains
NDDB	National DNA Data Bank of Canada
NWAC	Native Women's Association of Canada
NWPS	New Westminster Police Service, New Westminster, BC
OIC	Officer in Charge
OPCC	Office of the Police Complaint Commissioner (BC)
PACE	Prostitution Alternatives Counselling and Education
PEEL	Peel Regional Police (Ontario)
POCO	Port Coquitlam, BC
POI	Person of Interest
PPCMP	Provincial Partnership Committee on Missing Persons (Saskatchewan)
PRIME-BC	Police Records Information Management Environment for British Columbia
PRP	Peel Regional Police (Ontario)
PUHU	Provincial Unsolved Homicide Unit
RCMP	Royal Canadian Mounted Police
SFU	Simon Fraser University, Burnaby, BC
Sgt.	Sergeant

SIUSS	Special Investigative Unit Support System (database)
Staff Sgt.	Staff Sergeant
Supt.	Superintendent
UBC	University of British Columbia, Vancouver, BC
UHU	RCMP Major Crime Section, Unsolved Homicide Unit
UN	United Nations
VANDU	Vancouver Area Network of Drug Users
ViCAP	Violent Criminal Apprehension Program (U.S.)
ViCLAS	Violent Crime Linkage Analysis System
VPB	Vancouver Police Board
VPD	Vancouver Police Department
VPNLS	Vancouver Police and Native Liaison Society
WISH	Women's Information and Safe House (WISH) Drop-In Centre

