



FORSAKEN

The Report of the Missing Women Commission of Inquiry

VOLUME I

The Women, Their Lives and the Framework of Inquiry:
Setting the Context for Understanding and Change

The Honourable Wally T. Oppal, QC
Commissioner

British Columbia
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LETTER OF TRANSMITTAL

November 15, 2012

The Honourable Shirley Bond
Minister of Justice and Attorney General of British Columbia
Room 232, Parliament Buildings
PO Box 9044 Stn Prov Govt
Victoria, BC V8W 9E2

Dear Madame Attorney:

Missing Women Commission of Inquiry Final Report

I am delivering my final report in two phases. Herewith, please find Volume III of my report – entitled Gone, but not Forgotten: Building the Women's Legacy of Safety Together. This volume contains my recommendations. The balance of the report will be submitted on November 19, 2012.

Thank you for the opportunity to be of service on this important and challenging matter.

Yours very truly,



The Honourable Wally T. Oppal, Q.C.
Commissioner

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Editor's Note: It was essential to everyone involved in the development of this report that the voices captured here retain their authenticity. This report deals with complex and emotional subject matter. In some areas of this document, the editor prioritizes the need to clearly explain or describe perspectives, situations and incidents over proper structure, style and grammar.

“SIMPLY GONE”: LAST SIGHTINGS OF LOVED ONES

A fresh April evening, 1996: *“I’m going for a walk to pick some flowers – won’t be long,”* or a similar relaxed phrase, were the words spoken by Frances Young to her boyfriend as she left their suite in Vancouver. She did not take her purse, only a house key.

One more look in the mirror – on November 20, 1998, 27-year-old Angela Jardine in a party dress and high heels gets ready to go out in the afternoon, having earlier attended a community event entitled *“Out of Harm’s Way.”* Friends last see her heading in the direction of the Astoria Hotel on Hastings Street... just as 13 years before, Rebecca Guno had last been seen on her way to meet friends at the Lone Star Hotel on Carrall Street.

“I’m coming home – I’m sick and tired of being sick and tired...” – these words ring in the ears of Marlene Abigiosis’ sister and Taressa Williams’ mother and grandmother.

“Bye-bye, my darlings”: kissing the top of her children’s heads and waving good-bye to their babysitter, Kathleen Wattley goes out to meet a man as previously arranged.

Storming out of her residence after angry words, Heather Chinnock takes none of her belongings; her boyfriend expects her to return shortly. Tanya Holyk also left in tears after a fight with her boyfriend – that was her mother’s last memory of Tanya, upset and crying.

Looking down at the ground, Olivia William is seen leaving Vancouver General Hospital having recently delivered her baby in December 1999.

“Go on in now,” a friend might have said to Jennifer Furminger a few days after Christmas as he gave her the keys to their building, heading off to do a few chores and leaving her at the corner of Cordova and Dunlevy Streets.

“Going to have to cancel our plans to meet... feeling kind of depressed today,” Janet Henry might have told her sister in their last conversation on June 25, 1997

Before you can blink – a friend sees Sarah de Vries standing at the corner of Princess and Hastings Streets and in the time it took her to get in a vehicle and go around the block, Sarah is gone.

I narrate a few of the stories of the last sightings and conversations with the women, based on the evidence received by the Commission, to emphasize the haunting nature of the disappearances. Over the course of a decade almost 50 women disappeared from a small neighbourhood in Vancouver; the numbers increase by another 20 if one expands the time horizon by a second decade. Imagine if every six weeks another work colleague or neighbour disappeared: imagine the fear, the insecurity, the isolation, the silence. The loss of life is staggering.

Individually, the loss of each woman is heartbreaking. Taken together, the murder and disappearance of so many women is horrific; it is incomprehensible because of the immensity of the tragedy, and it is appalling because of the vulnerability of the victims.

While it may be difficult to see ourselves in this situation, it is easier to conceive of the pain of realizing that the last sighting, the last conversation, was the final one. A realization that only comes after time has begun to break down the hope of seeing a loved one reappear.

In her diary, Sarah de Vries asked:

“Will they remember me when I’m gone or would their lives just carry on?”

I am determined that we will remember and that we cannot just carry on; this is the Commission’s central purpose – to ensure that we learn from what went wrong in the missing and murdered women investigations.



PART ONE

INTRODUCTION AND OVERVIEW

They were forsaken twice: once by society at large and then again by the police.

PART 1 – INTRODUCTION AND OVERVIEW

A. Forsaken

Most of us never have to be concerned about being forsaken. We have permanent homes, we have family doctors, we have jobs where we work daily with others, we have children who rely on us, we have medication if we are sick, we are not victims to extreme violence, we are not engaged in any activity that would cause us to hesitate to notify the police of our presence.

But imagine you have none of these things. You don't know where you are going to sleep tonight. You do not have access to regular health care. You have no employer. You don't know where your children are or if they are safe. You worry you could get deathly sick at any moment. You are consumed by fears about your physical safety. You are afraid to contact the police.

In these circumstances, you are largely on your own, easily forsaken. That is the story of the missing and murdered women. They were forsaken twice: once by society at large and then again by the police. The pattern of predatory violence was clear and should have been met with a swift and severe response by accountable and professional institutions, but it was not. To paraphrase Maggie de Vries, sister of Sarah de Vries, one of the victims: there should have been mayhem, searches, media interest and rewards; but these responses only trickled in over the course of many years.

The term “missing women” is a terrible misnomer. “Missing” is a gentle euphemism for the stark, cruel reality that most of the missing women were murdered. “Missing” does not come close to capturing the horror and brutality of the murders that befell most of the women, nor the depth of the continuous grieving caused by either certain knowledge of some of the women's terrible fate or the ambiguity of the unknown fate of the others.

We know that Robert Pickton murdered some of the women: he was convicted for a small number of these crimes, was charged with many others, and is suspected of still more. Other women were murdered by unknown persons, and the killers are likely still at large. It is true that a few of the women remain missing; there is no evidence of their fate, and in these cases the painful hope remains that they will be found alive. Nevertheless, to continue to refer to the victims as “missing” perpetuates the discounting and undermining of the violent end they faced. For this reason, I refer to the women as a group as the missing and murdered women.

My mandate requires me to inquire into and make findings of fact concerning the police investigations conducted between January 23, 1997 and February 5, 2002, by police forces in British Columbia respecting women reported missing from the Downtown Eastside of the City of Vancouver. I am also required to consider recommendations for improvement of the initiation

and conduct of such future investigations, particularly when more than one investigating agency is involved. The public deserves to know the plain truth about how and why it is that Canada's worst case of serial murder occurred while the killer was a person of interest for the Vancouver Police Department and the Royal Canadian Mounted Police. The police are almost unanimous in saying: "We should have done it quicker."¹ As a whole, the police are, at best, ambivalent about Pickton's arrest in 2002: "They had succeeded and they had fallen short. A decade later, they still wept; for the victims and for the families."² Explaining the causes of the delay is key, but the fundamental impetus for this Inquiry is more forward-looking. I see my main role as future-oriented: to determine what steps should be taken to ensure the protection of women who are marginalized and at the highest risk of serial predation.

Thousands of women are reported missing every year in Vancouver alone. One of the greatest challenges facing police is to correctly assess the risks for each missing person and to act accordingly. Some categories of missing persons are considered inherently high risk: young children, the elderly, and individuals with severe physical or mental disabilities. But this Commission is dealing with a specific category of missing persons. Here the common factor is that victims are socially and economically marginalized women, which makes them highly vulnerable to all kinds of violence, including serial predation. In a decision released as I was finalizing this report, the Supreme Court of Canada recognized, in no uncertain terms, that women engaged in the survival sex trade are "some of the most marginalized members of society."³

Eradicating the problem of violence against women involves addressing the root causes of marginalization, notably sexism, racism and the ongoing pervasive effects of the colonization of Aboriginal peoples – all of which contribute to the poverty and insecurity in which many women live. Those issues and concerns are most worthy of consideration. This is beyond the scope of the Inquiry. However, where these broader societal dynamics intersect with crime prevention and law enforcement, as they do in the missing and murdered women investigations, they are brought within the Commission's mandate.

It is important to recognize the role that our collective complacency, of public and political indifference played in contributing to the abandonment of this group of women. In his opening remarks at the hearing, Grand Chief Ed John referred to Supreme Court of Canada Judge, Madam Justice Abella's reminder that history, and particularly World War II, has taught us that indifference permits injustice. She summarizes these teachings into three lessons:

1. Indifference is injustice's incubator;
2. It's not just what you stand for, it's what you stand up for; and
3. We must never forget how the world looks to those who are vulnerable.⁴

The Supreme Court of Canada recognized, in no uncertain terms, that women engaged in the survival sex trade are "some of the most marginalized members of society."

The story of the missing and murdered women is a tragedy of epic proportions.

There is no doubt that public indifference contributed to a situation in which the women could easily be forsaken. By acknowledging our collective responsibility, this report aspires to contribute, in some measure, to the eradication of this indifference and to a renewed commitment to meeting the needs of the vulnerable and marginalized members of our community.

While all of society and institutions have an obligation to remedy the conditions of marginalization, the police have a specific responsibility to take steps to understand and address the vulnerability of marginalized women to crime.

In making my findings of fact, I have been greatly assisted by my earlier work as Commissioner of the Inquiry into Policing in British Columbia from 1992 to 1994. It is clear to me that several of my main recommendations concerning community policing, the responsibility for effective policing strategies to address violence against women, inter-agency collaboration and transparency and accountability of policing have not been fully implemented. There continues to be a significant gap between the police and the community they serve. All of these systemic inadequacies had a detrimental impact on the missing and murdered women investigations. The themes of this report are reminiscent of my earlier report: equality, community engagement, collaboration and accountability. However, my views and my recommendations are more sharply developed in the crucible of applying these principles to the highly complex factual situation of the missing and murdered women investigations.

The story of the missing and murdered women is a tragedy of epic proportions. It is simply unfathomable that these women were forsaken year after year. And yet they were. While this report focuses on police failures to investigate their disappearance, none of us can escape responsibility for what happened to the missing and murdered women. It is my hope and conviction that this report will contribute to a lasting legacy of increased safety and the saving of lives.

B. Overview of the Commission Mandate and Process

The Commission has a four-fold mandate:

- a) to inquire into and make findings of fact respecting the investigations conducted between January 23, 1997 and February 5, 2002, by police forces in British Columbia respecting women reported missing from the Downtown Eastside of the City of Vancouver;
- b) to inquire into and make findings of fact respecting the decision of the Criminal Justice Branch on January 27, 1998, to enter a stay of proceedings on charges against Robert William Pickton of attempted murder, assault with a weapon, forcible confinement, and aggravated assault;
- c) to recommend changes considered necessary respecting the initiation and conduct of investigations in British Columbia of missing women and suspected multiple homicides; and

d) to recommend changes considered necessary respecting homicide investigations in British Columbia by more than one investigating organization, including the co-ordination of those investigations.

Many people refer to the Commission as the “Pickton Inquiry,” but it is both more and less than that. The Commission is mandated to inquire into the investigations up to the point when Robert (Willy) Pickton was arrested, but not to review the trial nor the decision to stay further charges after Pickton was convicted. At the same time, the Commission has a responsibility to review the investigations of other women who fit within the terms of reference, even though their disappearances are not linked to Pickton. This includes the women who have gone missing from Northern BC’s Highway of Tears.

The Commission has taken steps to overcome the many challenges met over the course of its mandate. It has been a learning process for all involved and I provide details and reflections on the inquiry process in Volume IV. First, the Commission was challenged by limits in its terms of reference. I sought to address these to the extent that I could through dialogue with communities at the Pre-Hearing Conferences held in the Downtown East Side (DTES) and Prince George in January 2011. Participants in this dialogue emphasized the need for me to take as broad an approach as possible within the limitations. Listening to this input, I requested that the Provincial Government extend my powers so that I could sit as a joint hearing and study commission. This request was granted.

A second hurdle was the Provincial Government’s decision to deny public funding to the majority of participants to whom I had granted standing. While it was beyond my powers to fully rectify this situation, the Commission took steps to make the process more inclusive by engaging Independent Counsel for Aboriginal Interests (Robyn Gervais to March 7, 2012; Suzette Narbonne and Elizabeth Hunt) and for DTES Interests (Jason Gratl). Counsel who served in these capacities contributed greatly to the process and I extend my appreciation for their efforts in challenging circumstances.

Despite the Commission’s best efforts, I recognize that not all groups, communities and interests participated in the Inquiry process. This is particularly true of First Nations organizations, organizations representing women in the DTES, and those providing services to these groups. Steps will need to be taken to facilitate their participation in the implementation of the recommendations and other follow up. I make specific recommendations in this regard at the end of my report.

The third challenge was the tremendous amount of evidence that had to be reviewed over the course of the hearings. Again, the Commission took all available steps to deal with time pressures, including instituting innovative and flexible procedures such as the hearing of evidence by panels of witnesses. Taking these steps ensured that I heard all of the evidence necessary to fulfill my mandate.

The evidence gathered through the hearing process was complemented by information developed through the study commission’s consultations and research. Only evidence entered through hearings (testimony and exhibits)

is used in making the finding of facts and conclusions listed in Volume II. Both evidence entered through the hearings and study commission information was considered in developing other parts of this report.

C. Acknowledgments

The Commission's work was greatly facilitated by the fact that the Vancouver Police Department had carried out an internal review of the missing women investigations. This report, called the *Missing Women Investigation Review*, was prepared by Deputy Chief Constable Doug LePard over several years and released to the public in August 2010, just prior to the Commission being established. It provided a strong foundation for our work. I concur with a view expressed by one witness during the hearings that the LePard Report is perhaps an unprecedented self-examination by police and a rare "exemplar of how you can do internal autopsy and try to figure out what went wrong so that it won't happen again in the future."⁵

This excellent starting point was extended through the independent expert report prepared for the Commission by Deputy Chief Jennifer Evans, now Chief Evans of Ontario's Peel Regional Police Force, and her team Detective Heather Ramore and Detective James Wingate. In this report, we continue to refer to Chief Evans as DC Evans as that was her rank when she carried out her independent review of the missing and murdered women investigations. The Evans Report was based on a larger body of evidence than the LePard Report as she had access to RCMP files and made a particular priority of examining the individual missing women files. She also interviewed a larger number of individuals. The Commission and the Province of British Columbia is deeply indebted to DC Evans for her extraordinary work, which has provided incomparable assistance. DC Evans invested countless hours at great personal sacrifice, travelling the many kilometres between her home in Ontario and Vancouver many times. I would also extend our gratitude to the Peel Regional Police Force for supporting DC Evans and enabling her to carry out this independent review that engaged her for over a year.

Police perspectives on these issues are necessary and invaluable, but not sufficient on their own, to permit a full analysis of the investigations. This is a public inquiry, not an investigative review, and the voices of the larger community have contributed greatly to my understanding of all the issues within my mandate. I acknowledge and thank all witnesses, Participants and Counsel for their participation and submissions. I would particularly extend my gratitude to Ann Livingston and Marlene Basil, representing Vancouver Area Network of Drug Users (VANDU), and Kelly White and Don Larson, representing CRAB Water for Life Society, who appeared and contributed significantly to the hearings without the benefit of lawyers.

I extend my deepest gratitude to all of the women's family members who participated in the Commission as hearing witnesses and in our consultations by meeting with me and by providing me with your views in writing. Many

family members attended all or part of the hearings and their presence in the hearing room served as an important reminder of the women who are at the heart of the Commission's work.

I would also like to thank Victims Services staff who facilitated and supported the participation of the families and the work of the Commission.

A great number of people from many walks of life, communities and organizations made submissions to me either in writing and/or through the Commission's public consultation processes. I was particularly pleased to hear from individuals at forums in the DTES, Prince George, Prince Rupert, Terrace, Gitanyow, Moricetown, Smithers, and Hazelton. It was gratifying to meet many individuals from the Aboriginal communities and to listen to their concerns. While in Hazelton, I was approached by a physician who has practiced medicine there for 35 years. He thanked me on behalf of the community for coming and then said, "You have no idea what your presence means to the members of these communities because they feel someone is finally listening to them." All of these perspectives, stories and recommendations have enriched the work of the Commission and my understanding of the issues.

Many Elders and facilitators assisted us on our journey and I extend my deep gratitude to them for sharing their wisdom and prayers.

The work of a Commission of Inquiry is always a team effort. I very much appreciate the stellar efforts of my entire staff: my First Nations advisers, Commission Counsel, the policy research team, the documents management and analysis team, Executive Director and administrative staff, and the communications team, including the webmaster, report editing, design and production consultants. I am indebted to the entire staff; each member was devoted to assisting me in dealing with my terms of reference. I acknowledge the tremendous dedication and skill of Art Vertlieb, QC in the pivotal role of Senior Commission Counsel as well as that of Associate Counsel Karey Brooks. Finally, I am indebted to the Registrar, Leonard Giles, who was exemplary in the manner in which he organized the hearings.

I accept sole responsibility for my findings of fact and recommendations, but in all other respects it has been a team effort.

I set out my acknowledgments in a more fulsome fashion in Volume IV.

I dedicate this report to the women and to their courageous families and friends and, in particular, to the children of the missing women. We have a shared obligation to take steps to lessen the intergenerational impact of this tragedy while at the same time honouring the memories of the women.

D. Overview of the Report

Steps have been taken to make the report as accessible as possible, with the specific objective that, in reading the report, the victims' families, friends and community members would feel that the lives of the missing and murdered women were respected and valued by the Commission.

The cover artwork was chosen as a direct response to the preponderance of negative words about the missing and murdered women in the public discourse about these crimes. These negative words have contributed to the dismissal of the victims as "nobodies." To counter these invalidating images, the Commission drew up a list of positive words to describe the women, drawing in part from family members' testimony. We have included words, from Halq'eméylem, the language of the Stó:lo people.

The Commission also chose to include representations of some of the missing and murdered women throughout the report to underscore their personhood: as a reminder that they were individuals, not simply members of a faceless group of victims. Unfortunately, we were unable to include images of all the women. We are deeply indebted to Project EDAN for granting us permission to reproduce the sketches drawn by volunteers in connection with Pickton's trial.⁶

The Commission Report consists of four volumes.

Volume I is entitled *The Women, Their Lives and the Framework of Inquiry: Setting the Context for Understanding and Change*. Volume I provides the framework for the Inquiry's factual findings and conclusions and for its broader policy advisory responsibilities, which focus on recommendations for forward-looking change. Emphasis has been placed on developing a contextualized framework: context is the setting for a particular idea or event, a set of circumstances or facts that surround an event or situation that give it meaning. The missing and murdered women investigations were not isolated events; they must be situated and assessed relative to a bigger picture. This contextual framework comprises four elements:

- The international, national and provincial dimensions of the crisis of missing and murdered women;
- The women as individuals;
- The women as a group and their lives in the DTES; and
- The legal and policy framework for police investigations of missing women and suspected multiple homicides.

Volume II is entitled *Nobodies: How and Why We Failed the Missing and Murdered Women*. It contains my findings of facts and conclusions pertaining to the police investigations framed by four main parts:

- The police investigation into the assault on Ms. Anderson and the decision to stay proceedings against Pickton in January 1998;
- An overview of the missing and murdered women investigations designed to serve as a narrative account upon which further analysis is carried out;
- An analysis of the seven main critical police failures; and
- An analysis of the underlying causes of these critical police failures.

Volume III is entitled: *Gone, but not Forgotten: Building the Women's Legacy of Safety Together*. This volume summarizes the information gathered through the study commission processes and sets out my recommendations for reform. The framing of the recommendations is closely tied to the factual conclusions that I reached in Volume II. The discussion and recommendations are set out in relation to what I identify as the 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 women's legacy: implementation, change management and evaluation.

Volume IV – *The Inquiry Process* contains materials related to the Commission's process and is meant to provide a public record of the work that led to the preparation of this report. The first section is a detailed overview of the Commission's approach to the hearings and study commission processes. The remaining sections provide information about the Commission's work including the terms of reference, a list of Commission personnel, a list of Participants and Counsel, practice and procedure guidelines and directives, a list of witnesses at the evidentiary hearings, a list of oral and written submissions to the study commission, a list of Commission studies and reports, and a selected bibliography.

An executive summary, including a summary of recommendations, is published as a separate volume.

A Note on the Importance of Language

The Commission recognizes the importance of language in shaping perceptions and giving meaning to events. Careful attention has been placed on the choice of words and phrases employed to refer to key aspects of the Commission's mandate. For example, the phrase "missing and murdered women" has been selected over the more neutral but erroneous "missing women" and the more accurate "Anderson assault" is preferred over "Anderson incident" to describe a specific violent assault and attempted murder.

The subjects of the missing person and murder investigations reviewed in this report were individual people. They were all women; Kellie (Richard) Little was born a man but identified as a woman at the time she went missing. Throughout this report, we refer to "women," as they are the focus of the Missing Women Investigation. However, we recognize that men and transgendered persons, particularly those involved in the sale of sex, or marginalized by poverty, insecure housing, addiction or mental illness, may also be prey to serial predation and violence, and many of the recommendations in this report concerning safety should be read as applying equally to them.

The vast majority of women who went missing from the Downtown Eastside during the terms of reference of this Inquiry had at some point during their lives sold sex. This is a shared characteristic of many of the missing women. The Commission acknowledges the ongoing political and philosophical debate surrounding the use of the terms "sex worker" and "sex trade," versus "prostitute" or "prostituted woman" and "prostitution" which tracks the language of the Criminal Code. The legality of various aspects of the sale of sex continues to be argued before the courts in Canada. While we recognize that those on different sides of this debate may find the use of one or another term pejorative, the Commission does not take a position on this issue. In this report, we use both "sex work" and "prostitution," and their variations, to describe the sale of sex and those who sell it, replicating the words used by speakers giving testimony and Participants making submissions. No disrespect is intended towards any party; nor is the use of any particular term meant to signify approval or disapproval of a particular philosophical outlook or conviction.

PART TWO

THE CRISIS OF MISSING AND MURDERED WOMEN

Violence against women continues to be a serious and pervasive social problem despite years of concerted prevention efforts.

PART 2 - THE CRISIS OF MISSING AND MURDERED WOMEN

A. Introduction

This Commission of Inquiry must be understood within the provincial, national and international phenomenon of the serial murder of women and, more specifically, targeted groups of women. The fact-finding mandate focuses on a specific group of female victims and the police response in a particular time and place, but it is connected to this broader phenomenon of critical dimensions. A brief overview of this global phenomenon provides important context to the Commission's mandate and underscores the urgent and ongoing nature of the problem. Putting Pickton behind bars is not the end of the story.

Violence against women continues to be a serious and pervasive social problem despite years of concerted prevention efforts.⁷ Aboriginal women experience higher levels of violence in terms of both incidence and severity and are disproportionately represented in the number of missing and murdered women across Canada.⁸ Aboriginal women as a group have a heightened vulnerability to violence simply because they live in "a society that poses a risk to their safety."⁹ In British Columbia and around the world, vulnerable and marginalized women are exposed to a higher risk of violence including sexual assault, murder and serial predation. The phenomenon of missing and murdered women is one stark example of this exposure and is seen as part of a broader pattern of marginalization and inequality. The increased vulnerability of certain groups of women, such as women involved in the sex trade, plays an important role in providing victims for serial killers.¹⁰

B. International

Many international organizations have recognized and taken steps to address the global phenomenon of both missing women and murdered women. These global dimensions provide clear indications of the extent of the crisis and an additional layer of contextual understanding to the Commission's mandate.

At the international level, the term "missing women phenomenon" is used by some, including Nobel Prize Laureate Dr. Amartya Sen and the World Bank, to estimate and illustrate the cumulative impact of female gender bias on mortality.¹¹ World development reports have also attempted to count the numbers of women "missing" from educational institutions and the labour force and "excess" female mortality due to discrimination.¹² Excess female death is estimated to be over four million per year.¹³ In its *2011-2012 Progress of the World's Women: In Pursuit of Justice* report, UN Women provides an updated estimate of 134 million "missing women" in total.¹⁴ These large numbers are indeed sobering. They provide an overarching understanding of the direct connection between women's economic and

social inequality and their vulnerability to all forms of insecurity and violence.

This more general global trend is also reflected in the high incidence of serial predation and killing of women in other countries. I have reviewed a number of examples that are particularly relevant to my mandate.

United States

In the United States, 88% of all identified serial killers are male and 65% of all serial murder victims are female.¹⁵ Another study reports a lower overall serial homicide rate of women (52%) but confirms the high proportion of female victims engaged in prostitution.

The current study confirmed, similar to the findings of others, that in contrast to single homicides, females are more likely than males to be targeted by serial homicide offenders. From 1970 to 2009, 52% of offenders targeted female victims only, 15% targeted male victims only, and 33% targeted both females and males.

Notably, this study also shows the increase in the percentage of serial homicide victims who are women and the dramatic increase of prostitutes over the past three decades:

The proportion of offenders choosing female victims only increased over time but the proportion that killed both females and males declined somewhat (from 33% of cases in the 1970s to 29% of cases during 2000-2009). The finding that the proportion of cases involving female victims only has increased, likely ties to the increase in the proportion of cases in which the victims were prostitutes.

Overall, 32% of cases involving female victims only were prostitute cases. However, disaggregation by decade showed that the proportion of cases in which only female prostitutes were victimized increased from a low of 16% between 1970 and 1979, to 30% between 1980 and 1989, to 46% between 1990 and 1999, and 69% between 2000 and 2009. Thus, despite an observed dramatic decline in the total number of serial murder cases from the 1980s to the 1990s, the likelihood that the victim was a female prostitute increased.”¹⁶

These statistics confirm that in the United States, many of the victims of serial homicide are marginalized individuals including those engaged in the sex trade, suffering from drug addictions and living in insecure housing, or runaways, which makes their whereabouts difficult to trace. In several cases, serial murderers disposed of bodies on their property. The sections below briefly outline a number of serial homicides that occurred during or close to the terms of reference. In some cases, members of the VPD and RCMP consulted with the police forces involved in the American investigations.

Federal Bureau of Investigation database

Since the FBI launched its Highway Serial Killings database, collecting crime information from around the U.S. to assist in searching for patterns, the Bureau has helped solve more than two dozen murders. In many cases, the FBI suspects the murderers are long-distance truck drivers who pick up women and transport them across state lines, dumping their bodies in remote areas. According to the FBI, many of the victims have been prostitutes and other women with “high-risk lifestyles.”¹⁷

New York State

Between July 2007 and September 2010, four prostitutes’ bodies were found in an area of Long Island, NY. This community previously saw two other serial killers preying on prostitutes: in 1995, Joel Rifkin, an unemployed landscaper who confessed to killing 17 prostitutes, most by strangulation. In 1993, former postal worker Robert Shulman was convicted of killing and dismembering five prostitutes. In Poughkeepsie, NY, Kendall L. Francois admitted to strangling and murdering eight prostitutes from 1996 to 1998 and storing their bodies in the home he shared with his family.¹⁸

Houston, Texas

In October 2011, Stephen Hobbs, a 40-year-old man working as a security guard, was charged with sexually assaulting and killing two prostitutes. He is a suspect in a number of deaths going back 15 years. He was caught after the police found the decomposed body of one missing prostitute, and investigators began to question other prostitutes. One woman described being abducted and raped at gunpoint by a man of Hobbs’ physical description, later identified as Hobbs. His DNA was subsequently found to match that from the sites of other murders.¹⁹

Cleveland, Ohio

Anthony Edward Sowell is an American serial killer identified in press reports as the “Cleveland Strangler.” He was arrested in October 2009 as a suspect in the murders of eleven women whose bodies were discovered at his home in Cleveland, Ohio.

Sowell was charged with 11 counts of murder, rape, and kidnapping; he pleaded “not guilty by reason of insanity,” but later changed his plea to simply “not guilty.” On July 22, 2011, he was convicted on all but two counts against him, including the murders of the 11 women. On August 10, 2011, jurors recommended the death penalty for Sowell and on August 12, Judge Dick Ambrose upheld the jury’s recommendation.

Sowell was previously convicted of sexual assault and attempted murder of a woman in 1989, and served a fifteen-year sentence before being released in 2005. Some of Sowell’s victims had histories of drug abuse.²⁰

Alaska

Robert Christian Hansen murdered at least 17 women near Anchorage, Alaska between 1980 and 1983. Most of his victims were prostitutes or women whom he met in bars. It has been reported that Hansen was caught when a woman escaped as he tried to force her into his Super Piper Cub (light airplane) in 1983, after he had confined and repeatedly sexually assaulted her. Although she reported the assault, he was not actually considered a serious suspect until almost five months after the assault, when a police profiler identified Hansen as fitting the psychological profile compiled for the probable killer of three of the women. He ultimately confessed to killing 17 women and raping 30 others over the previous 12 years. He is currently in prison serving consecutive sentences for four murders, after plea bargaining in order not to stand trial on all of the charges against him.²¹

New Mexico

The West Mesa Murders refer to the remains of 11 women and a fetus found in 2009 buried in the desert on the West Mesa of Albuquerque, New Mexico. No suspects have been identified in the case and a serial killer is believed to be responsible. Six other women's deaths have since been identified as potentially linked to the initial 11.²²

Green River, Washington

Throughout the 1980s and 1990s, Gary Ridgway is believed to have murdered between 49 and 71 women near Seattle and Tacoma, Washington. Most of the murders occurred between 1982 and 1984. Ridgway admitted later that he specifically targeted prostitutes, whom he picked up along Pacific Highway South (International Blvd. 99) and strangled. Most of their bodies were dumped in wooded areas around Green River in clusters, sometimes posed, usually nude. In some cases, Ridgway would return to engage in intercourse with the victims' bodies. Because most of the bodies were not discovered until they were badly decomposed, four victims remain unidentified. Ridgway occasionally contaminated the dump sites with gum, cigarettes, and written materials belonging to others and even transported a few victims' remains across state lines into Oregon to confuse the police.²³

Ridgway was interviewed several times as a potential suspect in the murders and passed a polygraph test in the 1980s.

On November 30, 2001, Ridgway was arrested on suspicion of murdering four women (Marcia Chapman, Opal Mills, Cynthia Hinds and Carol Ann Christensen), when DNA evidence conclusively linked semen left in the victims to the saliva swab taken by the police. Three more victims – Wendy Coffield, Debra Bonner and Debra Estes – were added to the indictment after microscopic spray paint spheres on victims' clothing were matched to the specific brand and composition of paint used at the Kenworth factory

where Ridgway worked during the time frame when these victims were killed.

On November 5, 2003, Ridgway entered a guilty plea to 48 charges of aggravated first-degree murder as part of a plea bargain that would spare him execution in exchange for his cooperation in locating the victims. In his statement accompanying his guilty plea, Ridgway explained that all of his victims had been killed inside King County, Washington, and that he had transported and dumped the remains of the two women near Portland, Oregon.

In 2011, Ridgway was charged with a forty-ninth murder, while incarcerated, after another woman's remains were found.

United Kingdom

"Jack the Ripper" is the name given to a serial killer who operated in the Whitechapel area of London from 1888 to 1891. The eleven victims were all prostitutes; in most cases, the bodies were mutilated. The murders were never solved, so it is unknown how many victims were killed by the same person. More recently, two British serial killers were apprehended: they also tended to prey on women who were engaged in sex work and struggling with drug addiction.

Yorkshire murders

Peter William Sutcliffe (born on June 2, 1946) is a British serial killer who was dubbed "The Yorkshire Ripper." In 1981, Sutcliffe was convicted of murdering 13 women and attacking seven others between 1975 and 1981.

The women Sutcliffe attacked ranged in age from 16 to 42, and some, but not all, were prostitutes. In most cases, Sutcliffe mutilated the women's bodies. Several of his victims managed to escape. The murder of his sixteenth victim in 1979 – a student, not a prostitute – prompted an extensive media campaign. During the ensuing investigation, Sutcliffe was interviewed twice, but not arrested. He killed two more women before he was arrested in 1981, with his next intended victim in his car. Sutcliffe is currently serving 20 sentences of life imprisonment in Broadmoor Hospital, a high-security psychiatric facility; several inmates have made attempts on his life.

Ipswich murders

The Ipswich serial murders took place between October 30th and December 10, 2006, when the bodies of five murdered women were discovered at different locations near Ipswich, Suffolk, England. All the victims were women who worked as prostitutes in the Ipswich area. Their bodies were discovered naked around streams and in wooded areas, but there were no signs of struggle. Two of the victims, Anneli Alderton and Paula Clennell,

were confirmed to have been killed by asphyxiation. Suffolk Police linked the killings and launched a murder investigation codenamed Operation Sumac. Due to the size of the investigation, police officers were drafted from several other police forces, including continental Europe. Forklift truck driver Steven Gerald James Wright, then aged 48, was arrested on suspicion of murder on December 19, 2006, and charged with the murders of all five women on December 21st.

In January 2008, Wright pleaded “not guilty” to the charges. DNA and fibre evidence presented to the court linked Wright to the victims. He was found guilty of all five murders on February 21, 2008, and was sentenced the following day to life imprisonment with a recommendation that he should never be released from prison.

Latin America

Several areas of Latin America have witnessed mass or serial disappearances and murders of women. Stanford University’s Chicana and Chicano Studies of the Center for Comparative Studies in Race and Ethnicity organized a conference on missing women in 2007. The conference description highlighted the vast number of female victims:

In Juárez, the border town across the Rio Grande from El Paso, Texas, 400 women have been murdered over the last 14 years and a thousand others are missing. From 2001 to 2005, hundreds of women have been violently murdered with impunity throughout Central America: 1,780 in Guatemala, 462 in Honduras, 117 in Costa Rica, five per month in El Salvador. In Canada, over 100 indigenous women have been murdered in recent years.²⁴

There is ongoing debate over the numbers of victims, but there is no dispute that there is a serious problem. While the focus has been on the extreme situation in Ciudad Juarez, Mexico, there are clear regional dimensions to the ongoing critical situation.

The victims share several social and economic characteristics in that they tend to be young, poor, and often travelling through insecure areas late at night or early in the morning for work at factories (“maquileradores”) operating in Free Trade Zones in these countries. Often the women are separated from their families due to the economic dislocation of internal and regional migration, and their families tend to be marginalized and living in precarious economic and social situations.

Studies have identified a number of contributing factors to this phenomenon:

- Legacy of armed conflict and violence by government and non-government forces in civil wars and counter-insurgencies
- Deeply entrenched patriarchy
- Cultural acceptance of violence against women and impunity for gender-based crimes

- Police negligence, ineptitude and corruption
- Proliferation of organized crime: powerful drug gangs and cartels controlled by men who may require violent acts of initiation (although some critics reason that this accounts for a minority of femicides)

Some of the disappearances in Latin America appear to be politically motivated: women advocates for social change have gone missing under suspicious circumstances that suggest political assassinations. These are not the focus of this report. Many of the missing and murdered women in Latin America have been the victims of serial predation more directly comparable to the Canadian situation.

The focus on these situations brought to light by the Inter-American Commission on Human Rights and the CEDAW Committee has often engaged discussion of the Mexican and Guatemalan authorities' failure to respond effectively and appropriately to stop the killings, which has effectively created a culture of impunity. Judicial proceedings have found that the investigations were negligent and violated the human rights of the women and their families in numerous respects. The main factual findings were that police failed to meet basic investigative standards (failure to open files, follow leads, take adequate steps, gather and maintain forensic evidence and so on), were hostile to families, and tended to blame the victims by manufacturing or implying links to organized crime or prostitution.²⁶

C. Canada

Between the years 2000 and 2010, women comprised between 23.9% and 35.4% of the total number of homicide victims in Canada.²⁷ According to the most recent Statistics Canada homicide survey, between the years 1991 and 2010, there were a total of 150 women engaged in the sex trade killed as a direct result of their occupation. The number of victims in this group has remained steady over the last two decades: from 1991 to 1999 there were 72 and from 2000 to 2010 there were 78.²⁸

There is no one single authoritative list of missing and murdered women in Canada. This lack of statistics mirrors the controversies over the numbers of victims seen at the international level. Statistics Canada has not traditionally gathered or analyzed information about missing persons because going missing is not a crime. Disaggregated statistics on missing persons have not been produced on a regular basis. In recognition of this paucity of information, efforts are underway to build a national information database of missing persons.²⁹

The RCMP and municipal police departments have a number of Joint Force Operations dedicated to unsolved missing and murdered women cases. These projects are the primary official source of statistics on the extent of this problem.

Intensive steps have been taken by Aboriginal women's organizations, led by the Native Women's Association of Canada (NWAC), to gather comprehensive statistics on the number of Aboriginal missing and murdered women. NWAC is now working with the RCMP to improve data collection in this regard.

Police-reported statistics in Canada

In 2009, the Canadian Police Information Centre (CPIC) reported 1,559 missing women cases in Canada.³⁰ The mandates of joint investigative task forces currently operating in British Columbia, Alberta, Saskatchewan and Manitoba are investigating 280 cases of individual women who have been murdered or are missing in which foul play is suspected or has not been ruled out. These figures are listed in Table I-1.

TABLE I-1: POLICE-REPORTED STATISTICS IN WESTERN CANADA

Investigating Task Force	Western Province	Number of Missing and Murdered Women (estimate)	Source of Information
Project Evenhanded	British Columbia	70 in May 2012	Department of Justice Communications to MWCI, June 14, 2012 re: AANDC research request
Project E-Pana	British Columbia	18 in 2012; 43 (according to Aboriginal communities)	Martin Fricker, "Highway of Tears", Daily Mirror (15 June 2012) (Infomart); Christine Pelisek, "Highway of Vanishing Women", The Daily Beast/Newsweek Magazine (10 July 2011) (Infomart)
Project Kare	Alberta	79 in 2004 (at time of Task Force formation)	Mariam Ibrahim, "Project Kare looks for links to accused Winnipeg serial killer", Edmonton Journal (27 June 2012) (Infomart)

Investigating Task Force	Western Province	Number of Missing and Murdered Women (estimate)	Source of Information
F Division and Municipal Police	Saskatchewan	29 in 2009	Barb Pacholik "Vanished: Regina mom missing for 25 years" Regina Leader-Post (26 October 2009) (Infomart)
Project Devote	Manitoba	84 cases; focusing on 27 cases in 2012	"Targeted review is called for", Winnipeg Free Press (16 July 2012) (Infomart)

Alberta

As many as 24 women, many of whom had done sex work, have been murdered in or near Edmonton, Alberta between the 1970s and the present. Project KARE was set up in 2003 to examine the deaths of "high-risk" missing persons and to employ new strategies to prevent women at risk of violence from going missing. At that time, it was estimated that 79 women had gone missing or were murdered and their cases unsolved. Project KARE investigators have publicly stated that they think more than one serial killer may be responsible for the women's murders.³¹

In connection with Project KARE's investigations, in 2008 an Edmonton judge found Thomas Svekla guilty of the second-degree murder of Theresa Innes. Svekla was acquitted on a second charge of murdering Rachel Quinney. Although Svekla was only convicted of one murder, there was much speculation after his arrest that he was responsible for other deaths.³² In September 2008, Project KARE charged Joseph Laboucan, who is already serving a life sentence (along with a co-accused) for the sexual assault and killing of N.C., with the murder of a second woman E.M. who disappeared shortly before N.C. was killed in 2005. In 2011, he was convicted of the first-degree murder of E.M.

Saskatchewan

Police in Saskatchewan continue to investigate 29 missing women cases in which foul play has not been ruled out. Seventeen (59%) of these women are Aboriginal and 12 (41%) are Caucasian, although Aboriginal people make up only 14% of Saskatchewan's population. In 1992, John Martin Crawford was convicted of the murders of S.N., E.T., and C.W. in Saskatoon, all of whom were Aboriginal women. He had previously served jail time for killing a 35-year-old woman in Lethbridge, Alberta in 1981. After his conviction, several young women came forward to report to the police that

Crawford had attempted to murder them. He is currently serving three concurrent life sentences with no chance of parole for 20 years.³³

Manitoba

In 2011, RCMP and Winnipeg Police Service established Project Devote to examine unsolved historical homicides and missing persons cases involving exploited and at-risk persons. The focus is on the suspicious disappearance of 27 women from a list of 84 missing women. In June 2012, a man was charged with three counts of second-degree murder in the deaths of Winnipeg Aboriginal women Tanya Nepinak, Carolyn Sinclair and Lorna Blacksmith, as well as a separate count of sexual assault.

Ontario

Between May of 1987 and December of 1992, Paul Bernardo sexually assaulted at least eighteen women in Scarborough and St. Catharines, Ontario. He was eventually convicted of killing two women and was responsible for killing a third. The Government of Ontario appointed Mr. Justice Campbell to review the police investigation into this case. His report is discussed in detail in Part 5 of this volume.

Between 1995 and 2006, the bodies of five murdered women were found in the Niagara region. The victims had been marginalized as a result of involvement with the survival sex trade and drug abuse. In 2006, a task force of 12 Niagara Regional Police detectives was formed to investigate the homicides. An individual was charged and committed to stand trial for first-degree murder of two of the women. The investigation continues into the deaths of the other three women.

In March of 2003, police in Hamilton and Halton established a joint forces operation called Project Advocate, which probed a series of violent attacks on eight women also marginalized by the sex trade from late 2001 to late 2002, including two women who have been found dead and one who is still missing. Several arrests were made, but the cases are considered unsolved.

In 2012, Russell Williams, a decorated former commander of CFB Trenton, was convicted of first-degree murder of two women, one a member of the armed forces and another woman who lived near him. He pleaded guilty to the murders as well as to over 80 break-ins involving theft of women's underwear and two sexual assaults.³⁴

Aboriginal Women

Aboriginal women are disproportionately represented in the number of missing and murdered women across Canada. NWAC's research indicated that between 2000 and 2008, 153 cases of murdered Aboriginal women and girls represented approximately 10% of all female homicides in Canada;³⁵

however, Aboriginal women make up only 3.8% of the female population.³⁶ This situation has garnered international attention.

Native Women's Association of Canada – Sisters In Spirit database

In 2005, NWAC received funding for a five-year study of missing and murdered Aboriginal women and girls in Canada. In 2010, the NWAC Sisters In Spirit initiative produced a database of 582 cases of Aboriginal missing and murdered women and girls identified over the past 20 years. At the time funding ended in 2010, Sisters In Spirit staff was researching an additional 20 cases, bringing the total to just over 600 missing and murdered Aboriginal women and girls. Unfortunately, due to timing, these additional cases were not reviewed and incorporated into the Sisters In Spirit 2010 Research Findings.³⁷

The Sisters In Spirit research project employed a number of research strategies to gather data for their database of missing and murdered Aboriginal women and girls:

- information obtained from newspaper/magazine articles and other news sources such as the Internet
- information obtained from RCMP, provincial and municipal law enforcement websites
- information obtained from trial transcripts and reported court decisions
- interviews conducted with the families of Aboriginal women and girls
- interviews conducted with members of Aboriginal communities where the women and girls lived
- secondary research sources - in some cases supplemented by information shared through storytelling by family members, reports from community members and other key informants such as police.³⁸

There were several research criteria for inclusion in the database:

- woman or girl involved is Aboriginal (status or non-status First Nations, Metis or Inuit)
- case involves a female or living as a woman (includes transgender or transsexual Aboriginal women)
- woman or girl is missing or died as a result of homicide, negligence, or in circumstances family or community members consider suspicious
- woman or girl was born or connected to a community in Canada.³⁹

These criteria are broader than the approach taken by the police or by other government entities such as Statistics Canada. NWAC states that 'murdered' statistics include deaths resulting from homicide or negligence. For example, a woman's death may have been caused by negligence on the part of another person rather than by a direct act of violence.⁴⁰ NWAC states that 'suspicious deaths' are incidents that police have declared natural or

accidental but that family or community members regard as suspicious. For example, the police may have ruled that a death was due to exposure, while the family believes that another individual has responsibility for the death.⁴¹

Of more than 740 cases of missing and murdered women and girls reviewed, 582 cases met the criteria for inclusion. These statistics are presented in Table I-2.

TABLE I-2: NWAC SISTERS IN SPIRIT DATABASE OVERVIEW

Location	Number of Missing and Murdered Aboriginal Women and Girls	Source of Information (as of March 31, 2010)
Canada	582 cases in total, of which: 67% murdered; 20% missing; 4% suspicious death; 9% nature of case unknown	<i>Fact Sheet: Missing and Murdered Aboriginal Women and Girls</i> , Native Women's Association of Canada, 2010
British Columbia	160 cases⁴² , accounts for: almost a third (27%) of all cases in Canada; 63% murdered; 24% missing; 9% suspicious death; 80% of documented <i>murders</i> occurred in urban areas, particularly Vancouver, compared to 58% nationally; higher percentage (21%) of <i>missing</i> in rural areas compared to 16% nationally, due to the Highway of Tears and other northern areas	<i>Fact Sheet: Missing and Murdered Aboriginal Women and Girls in British Columbia</i> , Native Women's Association of Canada, 2010
Alberta	93 cases , accounts for: 16% of all cases in Canada (second after BC); 84% murdered; 14% missing; 1% suspicious death; 50% of documented <i>murders</i> occurred in urban areas, particularly Edmonton and Calgary; 76% <i>missing</i> from urban area	<i>Fact Sheet: Missing and Murdered Aboriginal Women and Girls in Alberta</i> , Native Women's Association of Canada, 2010

Location	Number of Missing and Murdered Aboriginal Women and Girls	Source of Information (as of March 31, 2010)
Saskatchewan	61 cases , accounts for: 10.5% of all cases in Canada; 61% murdered; 38% missing; no suspicious death; 72% of documented <i>murders</i> occurred in urban areas, particularly Regina and Saskatoon; 70% <i>missing</i> from urban area	<i>Fact Sheet: Aboriginal Women and Girls in Manitoba</i> , Native Women's Association of Canada, 2010
Manitoba	79 cases , accounts for: 14% of all cases in Canada (third after Alberta); 81% murdered; 16% missing; 3% suspicious death; 64% of documented <i>murders</i> occurred in urban areas, particularly Winnipeg; 67% <i>missing</i> from urban area; higher percentage (22%) <i>missing</i> on-reserve compared to 12% nationally	<i>Fact Sheet: Missing and Murdered Aboriginal Women and Girls in Manitoba</i> , Native Women's Association of Canada, 2010

NWAC's Sisters In Spirit research highlights patterns in the characteristics of missing and murdered Aboriginal women and girls. Over 67% of NWAC cases of missing and murdered Aboriginal women and girls occurred in the Western Provinces. Where known, 70% of women and girls disappeared from urban areas and 60% were found murdered in an urban area.⁴³ Just over half of the missing and murdered cases (55%) involve women and girls under the age of 31, with 17% of women and girls 18 years of age or younger. Where known, majority of women (88%) in the database were mothers.⁴⁴

There are a number of important differences between police-reported statistics and the NWAC Sisters In Spirit (SIS) database:

- the SIS database includes some historical cases not accepted or vetted by police
- the SIS database includes cases where police closed the file on a deceased woman, declaring natural or accidental death, despite lingering questions from family or community members (categorized as "suspicious death")

- the SIS database includes cases where it is unclear whether the woman was murdered or is missing or died in suspicious circumstances (categorized as “unknown”). Most of these ‘unknown’ cases were obtained from lists of missing and murdered Aboriginal women compiled by community members and posted on the Internet or published in newspapers. In these cases, information related to the circumstances surrounding the disappearance is often limited.⁴⁵
- the SIS database includes cases where the identity of the woman or girl is unknown and not confirmable; however, it was felt there is a strong reason to believe that the female was Aboriginal. NWAC contacted the RCMP for assistance in confirming the identity of the women and girls. Due to the Privacy Act, the RCMP was unable to report on which names on the list were non-Aboriginal. NWAC made the decision to keep all unknown identity cases in the database and found that the overall analysis or research outcomes would not be significantly different.⁴⁶

The RCMP and NWAC are in the process of reconciling the two sets of data about missing and murdered Aboriginal women and girls. Privacy concerns and undertakings of confidentiality contribute to the difficulties in this process, but collaborative efforts are underway.

Walk4Justice database

Walk4Justice is a civil society organization founded to highlight the phenomenon of missing and murdered Aboriginal women in Canada. Co-founder Gladys Radek advises that Walk4Justice compiled and maintains a national database of missing and murdered women, some cases which date back to the 1970s. According to Walk4Justice webpages, the national database contained the names of 2,932 missing and murdered women in 2011.⁴⁷ Walk4Justice agrees with the same number – 600 Aboriginal missing and murdered women – as the NWAC Sisters In Spirit finding. According to the Walk4Justice database, Aboriginal women account for at least 20% of all the missing and murdered women in Canada. Volunteers update the Walk4Justice database based on updates from family members of missing women.⁴⁸ Further details about the Walk4Justice database were unavailable to the Commission.

CEDAW Inquiry under the Optional Protocol

In 2008, the BC CEDAW Group (a coalition of 12 non-governmental organizations from British Columbia) and FAFIA (the Feminist Alliance For International Action, a national non-governmental organization) presented data on missing and murdered Aboriginal women in Canada during the combined sixth and seventh periodic review of Canada’s reports at the UN Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW). Similar presentations were made at the Committee for the Elimination of Racial Discrimination and the Committee Against Torture.

In its 2008 Concluding Observations, the U.N. CEDAW Committee wrote:

31. Although the Committee notes that a working group has been established to review the situation relating to missing and murdered women in the State party and those at risk in that context, it remains concerned that hundreds of cases involving Aboriginal women who have gone missing or been murdered in the past two decades have neither been fully investigated nor attracted priority attention, with the perpetrators remaining unpunished.

32. The Committee urges the State party to examine the reasons for the failure to investigate the cases of missing or murdered Aboriginal women and to take the necessary steps to remedy the deficiencies in the system. The Committee calls upon the State party to urgently carry out thorough investigations of the cases of Aboriginal women who have gone missing or been murdered in recent decades. It also urges the State party to carry out an analysis of those cases in order to determine whether there is a racialized pattern to the disappearances and take measures to address the problem if that is the case.⁴⁹

Canada was asked by the Committee to report back in 2010 on its progress, which it did.⁵⁰ NWAC, FAFIA and Amnesty International also submitted follow-up reports indicating that adequate action had not been taken.⁵¹ In 2010, the BC CEDAW group, in a presentation to the Standing Committee on Finance, also called on the federal government to take responsibility for determining the reasons for the failure to investigate the cases of missing or murdered Aboriginal girls and women, and to remedy the failure, in keeping with Canada's international human rights obligations.⁵² In 2011, FAFIA requested that the CEDAW Committee initiate an Inquiry under Article 8 of the Optional Protocol to the Convention, with FAFIA and NWAC submitting information on Canada's failure to act promptly and effectively to address human rights violations of Aboriginal women and girls. The Committee accepted the request on December 16, 2011, agreeing to go ahead with an Inquiry.⁵³ At the time of the preparation of this report, the Committee was in dialogue with the Government of Canada on this issue. FAFIA, NWAC and other groups continue to actively pursue this issue in numerous international forums.

D. British Columbia

Missing and murdered women have been a phenomenon in BC for several decades. BC has seen a number of serial killers at work since the 1970s. The most notorious of these killers is Clifford Olson. He confessed to murdering 11 children in BC and sexually assaulting others, including Janet Henry, who is one of the missing women. Several other men including Gilbert Jordon (the "Boozing Barber") and, more recently, Martin Tremblay were suspected or convicted of preying on numerous women, including in particular Aboriginal women and girls.

Several other serial homicides were investigated just prior to and during the terms of reference and are discussed to some extent in this report. Project Eclipse, Canada's first investigative case conference, was organized by the RCMP in 1991 in Victoria to look into 26 unsolved homicides of women

from Vancouver and Victoria between 1985 and 1991. More than half of the victims were believed to be women engaged in the sex trade. The conference concluded that a single killer was not responsible for 26 homicides, but some participants concluded that several of the murders were linked. There was sufficient concern amongst the police that a number of police agencies met on two occasions in 1991 in order to discuss the 26 unsolved homicides. It is interesting to note that one of the topics of focus of Project Eclipse was whether or not a serial killer was operating. In 1998, the bodies of two women engaged in the sex trade were found in alleys in the DTES; these became known as the “Alley Murders.” Three women from the DTES, Tammy Pipe, Tracy Olajide, Victoria Younker, were found murdered in the mountains near Agassiz or Mission, BC; these became known as the “Valley Murders.” The body of a fourth woman, Mary Lidguerre, was found on the North Shore mountains, but it is believed this case is not related to the other murders.

Since the early 1970s, many women have disappeared along the Yellowhead Highway, Highway 16 in Northern BC, which runs between Prince Rupert and Prince George, BC. It is believed that most of the women, some of whom were girls, were hitchhiking, although many in the community believe they were abducted.⁵⁴ As a result of the disappearances, the highway has been nicknamed the “Highway of Tears.” In many cases, the bodies of the victims have not been found.

The exact number of missing and murdered women along the Highway of Tears has not been determined. Project E-Pana, the current police task force into the Highway of Tears, is investigating 18 linked disappearances and murders dating from 1969 to 2011.⁵⁵ “E-Pana” is the name of an Inuit spirit goddess who guides the souls of the dead. In 2006 the Highway of Tears Symposium Recommendations Report stated that community speculation put the number of missing and murdered women above 30. On May 28, 2011, another woman, Madison Scott, went missing. Aboriginal (Inuit) communities say 43 women are missing. In late 2010, Cody Legebokoff was arrested and was later charged with the murders of four women in the Prince George area. He is not a suspect in the Highway of Tears murders as he would have been too young. The body of one victim still has not been found.⁵⁶

At its 21st Women’s Memorial March held on February 14, 2012, the February 14th Annual Women’s Memorial March Committee published a list of 440 names of women missing or murdered in its program distributed on that day. This list includes all of the Pickton victims and Highway of Tears missing women.

The number of unsolved cases of missing women from Vancouver has diminished dramatically since 2002. According to statistics compiled by the Vancouver Police Department, of 15,845 total missing women cases between 2002 and 2010, only 3 were outstanding at the time the statistics were compiled in August 2010.⁵⁷

Since the early 1970s, many women have disappeared along the Yellowhead Highway, Highway 16 in Northern BC, which runs between Prince Rupert and Prince George, BC.

These statistics reveal a staggering picture about the level of extreme violence against women and girls, most of whom are among our most vulnerable populations. It is a crisis that requires urgent action.

PART THREE

THE WOMEN

PART 3 – THE WOMEN

A. Introduction

The provincial, national and global dimensions of the phenomenon of missing and murdered women are important. They provide a reference point for the Commission's work, ensuring that the examination of the missing and murdered women is not treated as an isolated incident, bearing in mind the shocking frequency of serial predation of vulnerable women. It is equally crucial to remember the individual women who are the specific focus of this Inquiry. They are at the heart of this Commission.

As I said in my Opening Remarks and as I appreciate to an even greater extent having reviewed all of the evidence – and in particular having heard the testimony of a number of family members – each of the women was a valued member of her community. Each had dreams, hopes, loves and fears. Each woman was loved. And now each woman is missed. The women were daughters, sisters, granddaughters, aunties, nieces and friends. Many were mothers.

Each of the women was a valued member of her community. Each had dreams, hopes, loves and fears. Each woman was loved. And now each woman is missed.

Given the horrific number of women who disappeared, many of whom were murdered, there is a tendency to refer to them as an anonymous group, their individual existence blurred into a collective identity. The women are often referred to by the unforgiving shorthand of “sex trade workers,” “STWs” or “prostitutes.” Indeed, these shorthands continued throughout the hearing process with document redaction codes that are used to protect the privacy of the women, referring to them as “STW23,” for example. As Counsel for Marion Bryce, Mr. Darrell Roberts, QC, pointed out early in the hearings, this is a demeaning practice. Police profiles of the women identify a number of common, but limited, characteristics: they have been or were involved in the sex trade at the time of their disappearances; and they were known to have substance abuse issues, either drug or alcohol addiction.

As a group, they have been subjected to negative commentary and denigration on the basis of their “high-risk lifestyles” – in some cases they themselves are vilified and blamed for their own disappearance or murder. During my consultation with family members about potential recommendations, I was shocked to learn that strangers would tell them that their loved one “deserved” what had happened to them. An important part of the Commission's mandate is to reverse this unacceptable trend and to acknowledge the terrible loss of these women, as individuals. To contribute to this reversal process, the Commission has endeavoured to compose a brief profile of each woman's life to, in some small way, memorialize their tragically foreshortened lives.

This task has indeed been a challenging venture. First, the Commission had to identify the women included within the categorization established in the terms of reference:

“missing women investigations” means the investigations conducted between January 23, 1997 and February 5, 2002, by police forces in British Columbia respecting women reported missing from the Downtown Eastside of the City of Vancouver.

This may seem like a straightforward task given the time and place restrictions set out in this definition. However, there are a number of possible interpretations of the defined basis from which to make findings as to what impeded expeditious investigations. There are numerous different lists of women who potentially fit within this definition. Six Missing Women Posters have been released:

- The first composite Missing Women Poster released in July 1999 contained 31 names (when it was renewed in 2000 four names were taken off as the women had been located);
- A second poster of “new” missing women was released in December 2001 adding 18 names;
- A third poster was released in February 2002 adding five “new” missing women;
- A fourth poster, released in April 2003, shows 61 women: this is the first poster to include Richard “Kellie” Little, known to be transgendered, as well as two women Pickton was eventually convicted of killing: Mona Wilson and Brenda Wolfe;
- A fifth poster, released on October 6, 2004, shows 69 missing women, adding the names Sharon Abraham, Sherry Baker, Cara Ellis, Tammy Fairbairn, Gloria Fedyshyn, Mary Lands, Tania Petersen and Sharon Ward; and
- A sixth poster, released in April 2008, shows 59 missing women, removing a number of names of women who had been located and adding others.

The DNA of 33 women was found on Pickton’s farm: 32 have been identified and one is referred to as “Jane Doe.” DC Evans’ report includes 50 women in her review of investigations: 27 women who were placed on the original 1999 Missing Women Poster, 18 additional women added in November 2001, and five additional women added in January 2002. Since 2003, the most common references are to 68 or 69 women.

Some of the women whose disappearances were under investigation during the terms of reference have since been discovered alive, or have been found to have died of natural causes. The DNA of some women for whom there were no records of missing person reports or investigations was found at the Pickton farm – including some of the names added to the sixth poster described above. The focus on the hearings was on the investigations during the terms of reference and the Commission did not request documents on women reported missing prior to January 23, 1997.

Having considered the various options for defining the extent of the list, I have decided that my fact-finding mandate includes all the women missing from the DTES whose disappearances were or could have been reported within the terms of reference who were not subsequently found alive or

L. Cedarstaff 415-05

whose death has been attributed to natural causes,⁵⁸ including the Pickton victims not initially on the missing women posters. The 67 women are:

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
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 Wattley
Olivia William
Angela Williams
Taressa Ann Williams
Mona Wilson
Brenda Wolfe
Frances Young
Julie Young

I have also included short profiles of the women identified as the “Valley Murders” because the investigations overlapped extensively. As outlined in Volume II, for many years police believed there was a connection between the fate of these three women and the women who had disappeared from the DTES.

My mandate is broader with respect to what I may consider in making recommendations for future change; it may extend, for example, to include the women and girls who have disappeared along the Highway of Tears. I discuss these issues at greater length in Volume III.

A second difficulty is that the Commission has found that the public record of the women’s lives is sparse and uneven. Online information and news article information is often dubious. The Commission sent a letter to family members (for those represented at the hearings through their Counsel – Cameron Ward and Darrell Roberts – and to others through Victim Services) asking family members to share biographical information and particular memories they had of their loved ones, including talents, proclivities, likes and dislikes. For a variety of reasons, not all families have been willing or able to provide information for the profiles.

In some cases, family members have achieved some closure around the loss. In other cases, many people have died over the last decade, leaving few who remember the missing women. Some people who were very involved during earlier periods of the investigation and trial have chosen not to be involved in the Inquiry either because of the emotional strain or for other reasons including anger or disappointment with the Inquiry. The Commission has been unable to reach some family members despite

repeated attempts. For some, discussing their loved ones is still simply too painful. Others experience a range of challenges in providing this kind of information. In some cases, the Commission has received conflicting information from different family members.

The Commission has undertaken a number of strategies to locate additional information about missing women:

- Reviewed all transcripts of family members' testimony and the testimony of other community witnesses who had regular dealings with the women;
- Reviewed police disclosure records with respect to specific individual women;
- Reviewed news articles;
- Researched online information including news articles, websites dedicated to the women, blogs and other information that was sourced to particular individuals or that was posted directly by family members; and
- Researched other published information.

In spite of these various measures, the Commission has been unable to develop full profiles of all of the women. Faced with the choice of having an incomplete set of profiles and no information about the women, I have decided to include the information that the Commission has been able to generate, as imperfect as it is. The women's profiles are set out below in alphabetical order by last name. Wherever possible, we have included selections from letters, poems or other documents written by the women themselves. Great pains have been taken to gather and verify this information and the Commission apologizes for any inaccuracies. Unfortunately for a few women, no information is available; in lieu of a profile in these cases we have included a poem in her honour.

B. In Memoriam

Marlene Abigosis

Her sister wrote this of Marlene:

Marlene was the eighth born of 14 children by Frank and Vitaline Abigosis (Campbell) of Pine Creek Reserve in Manitoba. Had she still been here, she would have been in the process of applying for the Common Experience Payment, and the Independent Assessment Process as a result of the residential school experience.

Unfortunately, she was not a survivor so she vanished before she had a chance to resolve that part of her past. My last memory of and contact with my sister was in March of 1983, when she telephoned me in the middle of the night. She was sick and tired of being sick and tired, so she was planning to leave Vancouver and try to make some changes in her life. I thought she would arrive in Revelstoke in the next few days. Sadly, she never arrived, and I never heard from her again. Half my brothers and sisters have

passed away, and all have died from alcohol and/or drug addiction, without ever resolving the pain, anger, hate, shame and loss of a childhood that they were put through while going to school. If it wasn't the school, it was from parents who were themselves former students of the residential school system. My father, Marlene's father, suffered traumatic experiences in the residential school system, then passed on the violence and abuse of every sort to his children, including to our mother.

Therefore the residential school system, the Catholic Church and our father, who was a former student, took something from us children that severely compromised our adulthood, causing the deaths of half my brothers and sisters. And that something was our childhood.

I think of Marlene all the time. She was a beautiful person who made an effort to phone all the time to make sure someone knew where she was. I still wonder, and want to know, what happened to her. I have this fantasy that she left with a boyfriend in a ship and is abroad somewhere in Norway.

She fell in love once. I met him, and he was a handsome Norwegian who came to Vancouver in a Norwegian ship. She would wait for his ship to come in so she could see him. It was at this time that I saw a change in her. A change in appearance and attitude.

All she wanted was to be happy.

Sereena Abotsway

Sereena Abotsway was born in Vancouver on August 20, 1971. She had Fetal Alcohol Spectrum Disorder (FASD), and experienced physical and sexual abuse as a child. Her parents separated when she was very young. At the age of four, she and her half-brother and half-sister were adopted by the Draayers, the foster family she would live with in Langley until she was 17. She was described as warm, affectionate and bubbly, with a big heart, but also difficult to control. She had trouble learning in school and sought attention. She went to church as a child, where she was known for singing loudly and out of tune.

In her late teens, Sereena entered a group home. She started using drugs and was charged with a number of offences as a youth. In the DTES, she was known by the street name "Riviera." A student who ran a focus group in the DTES described her as boisterous and opinionated, noting that she always had a lot to share, and that it was difficult to contain her in the group setting. Four to five years before she died, she was assaulted so badly she had a steel plate put in her head. The injuries may have resulted in further cognitive impairment, as some said her personality changed after this. She continued to attend church regularly after moving to the DTES, and she was baptized as an adult at CRAB Park. She enrolled in a number of drug treatment programs. She continued to call the Draayers regularly until she died.

Sereena took part in annual community marches for the missing women and wrote a poem about them:

When you went missing each and every year, we all fought so hard to find you, But now it only eases slightly the pain that none of you [has] been found. You were all part of God's plan. He probably took most of you home. But he left us with a very empty spot.

Sereena was last seen on August 1, 2001. She was reported missing after she failed to attend a planned birthday party with her foster parents. Her personal effects and remains were found on the Pickton farm, and Robert Pickton was convicted of second-degree murder in her death.

Sharon Abraham

Sharon Abraham was born on September 15, 1965. She is known to have been Aboriginal, but it is not known which First Nation she belonged to. In 1989, she left an abusive relationship to live in a transition house in Vancouver. A friend who met her there and shared an apartment with her in 1990 remembered Sharon as a happy, confident mother of two daughters, a toddler and a baby. She was shocked to learn that Sharon had disappeared in 2000, saying, "The three of them were such a happy family unit. I'd like to tell her kids someday that their mom was pretty cool. It breaks my heart because she loved them so much." Her DNA was found on the Pickton farm after the Pickton trial. Although charges were recommended by the RCMP, the Crown did not proceed with charging Pickton with Sharon's murder.

Elaine Allenbach

This description of Elaine was provided by her sister, Diane Castanes:

Elaine is one of the only US citizens on the missing women's list.⁵⁹ She grew up in a pleasant Seattle neighborhood, one of six children in a large Catholic family. As a child, she travelled often with the family, and frequently to Canadian regions. Her grandmother's birthplace was in Canada, in Alexandria. Elaine was always a joy to be with on vacation and enjoyed by her peer group due to her jolly sense of humour. She was a soloist in the church choir as a teen after years of voice lessons. Her father was a school teacher and a professional accordionist, who encouraged her to pursue her musical interests. Although she was a beautiful young lady, she grew more and more insecure about her looks due to a bicycle accident she had which caused her face to scar and her front teeth were replaced with caps, she put on some weight as a teen, which bothered her. Her insecurity was observed by predatory men. Once she began dating she saw a pattern of men with the wrong intentions. Her family found out after she went missing that she had given in to their repeated requests to prostitute herself in order to be able to afford to move away from home at age 17. She became a bit rebellious when we questioned her taste in men, but we had no inkling that she had made these wrong decisions until a frightening call from the Vancouver police department and an earthshaking

drive northward. We were shocked, scared and heartbroken by the tragic realization of what her life had been like over the last four years, when she had represented that she was living with her 'boyfriend' in Portland, Oregon. They both joined us for holiday celebrations and birthdays and last stayed with her sisters just three weeks before her disappearance was announced. She is still missing today and we miss her as much as on that first day.

Angela Arsenault

Angela Arsenault disappeared on August 19, 1994, when she was 17 years old. Her parents had separated when she was young and she grew up with her mother and stepfather, moving several times in childhood. She lived in Surrey before she left home and began going to the DTES while she was in high school. On the day she disappeared, her common-law partner reported that they had had dinner together downtown. He believed she then returned to their Burnaby apartment, leaving her shopping bags. She was not seen again and it is not known what happened to her.

Sherry Baker

No personal information is available for Sherry.

The Commission offers the following poem in her honour. The poem was gifted to the Commission by Pansy Wright-Simms during the course of the Northwest Consultations.

Only Time Can Tell

*Only time can tell
When broken hearts will heal
Numbness right now is all we'll really feel.
We don't understand why life passes us by,
One minute we are laughing,
The next breath we will cry.
Our loved ones have struggled so hard on this Earth
Working so hard to touch hearts in a good way
Feels like we're biding with time each & every day.
I guess we will never know
When our job here is done,
There's only one mover and shaker,
He is the "Almighty One".
I really don't feel we were meant to understand
I suppose that is why there's only "one set of footprints in the sand"
Sometimes it feels as though we are alone in despair
But we look up and glance around and
We're surrounded by family and friends that care
So we pick ourselves up and
Walk another day on this Earth,
Soon our loved ones will come back through a new birth.*

*Imagine all of their hurts in the past, Gone with that life
And Anew is delivered to us in a flash.
Only Time Can Tell
How we'll make it through this one,
Our Journeys through life will never be done!
In memory of...*

-Pansy Wright-Simms

Cindy Beck

Cindy Beck was born on April 17, 1965, and was adopted into a family that also had a boy. She moved to the DTES from Ontario. She lived with her boyfriend, who was a pimp and who was charged with assaulting her in 1997. She disappeared two months later and was reportedly pregnant with his child at the time. She was 33 years old. Like many of the missing women, Cindy's parents were in frequent contact with the police regarding her missing persons file asking them not to follow their son's views that they should be spared details about Cindy's life. She has not been found.

Yvonne Boen

Yvonne Boen was originally from Melfort, Saskatchewan and was born on November 30, 1967. Her father died when she was a baby. Her mother, who was a nurse, remarried and Yvonne grew up with two half-siblings. She was remembered as being popular in school but rebellious. Yvonne married at the age of 15 and gave birth to three boys by the age of 18. She and her husband separated in 1986. Yvonne left the children with her mother as she worked the midway shows at carnivals and exhibitions with West Coast Amusements, travelling across Western Canada. Yvonne began living in the Vancouver area approximately two years before she went missing. She was known for her height (5'10"), her curly blond hair and her many tattoos. Family members became concerned when she failed to show up for a visit with her mother and her son Troy in Kelowna in March 2001. Her DNA was found on the Pickton farm after the trial ended, but no charges were laid.

Andrea Borhaven

Andrea Borhaven was born in the Murrayville area of Langley on January 10, 1972, and raised in Armstrong, BC. Her parents split up when she was young. Andrea had several step-siblings but did not grow up with them. She was raised mostly in foster care. When she lived in the DTES, her street name was "Spider." She was committed to Royal Columbian Hospital involuntarily during one episode of unusual behaviour believed to have been brought on by crack and heroin use. Andrea had a history of arrests for minor offences and was in the Witness Protection Program after surviving a violent sexual assault in July 1995. She called her mother in

Vernon every three to four months until that time. Her DNA was found on the Pickton farm, but charges against Robert Pickton were stayed.

Heather Bottomley

Heather Bottomley grew up in New Westminster where she was known for her elfin looks. A childhood friend described her family as “lovely,” relating that Heather’s mother often cooked dinner for groups of her friends and that her father coached their baseball team. Heather played shortstop and catcher. Heather often did things with her family and was known for her sense of humour. She often put on skits and loved to dress up as Jake “Joliet” Blues of the Blues Brothers. She and her best friend dropped out of school in Grade 9. Heather did not return, getting involved with a boy who introduced her to drugs and giving birth to a child. She was pregnant with a second child and living in East Vancouver before she disappeared in 1998, at the age of 25. Her DNA was found on the Pickton farm, although charges against him in her death were stayed.

Heather Chinnock

Heather Chinnock was born in 1970 in Denver, Colorado. She grew up in the Kootenays. By the mid-1990s, she was living in Surrey. She was convicted of soliciting in New Westminster and Burnaby in 1997. At the time of her disappearance in April 2001, she had a young son and her ex-husband was incarcerated, serving a term for second-degree murder and due to be released soon. Her boyfriend was quoted in later newspaper articles as saying that she had been visiting a pig farm as a refuge from city life for nearly a decade before she went missing. Her DNA was found on the Pickton farm and in October 2002, Pickton was charged with her murder, although charges were later stayed.

Nancy Clark

Nancy Clark, who was also known as Nancy Greek, was last seen in 1991 at the corner of Broughton and Gordon Streets in Victoria, where she was known to solicit dates. She was 25 when she disappeared. She had two daughters, aged eight years old and eight months old. Her failure to return home was immediately noted as suspicious and reported to the police. Her DNA was discovered on the Pickton farm and charges were recommended against Pickton but not laid.

Wendy Crawford

Wendy grew up in Alberta, British Columbia and the Yukon, but spent her teen years mostly in Vancouver and Chilliwack. She had a daughter and son who were adults by the time she went missing. She had physical health problems including diabetes and Crohn’s disease that required regular medication, and she had been diagnosed with schizophrenia. At the time she disappeared, she was living in Chilliwack and was regularly in contact

with her family. She was last seen near Columbia Street in Vancouver in November 1999. Pickton was charged with her murder but the charges were stayed.

Marcella Creison

Marcella Creison grew up in Toronto and moved to British Columbia in 1994. Marcella was reportedly 20 years old when she was last seen on December 27, 1998. She failed to return to the apartment where her mother and boyfriend were cooking a belated Christmas dinner; she had unopened presents. Her whereabouts remain unknown.

Dawn Crey

Dawn Crey was born on October 26, 1958, and was one of nine children, two of whom died in infancy. She was a member of the Sto:lo First Nation and her parents were residential school survivors. She witnessed her father's death from a heart attack as a young child, an event said to have affected her profoundly. Her mother, who was devastated by her father's death, began drinking heavily, and the children were dispersed to foster homes in Chilliwack.

Dawn and her sister Faith were sent to the same family, but had little contact with their other siblings. At 16, Dawn gave birth to her son, with her foster family eventually taking over his care.

Dawn started experimenting with drugs in Chilliwack in her teens and by the late 1980s, she was addicted and experiencing hallucinations that were the first signs of mental health problems. She lived with her brother Ernie in Maple Ridge before moving to a hotel with an elderly Chinese man named Mr. Yip. Reportedly, at one point she attacked Mr. Yip in order to have herself committed to Colony Farm Hospital (a mental institution).

Despite treatment at a variety of institutions, Dawn was not able to conquer her addictions and moved to the DTES, where she lived for 20 years, maintaining close contact with her sister Lorraine, who worked for Lu'ma Native Housing. She regularly visited the Downtown Eastside Women's Centre and had dinner at WISH Drop-in Centre. In the early 1990s, two women threw acid at her, severely scarring her face and scalp and causing her ongoing pain. Her drug use increased at this time. She was reported missing by her sister Lorraine shortly after she disappeared in 2000. Her DNA was recovered from the Pickton farm and murder charges were recommended but not laid.

In 2006, Métis filmmaker Christine Welsh made a movie about missing and murdered Aboriginal women that features Dawn. It is called *Finding Dawn*.

Sarah de Vries

Sarah wrote a great deal of poetry and her voice expresses much about her situation and of her bond to other marginalized women:

*She was a broken down angel
Just a child lost with no place
A human being in disguise
She touched my life
She was somebody
She was no whore
She was somebody special
Who just lost her way
She was somebody fighting for life
Trying to survive
A lonely lost child who died
In the night all alone, scared
Gasping for air.*

Sarah de Vries was adopted into a family living in Vancouver's West Point Grey neighbourhood in April 1970, when she was 11 months old. Sarah was of a mixed racial background – white, black, Mexican and Aboriginal – and because of the way the adoption system was run at that time, she had no contact with her birth family after she was adopted. She had three older siblings, two brothers and a sister. Her adoptive father was a professor at UBC and her mother became the head nurse at Vancouver General Hospital when Sarah was in her teens. Her adoptive aunt is a well-known children's author, Jean Little.

In journals Sarah kept from an early age, she described the isolation she felt as a girl and young woman of colour growing up in a white community. She encountered overt racism at school, including regular physical abuse by other children, bullying, and racial epithets. Nonetheless, she was bright and artistic, did well in school, and loved swimming and gymnastics. Her sister believes that Sarah was sexually abused repeatedly in her childhood by a neighbour. Sarah's parents separated a few years before she started high school in 1978 and then divorced in the early 80s. By this time, Sarah was increasingly troubled and unhappy attending University Hill High School. At 14, she ran away from home, staying first around Broadway and Clark, and later on Granville, and began experimenting with drugs.

Although she periodically returned home, by the age of 17 she was living in the DTES. There she was interviewed by a journalist doing a book of photos on street kids. She described to him becoming pregnant after being raped by a trick and having an abortion. Throughout her time living in the DTES, Sarah's journals and poetry documented incidents of violence she experienced doing sex work in order to make money to buy drugs. She kept in touch with her family and often visited them, sometimes staying with family members for periods of time and attempting to get off heroin.

She became involved with a man and lived with him for many years on Princess Street. Her daughter was born in 1990, and her son in 1996. The children lived with Sarah's mother and she saw them regularly. She did a six-month prison term at Burnaby Correctional Center for Women in 1991-1992.

She also developed a friendship with Wayne Leng, who, along with her sister Maggie, advocated for more police resources to be devoted to the search for the missing women after she went missing. Sarah disappeared on April 14th, 1998, just minutes after she was seen standing on the corner of Princess and Hastings Streets by a friend. She was almost 29 years old. After her DNA was found on the Pickton farm, Robert Pickton was charged with her murder in May 2005, but charges were stayed.

Sarah also wrote:

Woman's body beaten beyond recognition

Am I next? Is he watching me now? Stalking me like a predator and its prey. Waiting, waiting for the perfect spot, time or my stupid mistake. How does one choose a victim? Good question, isn't it? If I knew that, I would never get snuffed.

So many women, so many that I never even knew about, are missing in action. It's getting to be a daily part of life. That's sad. Someone dies and it's like somebody just did something normal. I can't find the right words. It's strange. A woman who works the Hastings Street area gets murdered, and nothing.

Yet if she was some square john's little girl, shit would hit the goddamn fan. Front page news for weeks, people protesting in the streets. Everyone makes a stink. While the happy hooker just starts to decay, like she doesn't matter, expendable, dishonourable. It's a shame that society is that unfeeling. She was some woman's baby girl, gone astray, lost from the right path.

She was a person.⁶⁰

"Jane Doe"

All that is presently known about "Jane Doe" – whose DNA was found on Pickton's property – is that she died sometime before February 23, 1995.

The Commission offers this poem in her honour:

Not in vain

*If I can stop one heart from breaking, I shall not live in vain:
If I can ease one life the aching, Or cool one pain,
Or help one fainting robin*

*Unto his nest again,
I shall not live in vain.*

-Emily Dickinson

Sheryl Donahue

No personal information is available for Sheryl.

The Commission offers the following poem in her honour. The poem was gifted to the Commission by Fawn Wright during the course of the Northwest Consultations.

*The enigmas submerging
From the depths of my mind
Attacking the fortress
Surrounding my heart
the segments fall from the wall
collapsing upon my soul
releasing pressure on these stubborn
dry eyes
I notice!
Fortitude is dissolving from my spirit
Cowardly leaving me astray
Faltering to my knees, I scream
I WILL NOT CRY!
Excruciating drops fall from each eye
Weakness is showing
I dare not...*

-Fawn Wright

Tiffany Drew

Tiffany Drew grew up in Port Alberni and Nanaimo. She was close to her cousins and the other members of her large extended family and loved to swim and camp. She was a member of a championship softball team in Port Alberni when she was growing up.

She moved to the DTES when she became addicted to heroin, but still kept in touch with her family, including her aunt who is taking care of her children. Although Tiffany was tiny "(less than 5 feet tall)," she was described as feisty and independent, and frequented the WISH Drop-in Centre with a group of friends, where she would socialize and put on make-up. She was immaculate about her appearance.

At the time she disappeared, in 1999, she was 24 and had three children between the ages of five and nine. She and a good friend had a check-in system as a safety measure, and her absence was noticed within hours of

her disappearance. Tiffany's DNA was found on Pickton's farm and he was charged with her murder but charges were eventually stayed.

Elaine Dumba

Elaine Dumba came to BC from Regina. Her parents lived in Regina and divorced in 1974. Elaine started using drugs at about the age of 14. Her father moved to BC and Elaine followed in 1979. She met her common-law spouse in Port Coquitlam in 1980 and had a daughter with him. Her sister moved to Coquitlam and shared an apartment with Elaine in 1981-82, at which time Elaine was addicted to heroin. In 1984, she and her partner split up and she got custody of their daughter. She returned to Saskatchewan in 1985 and stayed there until 1988, when she returned to live on and off with her sister in Port Coquitlam. By 1989, Elaine and her sister had lost touch with each other, although she tried with her father to locate Elaine in the DTES. Elaine was last seen in 1989 at a North Vancouver liquor store. She has not been found.

Sheila Egan

Sheila Egan was born in 1978. Her parents separated when she was a child and she lived with her father until she was 14, going to private school in Burnaby before she quit in Grade 8. After she became an adult, her father tried to physically remove her and her older sister from the DTES but was unable to do so. She regularly called her mother to tell her she was all right. Blonde and freckle-faced, Sheila was photographed by Vancouver photographer Lincoln Clarkes for his book *Heroines*. She is remembered as having a crazy sense of humour. She was last seen in the summer of 1998 hitchhiking from a friend's house in south Vancouver and was reported missing to the New Westminster Police Service in August. Her case remains unsolved.

Cara Ellis

Cara Ellis was born on April 13, 1971 in Calgary. Her parents divorced in 1977, when she was five years old. She had two brothers and a half-brother from her father's third marriage. She also had step-siblings from her mother's second marriage. Initially her mother took the children to Ontario, but she was unable to support them, and they ended up in the care of the Ministry, living with her uncle before her father could bring them to live with him in Lethbridge. Within the family, Cara was known as a tomboy, playing horsey and riding on her brothers' backs. Cara entered a group home during her teens and eventually ran away to live on the streets in Calgary, moving to Vancouver's DTES when a good friend overdosed and died.

When she lived in Vancouver, Cara had a boyfriend who was a Hells Angels member and loved riding on his motorbike. She kept in touch with her

family, calling her father on a regular basis and writing long, newsy letters to him when she was in prison in the early 1990s for attempted manslaughter. In one letter to her father, Cara wrote: *"I'm really depressed about not being in school. It is what I really need and want for myself..."* *"I love you forever dad."* *"P.S. I hope I'm still daddy's girl??"*⁶¹ In another, she shared a poem:

I've read this poem I like you to read very carefully because it really hits a spot in my heart...

Stone walls do not a prison make, nor iron bars a cage;
Minds innocent and quiet take, that for a hermitage;
If I have freedom in my love and in my soul am free, angels
alone, that soar above, enjoy such liberty.' By Richard
Lovelace.

*For my feeling over this poem I can say that even if I am in jail I am still free within myself..."*⁶²

She took classes in prison and looked forward to going to school when she was released. Cara is reported to have cut off contact with her family when they stopped sending her money just before her release in 1996. Cara was last seen in hospital in January 1997. She failed to turn up at a scheduled appointment at a methadone clinic. Cara's DNA was found on the Pickton farm in 2004. Cara's DNA was also found on Robert Pickton's jacket, which had been seized by police in the 1997 attempted murder of Ms. Anderson, but not identified until 2004. Charges were stayed against Pickton in the murder of Cara Ellis.

Gloria Fedyshyn

Gloria Fedyshyn was born on August 15, 1962, and last seen in January, 1993, when she was 27 years old. She was reported missing in July 2002.

Her sister writes of her:

My sister Gloria was a much loved daughter, sister, auntie and friend. We grew up on a small farm not far from Winnipeg and as a small child, she was always happy and laughing. She was the seventh child in a family of seven girls and two boys. Her childhood was happy and carefree, with no problems. She was a follower and... was talked into a life of prostitution by the sister born before her. I imagine that drugs eventually took over her life to cope with this type of lifestyle.

...

My parents were the best parents they knew how to be, and after our dad was killed thirty-two years ago, things became unsettled for us for a time. The last time I spoke to Gloria was on the phone when she called me from Vancouver in 1991. If I had known I'd never hear or see her again, I would have flown there and bodily brought her back.

She was a loving, kind and generous person and there isn't a day that goes by that I don't think of her. It would be easier to bear if we could find closure, more so for our mom.

Cynthia Feliks

Cynthia Feliks was born on December 12, 1955, in Detroit, Michigan. Her parents divorced and her father Don married Marilyn Kraft in 1960. Marilyn raised Cindy and her brothers in Vancouver, where Cindy attended Lord Byng High School. Marilyn and Cindy's father divorced when Cindy was 14 and he moved to Florida, where Cindy visited him at the age of 16. Cindy married Terry Mongovius in 1976, and she sometimes went by the name Cindy Mongovius. Both were using drugs heavily. They had a daughter, Theresa, in 1977 and eventually separated.

Cindy moved to the DTES, but maintained close contact with her sister Audrey, who lived in Surrey, whom she sometimes impersonated when dealing with police. She also kept in touch with her stepmother and would phone regularly and sometimes come home to eat and get clean clothes. Cindy was frank about her lifestyle and the dangers it entailed. Cindy never got her Canadian citizenship and was deported twice in early 1997 on drug charges, spending time in jail but returning to Canada. Marilyn last spoke to her in July 1997. Cindy's daughter began to worry after not hearing from her and reported her missing in 1998, as did her sister Audrey in 1999 and 2001. Her remains were located on the Pickton farm and Robert Pickton was charged with murder in her death, but charges were stayed.

Marnie Frey

Marnie Frey was born in Campbell River on August 30, 1973. Her mother was Aboriginal. Her parents separated early in her life and she grew up living mostly with her father, who was a fisherman in Campbell River. She often went sport fishing with him in her youth and spent a great deal of time outdoors, hunting and camping. Her stepmother Lynn Frey began living with them when Marnie was 14. From a young age, her family said Marnie had a way with animals. As her stepmother described her, "She was energetic, full of life, loved people, loved animals. She was nothing different than any other 14-year-old. She loved animals, she loved chickens, she loved birds. Her favourite bird was the eagle. She thought they were a free spirit as she was. She liked arts and crafts; she climbed trees. She did everything a child would do." She was also known for her generosity and would give away her clothes and shoes to other children at school.

Marnie reportedly began using drugs, including marijuana, hash and cocaine, when she was 14, and left high school in Campbell River in Grade 11. She moved away from home at the age of 18. Her daughter was born in 1992, when Marnie was 19. The same year, Marnie married a man to keep him from being deported. In 1995 she experienced problems with drug dealers over debts in Campbell River, so she moved to Vancouver with a friend who had inherited money and began living at the Balmoral Hotel. She tried a number of times to overcome her addiction to heroin through rehabilitation programs and at home, but usually checked herself out of treatment facilities because of her fear of the pain of detox. Before she

died, she lived on Kingsway in Vancouver. She was last seen around the time of her 24th birthday in 1997. Marnie's remains were found at the Pickton farm and Robert Pickton was convicted of murder in the second degree in her death.

Jennifer Furminger

Jennifer Furminger was Aboriginal and was born in northern Ontario in 1971. She was adopted by the Furmingers as a toddler and raised in St. Catharines, Ontario. She was raised in a loving family but reportedly struggled with her own identity and left home in 1989. She was said to be an avid reader and often told stories of fishing with her father as she was growing up. In 1999, she had a son. Her DNA was discovered on the Pickton farm in September 2002 and he was charged with first-degree murder in her death, but charges were later stayed.

Her mother wrote of her:

*Jenn was a big part of our family, loved by all.
She was a wonderful daughter, sister to her brothers Jeff & Chris,
granddaughter, niece, cousin & a friend to many.
In later years a loving Mother herself.
She was very talented with her art & took art lessons she sang in the
church choir & taught Sunday school. She loved fly fishing with her
Dad & brother, & was like a twin in age to her younger brother. They
grew up a very close group of siblings in our household.
We will always miss & love her so much; the gap in our lives will
always be there.*

Catherine Gonzalez

Catherine Gonzalez was born on September 22, 1968. She was known to have frequented the DTES and the Broadway and Fraser area, and had spent time in Burnaby Correctional Centre for Women in 1994. She was separated from her husband Gordon Wah Wong, who was killed in a homicide before she died; she had a daughter with him who was five years old at the time of her disappearance. Until the time she went missing in 1995, she kept in touch with her family through regular contacts.

Rebecca Guno

Rebecca Guno was born on May 25, 1961 in Northwest BC. She was a member of the Nisga'a Nation. She had a son when she was 17 who was adopted by a relative. She gave birth to a second son several years later, but he died of crib death. She moved to the DTES in the early 1980s. She was reported missing by her common-law partner after she had gone drinking with friends at a hotel on Carroll Street in June 1983. She is remembered as happy, bubbly and always laughing.

The connections between the north west of the province and the DTES were highlighted in the course of the Commission's consultations. These connections are canvassed in greater detail in Volume III. A Nisga'a woman by the name of Millie Percival has kindly provided this compelling story of her childhood friend, Becky (Rebecca Guno).

Becky's Story

Becky was born May 25, 1960. She's not simply a name on a newspaper clipping. She is my dear friend, and in our culture she is my sister. The guilt and pain I feel when I say her name never goes away.

One of my first memories of her was sitting on a bench overlooking the river; it was a brilliantly sunny spring day. I must have been about 6, she would have been 5. I remember feeling alone in the world, like I didn't really matter to anyone. Then her bubbly voice asked me what I was doing, and she reminded me that we were cousins. Her smile and constant chattering made me forget the desperate loneliness which was consuming me. She stood behind me stroking my hair and asked me if I was waiting for someone. Before I had a chance to answer she told me that she was in trouble and was waiting for her Auntie not to be mad at her anymore, then she was going back inside (pointing to a nearby house). She sat down beside me and said she'd better leave my hair alone even though she knew how to fix hair. Just when I thought about asking her what she did wrong, she informed me that she had cut her sister's hair and it looked nice but her Auntie was very mad at her. She quickly added that her Auntie might not be so mad now and grabbed my hand, pulled me along and invited me to go inside with her. Sensing my fear, she reassured me that her Auntie was probably my Auntie too, besides she was really nice, and maybe it will be hard for her to stay mad when she sees beautiful you. She burst into the house in much the same way that she burst into my thoughts; yelling for Auntie to guess who came to visit. Auntie was washing clothes on a scrub board, she wiped her hands on a towel and stood directly in front of Becky and said, "I'm still mad at you;" to which Becky responded by throwing her arms around Auntie's waist and proclaimed that she already said she was sorry and smiled up at her saying, "I know you love me Auntie, you can't stay mad forever." Auntie rubbed Becky's head and shoulders smiling and in a quiet loving voice said "Rebecca..." then she turned to me and excitedly exclaimed "Lady Esta, where did you come from?" Becky looked at me and said "See, I told you she's nice."

When Becky's mom died, Auntie took the two youngest girls. Becky and her two older brothers remained with their dad who worked as a logger and like many of our parents, struggled with alcohol. Becky and the boys were sent to residential school. Whenever their dad paid for their trip to visit home, Becky spent a lot of time with us. She'd share stories of Lytton and later Coquitlam... and people she knew there. She said she didn't like it there. But being a little girl so full of life, she never saw any reason to feel sorry for herself. She was happy to have family to come home to. She loved it when mom teased her about how she pronounced Ly'on and Coqui'lam. She'd hug mom and say "I just know you love me, Auntie." Once in awhile Becky would kind of mention in a small far away voice that

some people aren't very nice, then she'd happily announce in her bubbly way, "But I'm here now."

It seemed so long between visits home, but she would always burst in the door and hold my hand and say, "We're best friends, remember?"

When I was a teenager I went through a lot of depression; by that time Becky was home, going to our new high school. I'd confide in her about my worries; she would quietly listen and then she'd hug me and confirm that life is hard to understand, "But that's why we have each other" she'd say in her lively way.

She proudly played softball and never let me miss practice. She loved that my mom was one of the coaches.

Becky was well into her first pregnancy when she finally told me; when I asked her why she didn't tell me she playfully pushed me and said "I just did!" I argued my point and she happily argued hers, saying that I think too hard about things, that's why I'm so sad all the time. I couldn't argue past that.

Not long after her baby was born, my husband and I (at the time he was still my boyfriend) were at Becky's dad's house; Becky brought her baby over to me and put him in my arms and smiled. After a long silence, she said that he needs two good parents and matter-of-factly asked if we would consider taking him. She said she knew we were going to be together forever and we had what it takes to be good parents for him. For the first time ever, I seen her cry, she cried her heart out. She said her and her dad talked it over many times and she knew the baby deserved more than what she could offer....she said we didn't have to answer right away and joked that we could let her know in a couple of minutes. I was just turning 17 and desperately wanted to take him, but I was afraid.

A few weeks later her dad sent her and the baby to visit her cousin in the Lower Mainland.

Becky returned alone a couple of months later. She came to see me...cried really hard and quickly collected herself and told me that she decided to let them adopt him. She said, they are really nice and they love him and she was happy that he was going to grow up with a mom and dad. She cried many times about it.

We got married and remained in a close friendship with Becky. She fell in love with my cousin; they moved to Terrace and had a baby boy. They were so proud of him, she always seemed to be marching around, wearing her happiness. Then crib death took him away and that death really devastated them. They moved to Vancouver. On one of her visits home, she told me that they were having a difficult time financially, mostly because of the choices they make. She hinted that drugs were creeping into their lives and she wasn't sure if their relationship could withstand everything. I later learned that they were no longer together.

I'd go and visit my uncle – (Becky's dad) about every 3 weeks or so to see if he'd heard from her. They talked on the phone regularly and he'd update me. He had a respiratory condition and needed to cart an oxygen tank wherever he went, but now and then he would make his way up the hill to our house and we'd chat about how

much we missed her and whatever they talked about on the phone. He had gotten a settlement of some sort and was excited to let me know that he was paying her and her third son's way home for a visit. One day I was washing the floor and spotted her right outside my window. I ran outside to greet her. She introduced me to her son. During the course of our conversation she said "I'm a prostitute, Millie; I can't really explain why. But it's a living, we do what we have to do....life's not that bad. I have my baby and that's all that matters to me. His dad is really good to us, but I'm gonna keep doing what I do, his dad knows that and we are happy to be parents to our baby. I'm gonna go back in a couple of days; daddy said he'll give me some money and it'll be good for the baby. Money doesn't last, but his dad and I will make sure the baby is looked after all the time. We're happy and that's what matters. I'm not ashamed of myself." And she asked, "Are you ashamed of me?"....I told her I could never be ashamed of her. She said "I knew it!", then she hugged me she told me not to worry about her even though it might be the last time we will ever see one another. I couldn't find the words to answer her.

Millie Percival also provided a follow-up summary of the trauma experienced by family and friends regarding Becky's sudden disappearance in Vancouver. Her comments here included these points about her friend:

The headline from the Vancouver Sun dated August 7, 2010 read, "A society that simply doesn't care enough: A habitué of Vancouver's Downtown Eastside, a sometime prostitute and longtime drug abuser, Rebecca Guno disappeared in June 1983."

Becky disappeared weeks after I last saw her; she still had the optimistic, grateful, sparkling spirit which could not be doused by anything. She did not look strung out...perhaps I couldn't see past the optimistic angel that I knew, but I didn't see a long time drug abuser. However, I don't doubt that she used drugs. The word habitué can mean that she frequented a place which brought her pleasure. I know that she habitually made a conscious effort to receive whatever situation she found herself in, with dignity and a deep understanding that God would not let her get into a situation that was beyond her forbearance.

She was named the first potential victim – on the official list of women missing from the Downtown Eastside.

Michelle Gurney

Michelle Gurney was a member of the Nisga'a First Nation and was born in Prince Rupert. After her parents separated, she was raised by her grandparents. As a young child, she was treated for tuberculosis. She was diagnosed as suffering from schizophrenia and admitted to the psychiatric ward at the hospital in Terrace in 1986. She lived in group homes after her release and remained under various outpatient care programs until 1991, when she lived in Vancouver. At that time, her son was born. Because she was unable to care for him on her own, he was taken into care in October 1991. She moved to Penticton in 1992 but returned frequently to Vancouver to visit her son. By 1996, the Public Trustee had declared her

incapable of managing her own affairs; nevertheless she left a dedicated care facility in Penticton to move back to Vancouver. Until she was reported missing by her social worker in late December 1998, Michelle lived in the DTES at the Portland Hotel. She planned to move to Chilliwack with her boyfriend but was advised by the Ministry of Human Resources that it would be difficult for her to access the services she needed there. There is no record of her death in BC and she has not been found. She disappeared within weeks of Angela Jardine, another Portland Hotel resident with similar mental health care needs, whose DNA was found on the Pickton farm.

Inga Hall

Inga Hall was born in Germany and moved to Canada with her family when she was four years old. She had spent part of her childhood in Peterborough, Ontario, but ran away from home at the age of 14. At nineteen, she married a man from Edmonton named Hall and had a daughter, who grew up with his parents. She met another man in Prince George and spent seven years in a common-law relationship with him, moving to the DTES and giving birth to another daughter whom her partner's family raised, first in Prince George and later in Saskatchewan. In June 1987, she and another woman robbed a bank on Main Street in Vancouver with a plastic handgun. Inga was 46 when she went missing in February 1998. Her DNA was found on the Pickton farm in 2002; first-degree murder charges laid against Robert Pickton were stayed.

Helen Hallmark

Helen Hallmark was born in Vancouver in 1966. She grew up with her brother and sister, and later a stepsister, in Maple Ridge, where she was said to be popular in school. She was a rebellious teenager and ended up in a foster home at 13 after her mother's partner abused her, but reportedly remained close to her birth family. According to her sister, Helen tried to prevent her siblings from experiencing the same problems that she had with her stepfather. Helen was married twice and had a daughter whom she put up for adoption. After she went missing, her sister and mother spent hours looking for her in the DTES. Her mother called for a public inquiry into the missing women. Helen was last seen June 15, 1997, at age 31. Her DNA was discovered on the Pickton farm in June 2002 and charges were laid against Robert Pickton, but later stayed.

Ruby Hardy

Ruby Hardy was born on March 23, 1965. Ruby is from the Biinjitwaabik Zaaging Anishinaabek First Nation, also known as the Rocky Bay First Nation in Ontario. She was also known as Ruby Galloway. She was last seen by her family in 1998 and has not been found. She was added to the missing women list in March 2002.

Janet Henry

Janet Henry was born on April 10, 1961, one of five siblings. Janet is from the 'Namgis First Nation. She grew up first in her father's hometown of Kingcome, then her mother's hometown of Alert Bay after her father died. In the 1970s, all the children were placed in foster homes. Eventually, with the help of the X-Kalay Foundation, a foundation that provided support to families with addiction problems, her mother was able to bring the children to Vancouver.

Janet's sister was raped and murdered at the age of 19, and in the early 1980s, Janet was drugged and abducted by Clifford Olson, although it is unknown exactly what abuse she was subjected to. Nonetheless, Janet was able to overcome these terrible events. She married in the 1980s in New Westminster. She and her sister lived in Maple Ridge after both were newly married, and Janet had one daughter. Janet and her husband divorced in the late 1980s, and she moved to the DTES. She moved back to Maple Ridge in the 1990s, living in an apartment until her boyfriend spent her rent money, causing her to be evicted. She moved back to the DTES where she became more involved in drinking and using drugs, doing sex work to support her habit. In the last year of her life, she called her sister every day. The last message she left was on June 25, 1997. The two were planning to get together, but Janet cancelled these plans. Knowing she was depressed, her sister called back a few days later to make sure that she had not overdosed in her room.

Janet is still missing. Her sister, Sandra Gagnon, believes that she was seen on the Pickton farm and probably died there. The family has experienced a host of other tragedies, including the deaths of one sister and a brother as a result of substance abuse, the suicide of her sister's son, and the death of her brother during the Pickton trial. Another brother was killed after being hit by a police car.

Her sister, Ms. Gagnon, writes of her:

Janet Gail Henry was a loving mother a loving friend. She loved her daughters dearly. I know my sister didn't like the kind of life style she was living. She tried hard to change by going to treatment centres. She had good intentions. In fact she told me not too long before she went missing that she wanted to change her life and get away from the downtown eastside so that she could see her daughter Debra more.

The sad thing is she went missing.

Tanya Holyk

Tanya Holyk was born on December 8, 1975, in Vancouver, but moved to Lytton shortly after. Her mother's family is from the Skatin First Nation, from the Pemberton area. Tanya grew up in Agassiz and Chilliwack, and moved to East Vancouver with her mother and aunt in her teens and went to high school there.

Tanya's family had experienced much upheaval before she was born. Her mother Dorothy and her siblings were put in a foster home after their own mother died of cancer and their stepfather was not allowed to keep the children. The children ended up on their own while they were young. Two of Tanya's uncles committed suicide while they were in their late teens. Her aunt, Belinda Williams, was last seen in 1978 in the DTES; her disappearance remains unsolved.

Tanya had one older sister who was given up for adoption and raised in Klemtu. Many members of Tanya's extended family lived in Mission, and she remained close to her cousins growing up. Friends described her as "playful, young and caring."

As an adult, Tanya lived with her mother for a time and visited her regularly after she moved out. She became addicted to cocaine and was doing sex work near Victoria and Hastings to support her addiction. When she was 20, Tanya lived with her common-law partner in Burnaby and had a son with him, entering rehab during pregnancy. The couple separated later, sharing custody of their son. Tanya was supposed to celebrate her Aunt Lila's birthday with her on October 27, 1996, but never showed up.

Tanya wrote during her time in detox and rehab. Some of these writings were provided to the Commission by her aunt. They show her spirit and her struggle to overcome addiction:

Before coming here I felt alone, scared and frightened to express my feelings. Being here made me realize I am not alone. I do have family and friends that care about me and love me unconditionally. I have learned I am a good person and that people do love me for who I am. I have learned to love myself and love others. I know I am worth it and no one is going to tell me different. I am a good person. I also have learned that expressing my feelings is allowed. I have opened myself up about things that I had lost. I am very proud of myself and commend myself for all the work I have put into treatment. I have to congratulate myself for the effort I put into my work. I am back in control of my life again.

A letter to my addict when leaving rehab:

Dear Addict

For the past few years you have f'd up and ran my life. I am not going to let you do that anymore. I am taking back my life. You convinced me not to express my feelings. You never let me learn how to identify my feelings. You just kept letting me stuff them inside til it killed me. Well I am not going to let you do that anymore. ... It was not alright and you are not in control anymore. I am taking my life back. I know I will never be able to get rid of you, you will always be lurking around when I am sad and try to use that to your advantage. Well guess again because anytime you're around I will lock you up in a jar. I know you will escape every once in a while. But, I will keep doing it and that will make you weaker and weaker. You will never get to me again and bring me down to your level. I

*won't let you. I know now I deserve a lot more than you were giving me...*⁶³

Tanya's clothing and DNA were found at the Pickton farm. Robert Pickton was charged with her murder in October 2002, but charges were stayed.

Sherry Irving

Sherry Irving was born on March 19, 1973. She was a member of the Lil'wat First Nation. She was the middle child of three, with an older and younger brother. When Sherry was a child, the family moved because of her father's work in the military. She grew up in Edmonton and on Vancouver Island. She excelled at track and field when she was in school, and her brother described her as being a lot of fun and loving rock music and camping.

Sherry left home when her family moved to Ontario, choosing to stay in BC. Her parents later split up and her mother moved to Mount Currie, near Pemberton, where Sherry stayed with her occasionally, living primarily in the Lower Mainland. Her mother died in 1994. After Sherry became addicted to drugs, her family tried periodically to get her into treatment. She was last seen by her family at Christmas in 1996 visiting her father in Comox, and was reported missing in April 1997. Her DNA was found at the Pickton farm. Pickton was charged with her murder in October 2002, but charges were stayed.

Angela Jardine

Angela Jardine was born in Sudbury, Ontario, but moved with her family to Sparwood, BC. From early on in her life, she faced developmental challenges: her speech acquisition was delayed, and when she started school, she was prone to outbursts and had difficulty controlling herself. She wanted very much to fit in with her peers, but was known for being naïve and seeking others' approval in ways which sometimes drew their ridicule. Even as an adult, she was thought to have the intellectual development of an 11-year-old. Her family sought extra medical services for her throughout her childhood, and late in her teens she ended up living with a caregiver outside the family residence, an arrangement that worked well for her. (Her mother had a critical illness at the time she went into care outside the home.) This ended when the Ministry moved her into a group home with four rotating staff, a situation she rebelled against.

She moved to the DTES when she was 19 and stayed there, despite attempts to return to Sparwood with her family's support. She lived at the Portland Hotel and had close bonds with many people in the neighbourhood, including her social worker and others at the Portland. She is remembered as exuberant, joyful and loving.

Like many of the missing women, Angela had experienced violence. In a claim for compensation after being attacked and assaulted, Angela had written that she was “scared to go out to work” and “have moved since assault because I felt unsafe there.”⁶⁴

She was last seen on November 30, 1998, when she was 27, having earlier attended a community event entitled “Out of Harm’s Way.” Nurse Bonnie Fournier remembers that night in particular because Angela was dressed up and excited to be going to a party. As was true in many of the missing women cases, her family lobbied for four years for police action into Angela’s disappearance. Her remains were found on the Pickton farm; charges were laid but stayed after Pickton’s conviction for the murder of six other women.

Andrea Joesbury

Andrea Joesbury grew up in Victoria, where she was born on November 6, 1978. She attended Craigflower School, where she loved sports and drama. Her father was jailed after being convicted of assaulting her mother. Andrea and her brother and sister, with whom she was very close, lived with her maternal grandparents, who remember her as a beautiful child. She ran away from home when she was 16 and started living in the DTES with her boyfriend, 20 years her senior, who was a drug dealer and pimp. They had a child together, but the baby was taken from her by social services after her partner was incarcerated. According to her mother, Andrea’s heroin use escalated after that. She kept in touch with her family through frequent telephone calls. At the WISH Drop-in Centre, she was known as being quiet and polite, with a bright smile. At the time Andrea disappeared, she was in a methadone program. She was 23. Robert Pickton was convicted of second-degree murder in her death, after her DNA was discovered on his farm.

Patricia Johnson

Patricia Johnson was born on December 2, 1976, in Vancouver. Patricia’s family called her Patty. She grew up in East Vancouver with her mother and half-sister. Her cousin remembers her dancing in the living room at her grandparents’ Christmas party: “She was just a beautiful little girl.” At 16, she left home and began experimenting with drugs. For three and a half years she was involved with a man. They had two children together, a son born in 1994 and a daughter born in April 1995. When they split up, her spouse took custody of the children, but Patty stayed in touch with them, visiting or calling on holidays and birthdays. She had the children’s names tattooed on her shoulder. Patty was the first “heroine” that Lincoln Clarke photographed for the photo series that he made into the book, *Heroines*. He described her as “bright and outgoing,” “a happy upbeat person who talked about her children all the time.”

Patty became involved with a man who introduced her to injecting heroin. They both entered rehab, and although he managed to kick his addiction, she relapsed. She tried a number of times to get treatment and was in a methadone program at one point. She had a difficult existence making ends meet on welfare. Her mother described her as bubbly, always laughing, and her mother-in-law said she had a great deal of dignity and inner strength: "She was a beautiful woman; she was like a butterfly." Elaine Allan of WISH Drop-in Centre said,

She was a beautiful young woman with her whole life in front of her. She was interested in recovery. She almost made it out, which is even more tragic. She is somebody that, had we had better treatment and recovery services to offer her, she would have gotten the hell out of there.

Her family realized that she was missing when she did not phone on her son's birthday. Patty was last seen on March 3, 2001, when she was 24 years old. Her DNA was found on the Pickton farm, but charges laid against Robert Pickton in her death were stayed.

Debra Jones

Debra Jones was born on December 31, 1957. She had an identical twin with whom she was very close and also had two older sisters and a brother. Debra was known to be an excellent singer and guitarist. She disappeared just days before her 43rd birthday around Christmas 2000. Her DNA was found on the Pickton farm, but charges against Robert Pickton were stayed.

Catherine Knight

Catherine Knight grew up in Victoria, the youngest of nine, with three brothers and five sisters. Her father was an alcoholic and the family lived in poverty during her childhood. The family knew the Younker family (see Victoria Younker, later in this section). Her older sister describes Cathy as "so lovable, blue-eyed, blonde hair, chubby-cheeked and searching for what we were all searching for – somebody to love us." She describes Cathy as using alcohol and drugs to cope with the pain of childhood abuse. Cathy began doing sex work when she started living on the street at age 15. Cathy kept in touch with her sister regularly until she disappeared, sometimes staying with her for short periods of time. She went missing shortly before her 29th birthday in 1995. Her case remains unsolved; no one has reported being contacted by Cathy since she went missing.

Kerry Koski

Kerry Koski was born on April 14, 1959, and was 39 years old when she was reported missing in January 1998. Prior to that, she had been married, with children aged 12, 14 and 16 at the time of her disappearance, and had worked a steady job. She is reported to have begun dabbling in drug use after her husband committed suicide, experimenting with heroin, and

becoming addicted in a matter of months. After her disappearance, her family founded the Missing Women Legacy Society to run a recovery house in Maple Ridge. She was remembered as someone who loved to have fun and always had a big smile on her face. Pickton was charged with Kerry's murder, but the charges were stayed.

Maria Laliberte

Maria Laliberte was born on November 7, 1949. Maria disappeared on New Year's Day 1997; however, a missing persons report was not filed until 2002. No other personal information is available for Maria.

The Commission offers the following poem in her honour:

We Never Said Farewell

*We never said farewell, nor even looked
Our last upon each other, for no sign
Was made when we the linkèd chain unhooked
And broke the level line.*

*And here we dwell together, side by side,
Our places fixed for life upon the chart.
Two islands that the roaring seas divide
Are not more far apart.*

-Mary Elizabeth Coleridge

Stephanie Lane

Stephanie Lane was born on May 28, 1976 and grew up in East Vancouver. Her mother is Métis and her father part Caucasian and part African-American. Stephanie had a beautiful voice and loved singing and acting in plays at Sunday school. She also excelled academically and was an A student at Britannia, Templeton, and John Oliver High Schools in Vancouver, where she was known to have many friends. After leaving home, she worked as a stripper and table dancer at No. 5 Orange, a club in the DTES. During the shooting of a movie at the Drake Hotel, set decorators took a picture of her and blew it up to hang in the background as a prop poster. Stephanie's mother, Michele Pineault, shared personal memories of her daughter's wonderful character, likes and dislikes. Ms. Pineault also wrote in very moving terms about Stephanie and I include her letter later in my report in a discussion of the harm caused by the investigations.⁶⁵

Stephanie went missing on January 11, 1997, leaving behind a young son. Her DNA was later found on the Pickton farm. In 2009, RCMP recommended charges against Pickton for Stephanie's murder and five other women; however, charges were not laid.

Kellie Little

Kellie Little was born Richard Little on March 12, 1969 in Campbell River, a member of the Nuchatlaht First Nation. Kellie's parents separated in 1972 and she and her siblings were taken from her mother and placed in foster care, where they grew up. Kellie grew up with significant physical impairments: only one kidney, a hairlip, jaw deformity and dental problems requiring jaw screws, as well as severe hearing loss in the left ear. Kellie had a troubled youth, reportedly trying to commit suicide at age 15, and was incarcerated as an adult at Kent Institution on assault charges. At some point, Kellie began her gender transition, dressing as a woman and taking hormones. On April 23, 1997, Kellie stayed overnight with Gina Houston, a friend of Robert Pickton's, and then went downtown to work and was not seen again. She was reported missing by her landlady, who was concerned because she did not usually stay away that long and neglect her pet cat. She had been scheduled to attend a job-search seminar as a requirement of receiving social assistance on April 29, but did not attend. Her case remains unsolved.

Laura Mah

Laura Mah was included on many of the early missing women lists. She was born on March 23, 1943 and had two children. When she was last seen in 1985, she was known to have had problems with alcohol. She died in Burnaby General Hospital in 1986, although this was not confirmed until 2009. At the time of her death, she was working as a cook and living in Burnaby.

Jacqueline McDonell

Jacqueline McDonell was 22 or 23 when she was reported missing from the DTES in January 1999. She had grown up in the Kootenays and lived with her mother and stepfather in Trail, BC. Jacqueline dropped out of school when she had her daughter, at the age of 18. Although she is said to have been a very attentive mother, Jacqueline became involved with a former addict and became addicted to heroin; her mother eventually got custody of her daughter. She stayed for a time with her father in Victoria and is thought to have moved to the DTES in 1998. Jacqueline was described by Elaine Allan, former director of WISH Drop-in, as well-read, curious, bright and articulate, with a small-town friendliness. Her remains were found on the Pickton farm and charges against Pickton were laid but later stayed.

Diana Melnick

Diana was 20 when she was last seen on December 27, 1995. A school friend said of Diana: *"I remembered she loved horses, and would never wear her skirt or our uniform."* The school friend recalls sitting in a friend's bedroom with Diana, listening to heavy metal music, gossiping about boys

and planning what to do at the next school dance. Pickton stood accused of Diana's murder; however, the charges were stayed in 2010.

Leigh Miner

Leigh Miner was born near San Francisco in 1959. She lived and worked in California in the early 1980s, and reportedly she began experimenting with heroin when she was in her early 20s. When her daughter was born in 1986 she moved to Edmonton to be closer to Canadian relatives. She lost custody of her daughter three years later. She moved to the DTES in 1993 and eventually resorted to doing sex work to pay for drugs. She phoned her sister on Vancouver Island on December 17, 1993, to ask for money so that she could visit her mother (in the Victoria area) for Christmas, but was not heard from again. She was reported missing in the spring of 1994, when she was 34, and has not contacted her family since then.

Her sister writes of her:

People were easily attracted to Leigh Miner with her long, gorgeous auburn hair. She would run her fingers through her hair as she would carry on conversation and then give it a quick flip with the back of her hand. Leigh had a natural beauty but it was her personality that was truly captivating. With loads of charisma and an unbridled sense of self, Leigh managed to get what she wanted in life; she did not like to compromise on her goals and beliefs, she was a tough nut, fiercely loyal to her family and her close friends, she was the go-to person when you needed someone in your corner.

Leigh spent the majority of her life in California. Born a twin and number two of four children, she had an idyllic life in the Santa Cruz mountains where she was allowed the freedom to ride horses, hang out with her friends and play with her dogs. After moving from the mountains Leigh spent her adult life in Alameda, an island in the San Francisco Bay Area. Her favourite car was a baby blue Cadillac; probably the best photograph of Leigh was taken while she was in this car, it encapsulated the essence of this lovely woman, her natural beauty, her big smile, the look of total confidence. When Leigh was a few months pregnant she decided Canada would be a good place to start her family so she moved to Edmonton where she gave birth to her daughter, Jackie. Leigh did the best she could as a mother: they would go for walks in the park; they loved being together in the kitchen preparing meals; and Leigh liked to make time special for Jackie giving her lots of one on one attention. She loved to spend time with her daughter playing with her huge collection of toys and stuffed animals. Leigh made sure Jackie was well presented, paying special attention to her daughter's hair, always perfectly groomed and in cute little ponytails.

Leigh has left an indelible imprint on us. She's an important person in our family's history; even those born after her disappearance know of the long lasting effect she has had on us. In the short amount of life allowed to Leigh she lived big and shined brightly. We love her deeply and after nearly two decades since she went missing, we still feel her spirit in our family, just as she was protective of us we want

to protect her and honour her. As a mother, a sister, a daughter, and a friend, she remains with us in our hearts.

Jacqueline Murdock

Jacqueline Murdock was born on January 28, 1971, in Fort St. James. Her family called her Jackie. She was a member of the Takla Lake Band, Carrier Sekani First Nation, and was the youngest of 15 siblings. One of her older sisters remembers that when Jackie was a little girl, the siblings used to put lots of pigtails in her hair: “She used to be really cute, very chubby. She was a very intelligent little girl.”

Jackie was put into foster care in Prince George when she was 12. She ran away from her foster home when she was 13 or 14. Later in life she revealed to an older sister that she had been sexually abused by a relative in Prince George and was afraid to go back. By the time she was 20 she had two boys, who lived with her mother, and a girl, whom she took with her to Vancouver until Children’s Aid Services contacted Jackie’s mother to take her daughter as well. She later had two more girls who were adopted by others. Jackie would visit her children five to seven times a year. Her daughter remembers hiding her purse to keep her from leaving at her last visit, when she was five years old. In 1996, Jackie hitchhiked to Vancouver after her father kicked her out of the house. Later the same year, her sister moved to Surrey and they had sporadic contact.

Relatives remembered Jackie as “happy-go-lucky” and “very happy,” “an adorable little girl who grew into a really pretty woman” – she was well-loved by her family. A former boyfriend who lived with her in the 1980s remembered, “She was a sweetheart, a real nice gal, always laughing. She didn’t have a bad word to say about anybody.”

Jackie tried several times to go through rehab and attended an extensive program at Peardonville House, during which she wrote poetry. Jackie disappeared from the DTES in August 1997 at the age of 26. Her DNA was found on the Pickton farm, but no charges were laid by Crown Prosecutors after Pickton’s trial ended.

Jacqueline wrote a poem that has been quoted in a newspaper article and read into testimony at the hearings by her sister Daphne Pierre:

*When you feel hurt and want to cry... when you feel anger, call on
a friend,
When you are older, with all of those negative thoughts in your
mind, pray.
Give faith to the creator.
He will guide you to a higher power and make you feel that you are
glad to ask for guidance from someone who believes in you.*

Lillian O'Dare

Lillian O'Dare was born on January 8, 1944, in Williams Lake. She disappeared in 1978; her landlady reported her missing. Her purse was located intact at the corner of Commercial Drive and Broadway Street. She was identified in 2007 from a skeleton found in an East Vancouver house, which one newspaper article claims was rented by bikers, in 1989. The cause of her death remains unknown, although foul play is suspected.

Georgina Papin

Georgina Papin was born in Edmonton, Alberta on March 11, 1964, the fourth of nine children of seven different fathers. The family lived on the Hobbema Reserve, and Georgina was a member of the Enoch Cree Nation. For a time, the various siblings were placed in foster care and sent to residential school in Hobbema, but ultimately they were placed in the same foster home. Georgina ran away at the age of 12, after being abused in care, and by 14 she was living in Las Vegas and doing sex work to support herself. Georgina's first child was born there and the child stayed with her grandparents in Las Vegas after Georgina moved back to Canada. Her other siblings also struggled with addictions and went through periods of imprisonment.

Georgina had a large family of her own, with four girls and three boys, the youngest twin girls born a year before she went missing at age 34. They lived outside of Agassiz. Although she was a very involved mother, her children were taken from her care when she began to engage in heavy drug use. After this, she moved to the DTES. Her last family contact was in March 1999 when she asked her younger sister Bonnie to celebrate her birthday with her. Although there is some conflicting evidence about the date, it is reported that she was last seen being dropped off at the Aboriginal Friendship Centre on Hastings Street.

Georgina kept many Cree traditions, becoming a good traditional dancer, and spending time beading and drawing. When she lived in Mission in 1997, she attended powwows and made Aboriginal crafts. She loved jewellery and the colour red. She was a good cook and made good bannock. Later, when she committed crimes to support her drug use, she served sentences in the Lethbridge Correctional Centre in southern Alberta, and then later was transferred to Burnaby Correctional Centre for Women. While incarcerated, she volunteered with the Native Sisterhood Association, bringing women back in touch with their traditions.

Her remains were found on the Pickton farm and Robert Pickton was convicted of second-degree murder in her death.

During the hearings, Georgina's sister read a poem written by Georgina called "I Will Fight":

*The look upon your face,
 Innocent you are,
 Sentenced for a deadly crime,
 The system's gone too far.
 I will fight for freedom in a positive way,
 I will fight for you my people because there is no other way.
 We hold the key to the missing link,
 Taxpayers I hereby sentence you to think,
 Take a good look at the white man's lies,
 Our present justice system do you hear the nation's cries?
 The resistance continues,
 The indigenous are strong,
 We lived in the right,
 White men lived in the wrong.
 I will fight for my people,
 Feather in my hand,
 I will fight the injustice,
 The disease upon our land.
 My brothers, my sisters,
 We must make a stand,
 Together we will fight,
 The truth is close at hand.⁶⁶*

Tania Petersen

Tania Peterson was born on December 28, 1969. Tania was last seen in February 1998 and was reported missing to the Surrey RCMP Detachment in 2003. No other personal information is available for Tania.

The Commission offers the following poem in her honour:

Remember

*Remember me when I am gone away,
 Gone far away into the silent land;
 When you can no more hold me by the hand,
 Nor I half turn to go, yet turning stay.
 Remember me when no more, day by day,
 You tell me of our future that you planned:
 Only remember me; you understand
 It will be late to counsel then or pray.
 Yet if you should forget me for a while
 And afterwards remember, do not grieve:
 For if the darkness and corruption leave
 A vestige of the thoughts that I once had,
 Better by far you should forget and smile
 Than that you should remember and be sad.*

-Christina Georgina Rossetti

Sherry Rail

Sherry Rail was one of the first women on a Missing Women Task Force poster to disappear. She was born on September 8, 1956, and was last seen in November 1983, when she would have been 27. Her mother reported her missing to the Hinton, Alberta RCMP detachment. She had lived in various parts of Vancouver and was reportedly enrolled in a methadone program and looking for a job when she disappeared. Her case remains unsolved.

Dianne Rock

Dianne Rock was born on September 2, 1967, in the Welland/Port Colbourne area of Ontario. Her mother was only 15 at the time of her birth. Dianne and her mother stayed with their friends, the Marin family, and Ella Marin began to take care of her, eventually adopting Dianne. One of the Marin children, Lilliane, had a daughter slightly younger than Dianne and the two were raised almost as sisters.

Dianne quit school and left home when she became pregnant at 15, living on her own until she married in 1985. By the age of 20, she had three children. When the couple divorced in 1988, she took the girls, while her ex-husband took their son. Dianne ended up working as a health care aide in Welland, but also began working as an exotic dancer and using drugs.

In 1991, Dianne had another child with her second husband and moved to Brantford, Ontario, then BC, taking three of her children with her. She had a series of jobs as a health care aide, taking care of disabled adults, and studied nursing part-time. She had another child, a boy, in 1995, and worked for six years with assisted living agencies. Co-workers in Abbotsford at the MSA Society for Community Living for developmentally delayed adults remember her as compassionate, hardworking, well-liked and easy to get along with: "She did an exceptional job. She worked with a couple of high needs women with a lot of physical care. She was a very strong advocate for them."

In 2000, she separated from her second husband and moved into an apartment. She was using cocaine and her lifestyle quickly changed. Her older daughters had left home and she lost custody of the younger children to their father. There were concerns that her boyfriend was abusing her. She had financial problems and was arrested in May 2001, moving to the DTES shortly after. She missed her daughter's birthday in June and called her family in August following what was later determined to be a brutal sexual assault in Port Coquitlam. On October 17, 2001, she called her youngest son to wish him a happy birthday and tell him that she would see him soon. She was last seen by her social worker on October 19. Her family was contacted about her death in April 2002, when her DNA was found on the Pickton farm. Murder charges in her death were stayed.

Elsie Sebastian (Jones)

Elsie Sebastian was born in Hagwilget village near Port Renfrew on January 11, 1952 and was a member of the Pacheedaht First Nation. Like the other members of her family, she attended residential schools, where she experienced regular physical abuse until she left at age 16. Her daughters believe that the residential school experience was the source of her emotional pain later in life.

Her oldest son was born when she was 16 and raised by a great-aunt. She had a daughter with common-law partner John Livingston when she was 21, separating from him when she was 24. She became involved with a Gitksan man, Robert Jones, and had two more children with him, a girl and a boy. The family moved between Prince George, Smithers, Victoria, Sooke, Nanaimo and Edmonton. Both Elsie and her husband had problems with alcohol abuse during this time. They separated when she was 34. After this, she became involved with a man who was abusive, and although she had custody of the children, her younger daughter was put into foster care for two short periods.

After being prescribed anti-depressants, she began to use other drugs including heroin and became addicted. She attended several treatment programs but relapsed afterwards. Eventually her older daughter went to live with her grandmother in Victoria while her younger children lived with their father in Hazelton.

After Elsie moved to Vancouver, she kept in touch with her children through frequent phone calls. Her ex-husband became concerned about her health and her children went to visit her at their uncle's residence at UBC in 1992. By this time, she was living in the DTES. She cooked dinner for her family, then left to get a fix. This was the last time she was seen. Her case remains unsolved.

Her daughters remember her as a smart, beautiful woman who had to battle racism throughout her life and who ultimately fell through the cracks of the social welfare system, unable to get the help she needed.

Ingrid Soet

Ingrid Soet was last seen by her family in August 1989, when she visited her family's Burnaby home after being kicked out of the Astoria Hotel. She was 30 years old. Ingrid was known to use drugs and had mental health issues. She had a child whom she gave up for adoption. She was reported missing by her mother. She has not been located, although on several occasions police have attempted to match her profile with unidentified remains.

Dorothy Spence

Dorothy Spence was born on September 6, 1962, in Minnedosa, Manitoba. She was a member of the Sandy Bay First Nation. Dorothy moved to Vancouver from Alberta and is believed to have lived in the DTES for a relatively short time before she went missing. She was last seen in the summer of 1995 and was reported missing by her family members. At that time, her brother was working at the Vancouver Police and Native Liaison Society.

Teresa Triff

No personal information is available for Teresa.

The Commission offers the following poem in her honour:

Faith

*And if I go, while you're still here.....
Know that I live on,
Vibrating to a different measure
Behind a thin veil you cannot
See through.*

*You will not see me,
So you must have faith.*

*I wait for the time when
We can soar together again,
Both aware of each other.*

*Until then, live your life to its fullest
And when you need me,
Just whisper my name in your heart,
.....I will be there.*

-Emily Dickinson

Sharon Ward

No personal information is available for Sharon.

The Commission offers the following poem in her honour:

Peace

*Peace flows into me
As the tide to the pool by the shore;
It is mine forevermore,*

It ebbs not back like the sea.

*I am the pool of blue
That worships the vivid sky;
My hopes were heaven-high,
They are all fulfilled in you.*

*I am the pool of gold
When sunset burns and dies—
You are my deepening skies,
Give me your stars to hold.*

-Sara Teasdale

Kathleen Wattley

Kathleen Wattley was born on November 20, 1959. She had lived in New York State, California, Washington State and Alberta before she moved to Vancouver's Mount Pleasant neighbourhood. She separated from her common-law spouse of 10 years just two months prior to her disappearance on June 20, 1992. She was the victim of an attempted murder in 1987, when a shooting occurred in her apartment during an incident involving cocaine use. She and the other victim both recovered. When she went missing, Kathleen had left her two young children, aged three and five, with a babysitter to go shopping for clothes. She dropped the clothing off, went to meet a man near Kingsway and Victoria Drive and was not seen again. Her case remains unsolved.

Olivia William

Olivia William was born in Burns Lake and was a member of the Babine Lake First Nation. Olivia was born a few months before her mother died in 1975. After her death, the children in the family were split up. Her brother grew up with their father. Another part of the family took Olivia and raised her on a remote reserve near Smithers. The children kept in touch by phone and through regular visits. Her brother last saw Olivia in 1995 in Burns Lake after she had "run away" from the reserve. He claims that she was using drugs and alcohol to cope with childhood sexual abuse that had occurred at a time when many people were frequenting their home and drinking heavily. At that time, she was pregnant with her second child and living in town at the Rainbow Hotel; her first child is believed to have been apprehended by the Ministry in Burns Lake. She left Burns Lake in 1995 for the DTES. She had the baby on November 16, 1996, walked out of the hospital and was not seen again. Her case remains unsolved.

Angela Williams

Angela Williams was born on November 1, 1970, in Kingcome Village. Her mother was from Turnour Island and her father was from Gilford Island.

Both parents and most of her older relatives were residential school survivors. Angela was a member of the Tlowitsis First Nation. She grew up mostly with her father in Kingcome, and later with her father's sister in Campbell River, whom she lived with when her father was fishing. She met her sister (who had a different father and still lived with their mother) when she was 11 and they became very close, spending summers together. Her sister remembers her as shy, like their mother, someone who never raised her voice. Although there was some alcohol abuse in her family, the household Angela grew up in was stable.

In her mid-teens, she started to rebel, running away to Vancouver at least once. When she was 18, she gave birth to her first daughter and moved to Port Hardy. Later, she moved back to the Campbell River/Comox area and had a second daughter. She was training to become a hairdresser and had quit drinking. However, she started having problems with alcohol again. She moved to Vancouver in 1999 with her two daughters and her partner to make a new start with relatives there. Angela's third daughter was born while she was living in Vancouver. Although they struggled to remain sober, eventually because of issues with drugs and alcohol, Angela and her partner temporarily placed their children in the care of relatives after interventions with the Ministry of Children and Families. In 2001, Angela started a treatment program to deal with her cocaine addiction. During the period before her death, she saw her children at least once a week.

In December 2001, she went missing from the DTES. Her absence was immediately noticed because she missed a promised pre-Christmas meeting with her daughters, then failed to show up for Christmas celebrations. Her body was discovered shortly after in Surrey. The cause of her death is unknown, but foul play is suspected.

Taressa Ann Williams

Taressa grew up on the Semiahmoo Reserve in White Rock, but ran away at the age of 14. When she disappeared in August 1988, she was 15 years old and had five-month-old twin sons, who were being raised by her family. She was last seen at the Sunrise Hotel in Vancouver. A 2004 RCMP press release states that her remains were found in Vancouver in 1988 and identified many years later.

Mona Wilson

Mona Wilson was born on January 13, 1975 in Kelowna, the youngest of seven children. Her family belonged to the O'Chiese First Nation in Rocky Mountain House, Alberta. Her family remembers that she believed in unicorns as a girl and loved the colour pink. When Mona was young, her mother moved to Vancouver and the children were separated, some being raised by their grandparents. Mona was removed from their home and placed in emergency foster care after being physically and sexually abused by her mother's boyfriend. She lived first with one foster mother, a

community worker in the DTES, until she was eight. She then went to live with a family who ran a hobby farm in the Fraser Valley where she played with the dogs, cats, chickens, turkeys and peacocks, sometimes bringing chicks into the house with her in her pockets. Although she is remembered as a happy, bubbly child, it is believed she was traumatized by the abuse she suffered as a child. She had difficulties at school. Her foster-brother remembers her becoming hysterical at the sight of her own blood when she first began to menstruate. Eventually, she started living in group homes and began using alcohol and hard drugs.

In her late teens, Mona moved to the DTES where she still knew people from her youth. She had dropped out of Grade 9 at Britannia High School in Vancouver. She was a regular at the WISH Drop-in Centre and the DEYAS Needle Exchange, with staff remembering her as being sweet but also feisty, and something of a loner. She attempted several times to get treatment for her heroin addiction and had been in a methadone program.

Mona was incarcerated for a period in the Burnaby Correctional Centre for Women in 2000, and during this time, she kept in touch with her older sister. She expressed the intention of going to live with her sister, but that did not happen. Shortly before she died, she was living in an East Vancouver basement suite with her common-law partner of several years and was often seen squeegeeing on 1st Avenue and Commercial Drive.

Mona wrote about the violence she had experienced and her apprehensions about her safety in a statement of application for compensation for assault:

*I was scared, terrified and thought I was going to die. I am always looking for the guy that stabbed me. I'm paranoid, nervous about getting into vehicles. I'm always thinking the next guy could be the one that kills me. I'm scared to sleep alone and that someone is trying to kill me. Any noise scares me. I'm even nervous walking down the street by myself.*⁶⁷

And

*I didn't do anything wrong. I didn't deserve to get stabbed. He could have killed me. He may have killed someone else. He probably do it again. When he stabbed me the guy looked scared, in a trance, real crazed looking. I can still see his face after he stabbed me. I'll never forget, this terrifying experience will be with me forever.*⁶⁸

She was last seen at the end of November 2001. Another sister says she realized Mona was missing when she did not show up for Christmas in 2001. Mona's remains were found on the Pickton farm, and Robert Pickton was convicted of second-degree murder.

Brenda Wolfe

Brenda was the oldest of five children, with two sisters and two brothers from her father's marriage. She was born in Lethbridge, Alberta and was a member of the Kawkewistahaw First Nation. She was raised in Calgary and

Lethbridge. She grew up with her father's family at a time when her mother was battling alcohol addiction, although she and her sisters moved back in with their mother in 1980. Her mother later learned that she experienced sexual abuse from members of her father's family. Brenda was a badminton champion in school. She channelled her creativity into hairdressing and completed her certificate in 1991. In 1992, she became involved with her common-law partner and they had two daughters who were born in Alberta and Ontario. She went into rehab treatment for her drug addiction while pregnant with her first daughter. In 1996, the couple moved to Vancouver.

Brenda's common-law spouse was abusive and she was known to be afraid of him, telling her sister that if she went missing, he would have something to do with it. Brenda entered a shelter in order to get away from him. She lived in Richmond for a period, renting an apartment and doing sex work to supplement her meagre welfare income to care for her children. In February 1999, when she relapsed, she lost her apartment; her spouse, then separated from her, was given custody of their children in Ontario. The children were later put into foster homes.

After Brenda moved to Vancouver, she worked as a waitress and bouncer at the bar in the Balmoral Hotel in the DTES. She was well-known in the community as a strong, quiet woman, and has often been described as someone who people turned to for protection. She was remembered at WISH Drop-in for being soft-spoken and well-liked, someone who liked country music, jazz and dancing.

Brenda foresaw her own death and told her sister about it. Her remains were found on the Pickton farm and Robert Pickton was convicted of second-degree murder.

Brenda's mother Elaine Belanger provided the Commission with an extensive profile, which includes reflections from several family members and a friend.

Elaine provided the following description of her daughter Brenda as a teenager:

The Girls were put into school at Victoria Public School. Both girls had developed new friendships and were well liked by other students. At the age of 12 Brenda had developed an interest and liking in the sport Badminton. Brenda came home with a Red Ribbon, and had won the first prize Championship in the City of Calgary Public Schools. Brenda then went on to Lord Shaughnessy High School and completed Grade ten. Brenda then went on to the Plains Cultural Indian Survival School and completed Grade eleven. Brenda did transfer to Canada Western High School for Gr. twelve however dropped out and went to work in a Printing Factory. Brenda also loved to read and also had Creative Side for Drawing and Hairdressing, and so entered the Delmar School Of Hairdressing and completed the course in 1991.

Elaine also shared with us an e-mail from Brenda's youngest daughter, her granddaughter which reads:

I will always respect my mother, for she gave me the breath of life, I do not condemn her for what she did, or how she lived. I know she had done the sex trade working in the beginning to support us for food and clothes. The Creator had given her a job and journey to do, and when my mother had completed the job, The Creator had called her home.

Brenda's sister wrote:

When I think of Brenda I remember her being the most thoughtful, compassionate and politest person I have ever known. She had a deeper understanding and love for people who struggled and carried chips on their shoulders. Brenda was very outgoing and could find the goodness in each person. If she loved someone she loved them and took them for all they were with all her heart. She never gave up on a person. I'm not writing this profile to paint a picture of a martyr because she is my sister-I'm grateful for this opportunity to reflect and remember who she was, as I have struggled to ever since she was taken away from us.

I know her daughters brought her so much happiness and joy. She loved all her family beyond what words could describe. As a child I remembered her stressing the importance of being polite and fair with people. She always had a way of making me feel special and beautiful and God did I ever look up to her. I was always amazed at how she wasn't driven by anything materialistic- Brenda was very humble and equally creative and made the best of what she had.

One of Brenda's closest friends Erica remembers Brenda as a loving, kind and gentle understanding warm-hearted person: "Brenda was a genuine real straight-up person 'as real as they come' she was a beautiful young woman."

Frances Young

Frances worked as a pastry chef. She was also involved in the sex trade and struggled with depression and heroin use. Her mother Patricia was quoted in *The Vancouver Sun* as saying she tried aggressively for two years to have her daughter's name added to the missing women list after she disappeared in 1996, but was only successful in 2001. Her remains have not been found.

Julie Young

Julie Young was born in 1967. Julie was reported missing by her mother, who last spoke to her on the phone when she called from the DTES in October 1998. She had been living in the DTES for several years.

The Women Identified as the Victims of “The Valley Murders”

In 1995, the bodies of three women were found around the Agassiz or Mission area of British Columbia. These crimes are referred to as “The Valley Murders” and for several years the police thought there could be some connection between the missing women from the DTES and these crimes.

Tracy Olajide

Tracy was born in Vancouver in 1965, one of four children. As a child, she was mischievous, known to start food fights at school. Like her older siblings, she was also a talented athlete and singer. Her family lived in Williams Lake when Tracy was in high school, and her mother believes that something she experienced there, perhaps racism against her as an African-American, affected her deeply and damaged her self-esteem. After moving back to Vancouver, Tracy became addicted to crack cocaine. She kept in close contact with her mother. She had a son, who was seven years old when she disappeared in 1995. She had done sex work in the DTES, but was thought to be primarily engaged in drug transactions just before her death.

Tammy Pipe

Tammy was born in 1971. She started doing sex work after becoming addicted to cocaine and worked in the DTES around the Patricia Hotel on East Hastings as well as the Victoria Drive and Franklin Street stroll. She also worked as an exotic dancer and stripper, performing interpretive dance routines. She was known to travel throughout the Lower Mainland, but lived at the Cobalt Hotel on Main Street.

Victoria Yunker

Victoria grew up in a poor family in Victoria, with four brothers and a sister. The children were close to the Knight children (see Catherine Knight earlier in this section). According to her mother, “She liked going out. She liked dancing. She liked music. She liked people.” Victoria had a son and initially shared joint custody with his father. Her mother believed that losing custody of her child contributed to the escalation of her drug use, which started when she was an exotic dancer. Victoria did sex work and was known by police to have engaged in petty thefts to support her drug habit. She tried a number of times to go through detox but was not successful. She routinely worked the Vancouver DTES, primarily between Main Street and Victoria Drive. In 1994, three of her brothers travelled to Vancouver to try to convince her to come home. She was last seen at the Ministry office on East Hastings Street on September 11, 1995.

C. Inspired by the Missing and Murdered Women

The plight of the missing and murdered women has struck a deep chord in Canadian society. This resonance has resulted in the creation of several works of art from books, to films, to paintings, to photographs, to songs.

In 2003, Susan Musgrave wrote the lyrics to the song “Missing” dedicated to the missing women from the DTES; the music is by Brad Prevadoras and the vocals are performed by Amber Smith. In the background of the song, the names of the more than 60 missing women are chanted. Ms. Musgrave wrote the song as a tribute honouring the women, to give them a positive voice of their own, to affirm their lives. In an interview about the song, Ms. Musgrave said:

With so many names named it becomes so eerie, because you realize how many of them there are. And each person is a real person. It just goes on and on. Every time I hear it, I go ‘There were just so many. How did it come to be that nobody did anything?’⁶⁹

With the kind permission of Susan Musgrave, we reprint her song “Missing” as a tribute to the women.⁷⁰

“Missing”

*Missing’s a word that can’t begin to describe
the way I miss you more each day;
You left to chase the wind on high
and the rain rained down to stay.
Will they remember me when I’m gone, you said,
when I’ve kissed goodbye to pain;
Or will their lives just carry on
in the small hours of the rain.*

*You may be lost in the eyes of the world,
but how can I set you free;
When there’s a whole empty world in my aching heart,
you’re the missing part of me.*

*Ruby Anne Hardy, Jacqueline McDonnell, Jennie Lynn Furminger,
Sarah de Vries*

*Heather Bottomley, Andrea Joesbury, Marcella Creison, Dawn Teresa Crey
Elaine Allenbach, Debra Lynne Jones, Angela Arsenault, Lillian O’Dare
Mona Wilson, Michelle Gurney, Cindy Beck, Laura Mah
Sheryl Donahue, Wendy Allen, Julie Young, Teresa Triff*

CHORUS

*How far from home is “missing”?
In our prayers you’re close beside us every
day;
When you left to chase the wind so high,
the rain moved in to stay.
Will they remember me when I’m gone,*

*you said,
 when I've kissed goodbye to pain;
 Or will their lives just carry on
 in the small hours of the rain.
 You may be an orphan in the eyes of the
 world,
 can we ever love anyone enough?
 You'll always have a home in our loving
 hearts,
 You're the missing part of us.*

*Sheila Egan, Rebecca Guno, Angela Jardine, Brenda Ann Wolfe
 Georgina Papin, Sherry Irving, Helen Hallmark, Tanya Holyk
 Leigh Miner, Inga Hall, Patricia Johnson, Yvonne Boen, Tiffany Drew
 Julie Young, Janet Henry, Dorothy Anne Spence, Ingrid Soet, Elaine Dumba,
 Sherry Lynn Rail
 Jacqueline Murdock, Olivia Gale William, Catherine Gonzalez,
 Heather Chinnock*

CHORUS

*How far from home is "missing"?
 In our prayers you're close beside us every
 day;
 When you left to chase the wind so high,
 the rain moved in to stay.
 Will they remember me when I'm gone,
 you said, when I've kissed goodbye to pain;
 Or will their lives just carry on
 in the small hours of the rain.
 How can we believe in a merciful world
 that could never believe in you enough?
 Take what strength you need from our
 fearless hearts,
 You're the missing part of us.*

*Taressa Williams, Diana Melnick,
 Kathleen Dale Wattle, Catherine Maureen Knight
 Wendy Crawford, Elsie Sebastian, Marnie Lee Frey, Stephanie Lane
 Frances Young, Nancy Clark, Cindy Feliks, Dianne Rock
 Kerry Lynn Koski, Sereena Abotsway, Andrea Borhaven, Maria Laliberte
 Yvonne Abigosis, Verna Littlechief, Dawn Lynn Cooper, Linda Louise Grant*

CHORUS

*Missing means you're gone, I can't find you;
 My dear one, I'll never hold you again.
 You left to chase the wind too high
 and the rain can't wash my tears away.
 Will they remember me when I'm gone,
 you said,
 when I've kissed goodbye to pain;
 Or will their lives just carry on*

*in the small hours of the rain.
You may have disappeared in the eyes of the
world,
but when I close my eyes I'll always see
your name, the way you smile, inside my
wishful heart,
The missing part of me.*

PART FOUR

THE WOMEN'S LIVES

Many social factors contribute to an individual or group being marginalized or vulnerable including a history of being subjected to abuse and violence, health issues, drug and alcohol abuse, mental illness, economic insecurity, housing issues and homelessness, sex discrimination and racism.

PART 4 – THE WOMEN’S LIVES

Introduction

Each missing and murdered woman had a unique life and story. Although the Commission cannot do justice to memorializing each woman’s life, the brief profiles set out in the previous section hint at their many individual qualities and experiences. At the same time, this group of women shares the experience of one or more disadvantaging social and economic factors: violence, poverty, addiction, racism, mental health issues, intergenerational impact of residential schools and so on. While not every woman had experienced each of these conditions, most had experienced several of them.

The Commission’s mandate is focused on one aspect of the state response to the crisis of missing and murdered women – the police response. Yet any examination of the police response cannot be carried out in isolation from these broader social patterns. I have taken steps to better understand these shared conditions of marginalization and vulnerability to violence as a critical component of my assessment of the police investigations into the women’s disappearances. While my focus is on the role of police, it is imperative to recognize that these broader forces of marginalization and societal dismissal of the women were also at work.

Marginalization and Vulnerability

Marginalization is the social process by which individuals and groups are relegated to the fringe of society.⁷¹ It is closely tied to the concepts of social exclusion and social disadvantage, which refer to processes by which people are systematically blocked from rights, opportunities and resources that are normally available in a society. Social exclusion is often related to social class, minority status (including Aboriginal status), physical or mental health challenges, educational status and living standards. Research efforts are underway to measure and understand the dynamics of marginalization and their impact. International human rights organizations have recognized that poverty and social exclusion constitute a violation of human dignity and that social inclusion is required to ensure human rights protection.⁷²

Many social factors contribute to an individual or group being marginalized or vulnerable including a history of being subjected to abuse and violence, health issues, drug and alcohol abuse, mental illness, economic insecurity, housing issues and homelessness, sex discrimination and racism. These factors often cluster together, causing increased vulnerability and marginalization. This dynamic has been referred to as a cycle of distress.

Marginalization is closely related to the conditions of endangerment and vulnerability to predation, creating the climate in which the missing and murdered women were forsaken. 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.

These overarching trends are national in scope, but the women's stories do not occur in a geographic vacuum. In fact, they are very much defined in spatial terms: the 21-block radius known as the Downtown Eastside of Vancouver (DTES). Like the vast majority of female victims of sexual predators, the women were situated in a vulnerable and marginalized place.

In this part, I examine the evidence and other information before the Commission concerning the four central aspects shaping the context of the women's lives at the time of their disappearances and the police response:

- The DTES community;
- The everyday conditions in which they lived;
- The disproportionality of Aboriginal women among marginalized women and among the victim group; and
- The survival sex trade.

A thorough understanding of these circumstances is critical to an assessment of the police investigations into the women's disappearances.

A. The Downtown Eastside Community

The DTES of Vancouver, "Canada's poorest postal code," is often depicted as a place of chaos and criminality. It is the site of epidemic illicit drug use and infectious diseases including HIV and HCV. An open drug market and street-level sex trade typifies a few areas in the DTES, other areas are simply home to low-income families, and still others are now in the process of redevelopment and gentrification. We must keep in mind that the majority of people living in the DTES have little connection to illicit activity; many are simply too poor to live elsewhere in the city or have chosen to live there for valid reasons.

The Vancouver Police Department has developed a good understanding of the history of this neighbourhood and the issues currently facing it and the broader community, which I rely upon for this overview of trends.⁷³ The DTES was once the economic hub of Vancouver and its main commercial centre. However, over time this centre shifted westward toward Granville Street. In the 1930s, the Depression hit the DTES hard and in the following decades the area further deteriorated due to the demise of the North Shore Ferries, the removal of the Japanese population from the neighbourhood during the Second World War, and the closure of streetcar routes through the area. By the mid-1960s, the City of Vancouver recognized that there were significant problems in the DTES which seemed to relate mainly to the high concentration of single, older, unemployed men suffering from health problems, poverty, homelessness and chronic alcoholism. In the 1970s, businesses moved to the newly designated historic areas of Chinatown and Gastown, leaving a void of private enterprise in the DTES. This hastened the

Like the vast majority of female victims of sexual predators, the women were situated in a vulnerable and marginalized place.

neighbourhood's decline and eventual devastation through the introduction of drugs, particularly crack cocaine in the late 1980s, and the deinstitutionalization of people with mental illnesses (including, for example, the closing of Riverview Hospital) who gravitated to this area for the low-rent housing in single room occupancy (SRO) housing.⁷⁴ Some have argued that this was a de facto containment policy whereby many of Vancouver's problems are concentrated in this small area.⁷⁵

Some analysts focus on how a once healthy and vibrant neighbourhood has been "taken over" by a criminal underclass. Others emphasize the broader patterns of economic restructuring and disinvestment in this neighbourhood that have resulted in it becoming an enclave of poverty and social dislocation. It is important to acknowledge the broad structural factors that have contributed to the neighbourhood's decline, rather than focusing solely on the role of self-selected degeneracy and criminality. Individual choice alone cannot explain why social suffering and violence have become so concentrated in the DTES.

The DTES has become a "collection zone" for people who have been dispossessed "by the ongoing effects of colonialism, marginalization by retrenchment of the welfare state, released to the street by widespread deinstitutionalization of mental health facilities and stricken by the exigencies of addiction."⁷⁶ As a community we have developed a "geographically specific tolerance" of the drug market in a way that would be unimaginable in more affluent areas.⁷⁷

In my view, it is wrong to emphasize only the negative aspects of the DTES. This results in a tendency to ignore the positive side of this community with its "well-established history of vibrant interpersonal solidarity, political mobilization and grassroots activism."⁷⁸ Two of the notable successes of grassroots activism in the DTES are the establishment and maintenance of Insite, "a safe, health-focused place where people inject drugs and connect to health care services,"⁷⁹ and the Women's Memorial March, which was inaugurated on February 14, 1991, and continues today as an important movement honouring the women of this neighborhood who are the victims of violence and demanding justice for the disappeared.⁸⁰ Additionally, many Aboriginal people who relocate to Vancouver are attracted to the dynamic First Nations cultural institutions and support systems in the neighbourhood, including the Vancouver Aboriginal Friendship Centre. My positive views of the resilience and community spirit of the DTES have been reinforced through the Commission's work. It is clear to me that solutions to the problems lie in building on this strong neighbourhood foundation and in finding ways to enhance collaboration among all interested individuals, groups and organizations.

Aside from low rents, the DTES also attracts newcomers and retains community members because of the many services provided there. Importantly, these services are often barrier-free to individuals with mental or physical health issues, including addictions. Many are specialized

services often not available with the same type of consistency and reliability outside the DTES, and women can access services without feeling judged.⁸¹ It is difficult to over-emphasize the difficulties and barriers to basic services faced by socially excluded individuals. Catherine Astin, a nurse working in the DTES, emphasized this in her testimony:

It's really difficult for most of our clients to actually walk through the door at Sheway⁸² because they really don't know what's going on beyond the door. You know, a lot of them have a history of – you know, they've been abused by so many systems, whether it's the foster care system, they've gone to hospitals and not been treated well, they're very afraid of anything that may resemble anything institutional because they're often judged and mistreated, so for them to actually walk through the door is huge, and that's a big – a big first step for them in accessing services.⁸³

However, for the most part, these take the form of underfunded emergency services and provision of the essentials of life. These are the vital stopgaps against devastation, but do little to counter the root causes of vulnerability and marginalization. The services are so pared down by cutbacks that they deal more with the results of marginalization than preventing or alleviating these conditions.

I see the DTES as a vibrant, socially-committed community. At the same time, I cannot ignore that the DTES is foremost a poor neighbourhood, and poverty is a precarious condition with attendant social and material endangerment. The marked rise of poverty in British Columbia since the mid-1990s has been especially acute in the DTES.

The rise in poverty in this province is counter to the national trend:

In Canada, the percentage of the population living in poverty was slightly lower in 2006 compared to 1980; in British Columbia, the trend has been in the opposite direction. Poverty rates in Canada and British Columbia followed similar patterns until the late 1990s, with fluctuations attributable to the state of the economy. Since the mid-1990s, however, the national trend has been downward, decreasing from 15.7% in 1996 to 10.5% in 2006. British Columbia has not followed that same pattern. The poverty rate in BC grew in the early part of the decade, peaking at 16% in 2002, before beginning to decline.⁸⁴

Reductions in state social spending have been linked to spiraling levels of poverty, homelessness, child apprehension and generalized vulnerability in the neighbourhood.⁸⁵ I note that these developments are not partisan in nature, as the cutbacks in social assistance have been instituted by provincial and federal governments across the political spectrum.

I see the DTES as a vibrant, socially-committed community. At the same time, I cannot ignore that the DTES is foremost a poor neighbourhood, and poverty is a precarious condition with attendant social and material endangerment.

B. Conditions of the Women's Lives and Their Vulnerability to Violence

Most of us are unfamiliar with the conditions of the lives of the women involved in the survival sex trade. This is underscored by the public story about the missing and murdered women, which focuses almost exclusively on individual stories of women being driven to survival sex work by drug addiction and personal tragedies of violence and abuse. The full picture of the missing and murdered women is a more complex, multi-layered one consisting of individual histories, broader patterns of social disadvantage and social exclusion, and wholly inadequate policy responses. The women were burdened by addiction, but they were also “haunted by poverty, inadequate police protection and an ever-present threat of violence.”⁸⁶

To provide us with some insight into these aspects of the women's lives we heard from various experts, community witnesses and family members. It must be acknowledged, however, that although the Commission sought evidence about the women's lives from a diverse group of individuals, many voices were not heard at the hearings. Despite the protections we were able to provide, there is no question that the hearing process creates barriers for marginalized individuals to participate. This limitation is discussed in more detail in my section on the Commission Process in Volume IV. I have supplemented my understanding of these contextual issues through study commission processes, particularly through consultations in the DTES and the policy forums.

In this section, I attempt to paint a picture of what the women's lives actually looked like in each of these spheres. This section should not be taken as a comprehensive description of what the women experienced in each of the spheres. There is much more that could be said on each of these topics.

Grossly inadequate housing

Many witnesses emphasized to the Commission the ways in which neglect and abandonment best described the women's grossly inadequate housing situation. Many of the women lived in single residence occupancy housing (SROs), which were described as “horrible places.” Ms. Astin depicted them this way:

...we used to call them hotels, but they really didn't resemble a hotel. They were dark. They were dirty, full of roaches, bedbugs. They were – the rooms would be unlocked. There would be – often they didn't have locks on the doors. The bathrooms – they had communal bathrooms and toilets, which I couldn't imagine anybody really wanting to use. The doors would be broken often on them. There was no safe place that these women could actually go and shower, bathe, use the bathroom. They would probably more rely on community services for those things than actually using the facilities in their building. There was no cooking facilities. Some of the women had a – would have, like, a hotplate or a microwave or maybe a small fridge, but not all of them. Nowhere to store things.

Yeah, quite – very basic. I mean, some women would choose not to stay in them because of the safety issues.⁸⁷

Elaine Allan, who worked at WISH, a drop-in centre in the DTES exclusively for women engaged in the survival sex trade during the terms of reference, stated most of her clients lived in SROs. She described their substandard conditions as follows:

...The SROs were mostly owned by organized crime. There's been big investment from both the City of Vancouver and the province to buy the hotels and change up some of the administration. They were substandard housing, to be polite. They had – most of them were, I'd say, maybe a 10-by-10 room, no cooking facilities. Sometimes there would be a hot plate that had been brought in. No closets or any place like that to, to really sort of settle in. It would be very, very modest. And usually a bathroom down the hall with, you know, shared showers and toilets and plumbing that didn't work, and very, very unclean places. Mice running across the floor, bedbugs, a lot of cockroaches. I mean, just really, really, really filthy accommodation. Never maintained, never looked after...⁸⁸

Ms. Allan also testified that in addition to the substandard living conditions, the hotel owners exploited female tenants:

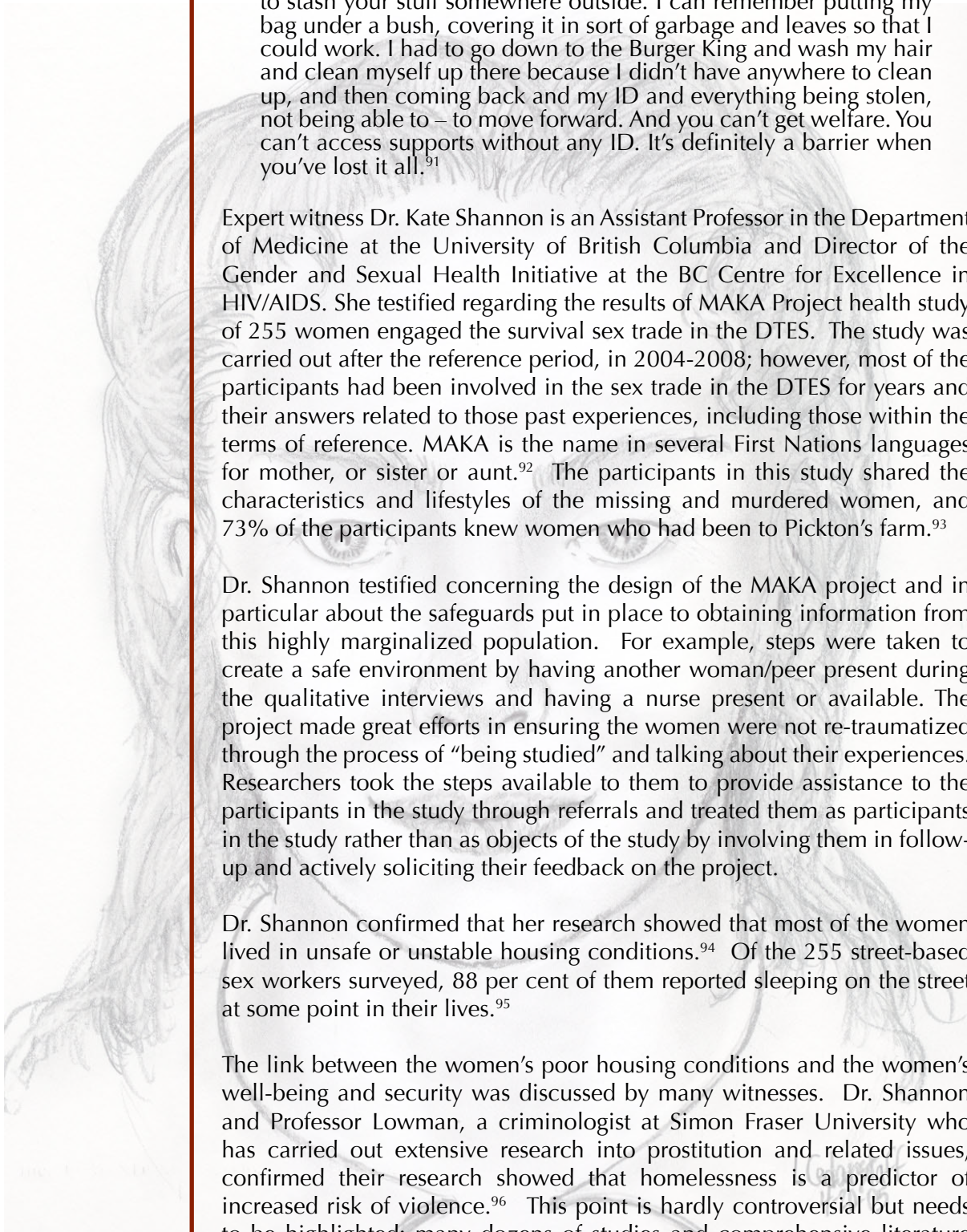
What I understand about the hotels were that they were just run by organized crime. So, one crime, you know, family or identified crime gang would have a hotel and they would sell all the dope that was consumed in that place and the women had to buy their dope through those hotels. And, uhm, they took a piece of the action with all the prostitution. They had \$20 guest fees, which I don't think would be legal in anybody else's tenancy, you know, to have to pay \$20 to bring a friend into your room. That's what these guest fees were. ...they skimmed off everything.⁸⁹

While Ms. Astin agreed you could not expect anyone to live in these conditions, she told the Commission that the alternatives were equally bleak. The women might stay at a shelter, or at WISH until midnight, or "sometimes they'd just stay on the street. Sometimes the street was safer for them."⁹⁰

Susan Davis, a sex worker and activist for sex workers, spoke about her firsthand experience living in SROs:

...The hotels would never give you any slack. You were kicked out if you couldn't pay. So it was definitely a vulnerable situation to be in and a couple of times I wasn't able to afford the room, and on one occasion, in fact, because I had lost my identification, I had one of my customers actually pay for the room, get the room with his ID so I would have somewhere to stay, only later to have the police sweep the hotel for anybody who wasn't the named person on the hotel. We were all kicked out even though I had already paid for the room, ending up homeless. So it's day to day every single day trying to survive.

So what would happen if you missed paying the rent for that day?



You end up on the street, homeless with all your stuff in a bag, which is difficult. If you're trying to go and work at the same time, you have to stash your stuff somewhere outside. I can remember putting my bag under a bush, covering it in sort of garbage and leaves so that I could work. I had to go down to the Burger King and wash my hair and clean myself up there because I didn't have anywhere to clean up, and then coming back and my ID and everything being stolen, not being able to – to move forward. And you can't get welfare. You can't access supports without any ID. It's definitely a barrier when you've lost it all.⁹¹

Expert witness Dr. Kate Shannon is an Assistant Professor in the Department of Medicine at the University of British Columbia and Director of the Gender and Sexual Health Initiative at the BC Centre for Excellence in HIV/AIDS. She testified regarding the results of MAKa Project health study of 255 women engaged in the survival sex trade in the DTES. The study was carried out after the reference period, in 2004-2008; however, most of the participants had been involved in the sex trade in the DTES for years and their answers related to those past experiences, including those within the terms of reference. MAKa is the name in several First Nations languages for mother, or sister or aunt.⁹² The participants in this study shared the characteristics and lifestyles of the missing and murdered women, and 73% of the participants knew women who had been to Pickton's farm.⁹³

Dr. Shannon testified concerning the design of the MAKa project and in particular about the safeguards put in place to obtaining information from this highly marginalized population. For example, steps were taken to create a safe environment by having another woman/peer present during the qualitative interviews and having a nurse present or available. The project made great efforts in ensuring the women were not re-traumatized through the process of "being studied" and talking about their experiences. Researchers took the steps available to them to provide assistance to the participants in the study through referrals and treated them as participants in the study rather than as objects of the study by involving them in follow-up and actively soliciting their feedback on the project.

Dr. Shannon confirmed that her research showed that most of the women lived in unsafe or unstable housing conditions.⁹⁴ Of the 255 street-based sex workers surveyed, 88 per cent of them reported sleeping on the street at some point in their lives.⁹⁵

The link between the women's poor housing conditions and the women's well-being and security was discussed by many witnesses. Dr. Shannon and Professor Lowman, a criminologist at Simon Fraser University who has carried out extensive research into prostitution and related issues, confirmed their research showed that homelessness is a predictor of increased risk of violence.⁹⁶ This point is hardly controversial but needs to be highlighted: many dozens of studies and comprehensive literature reviews of physical and sexual violence committed against homeless women have been published.⁹⁷ British Columbia courts have accepted evidence on the relationship between homelessness and vulnerability to

violence.⁹⁸ The insecure housing situations experienced by many of the women increased their vulnerability to violence.

Food insecurity

Catherine Astin testified food insecurity was a prevailing problem for the women. She stated:

Often they don't have money to buy the food. After their welfare cheque has paid for their rent they probably have, like, a hundred dollars left to cover all their other expenses, so they don't have a lot of money, and food is very expensive, as we know....Plus, some of the other food outlets in the Downtown Eastside, they're not really safe places for women to frequent. If they go, they have to stand in line. It's mostly men. Some of them feel very insecure around men, and some of them may be afraid of bumping into people they'd rather not see at that time....So some of the places where they go get food aren't always safe. And plus, they may be generally harassed for no particular reason, just the fact that they're women.⁹⁹

I accept this evidence as again underscoring the potential for violence women in the DTES face at every turn, even standing in a line-up for food.

Health inequalities

Ms. Astin explained that many of her clients suffered abuse from a young age, were in foster or group care, lacked education, had mental illnesses, self-medicated, feared authority and institutions, used drugs and had unstable housing. She stated:¹⁰⁰

... these women when they were children, their first experience was of abuse, their first memories was of abuse. I've talked to women who've told me that their first memory is a man lying on top of them at the age of three or four, so that's their first memory, and that's their kind of – that's where they're coming from. Often the women have been separated from their families for whatever reasons and placed into foster care... a lot of them have suffered early sexual abuse or physical, emotional abuse from many different systems. They have been diagnosed with various disorders: ADHD, schizophrenia, bipolar. They've been labeled from a very early age as having serious mental health issues... many of them haven't – don't realize that they've suffered trauma. They've suffered repeated trauma... I haven't spoken to a woman who's told me her story that hasn't been raped, so rape is a huge factor in these women's lives. Violence occurs on a daily basis for these women ... A lot of them use the drugs because they're self-medicating because nothing else makes them feel better. So when they've gone to health-care institutions they've been judged and they've been made to feel different from everybody else...¹⁰¹

Ms. Astin further discussed the challenges the women have in accessing health coverage. She stated:

I do know the women report that they feel uncomfortable accessing

healthcare in a lot of place, so from their perception they feel that they're judged very much by accessing health in place, in other places, such as hospitals, other clinics, walk-in clinics.¹⁰²

Further, the women are plagued with fear about all institutions. As I noted above, Ms. Astin testified that the women are afraid to access services even when they are specifically designed to meet their needs; that it is hard for them to walk through the door based on past negative treatment in the health system. She also discussed how, when driving the Street Nurses' van, the nurses were cautious about approaching the women:

We would take the van to where they were working, and if we saw – like, we recognized a lot of the women, and the women recognized us, so there was a kind of a little bit of a relationship there in the fact that there was recognition, and we had “Street Nurses” written on the van too, so they kind of knew it was us. But, no, if we saw a woman working or a group of women, we would – we would drive slowly towards them, and then – there was always two of us in the van, and then we had the window down, and we would just say, “How are you tonight? Is there anything we can do for you?” And if they turned away and ignored us, then we would just leave them. If they approached us, then we would park the van and then we would provide them with whatever service they required of us if we could.

When asked why the street nurses were sensitive, Ms. Astin replied:

Many reasons, really. If a woman was working, she might not want to be disturbed. If there was somebody coming – there might be somebody coming, you know – you know, because she was working, and we didn't want to disturb her, and also because they may not know us, and we didn't want to scare her. We didn't want to frighten her. We wanted to build a trusting relationship, and so very cautiously that we would approach the women. And we didn't take it for granted that they would want to speak to us, and definitely if they didn't want to, we – they would make that clear, we didn't pursue them. We would leave them. We often would give them our card. A lot of time we'd give out clean needles and condoms.¹⁰³

It is difficult to overestimate the many health challenges facing the women and the barriers they faced in accessing services that many of us take for granted. Ms. Astin's testimony reinforces the importance that service providers employ sensitive approaches that take into account the historical dynamic of distrust with the system and are fully responsive to the women's needs and situations.

Extreme poverty

Poverty is directly connected to both drug addiction and participation in the sex trade. Research carried out by Pivot Legal Society demonstrates that the ranks of the survival sex trade were swollen by poverty and, in particular, by the need to compensate for inadequate social assistance.¹⁰⁴ The Pivot study also showed that the possibility of finding licit work is severely hampered because the women face structural barriers such as lack

of consistent access to childcare, work clothes, money for public transportation, and a phone.¹⁰⁵

Drug dependency

Many of the women were heavily dependent on drugs including heroin, cocaine, crack cocaine, benzos, ritalin, and talwin.¹⁰⁶ Dr. Thomas Kerr, Associate Professor in the Department of Medicine at the University of British Columbia and co-director of the Addiction and Urban Health Research Initiative at the British Columbia Centre for Excellence in HIV/AIDS, defined drug dependence as follows:

Most people define drug dependence by referring to a number of criteria, including developing increased tolerance to a drug, experiencing withdrawal, the need to take larger amounts of drugs over time, people having either a persistent desire or repeated unsuccessful attempts to stop or attenuate – attenuate their substance use. They tend to spend a large time – amount of time spent securing and using the substance or recovering from the effects of the substance. And I think perhaps the two most important criteria in many people's minds is, is that there is usually significant impairment in both work and social and family activities because of substance use, and, secondly, that the substance use continues despite the fact that the individual is well aware of the negative physical, psychological, and social effects of their ongoing use.¹⁰⁷

The path to drug addiction is a complex one. Poverty is usually identified as the *outcome* of drug addiction, but poverty can be equally a *causal* condition that gives illicit drug use and sex work their particular public character and devastating consequences.¹⁰⁸ Certainly the consequences of addiction are different for wealthier people whose lives are relatively cushioned by security, order and options.

An overwhelming worldwide scientific and medical consensus supports the view that drug addiction should be treated as a health issue and not a criminal one.¹⁰⁹ The main criteria of drug dependence as a medical concept are “significant impairment in work and social activities and use in spite of consequences.”¹¹⁰ Risk taking is inherently associated with desire for continued use and to avoid withdrawal.

Based on this foundational information about addiction, it is easy to see how initiatives to intensify police presence and activity have had well-documented negative public health outcomes as a result of displacement away from services, disruption of established relationships in a drug scene and causing rushed injections.¹¹¹ Intensified police crackdowns on illicit drug use may have “temporary benefits in terms of public order,” but “they have well-documented negative public health consequences.”¹¹²

Sarah de Vries wrote about drug addiction in her journal in the mid-90s. She described how difficult it was to “let go” of an addiction that offered her some escape from the fear of extreme violence. Her sister Maggie de Vries read into the Commission record the following excerpt:

Drug addiction is a very serious disease. It's not easy letting go of something that makes you feel so, so powerful, so good, so at ease with every little part of your flesh and bones. Drugs make people the opposite of what they are in their reality. Do you know what it means to be able to be the centre of attention in every social circle, party, whatever, but in reality, you are a hermit, a turtle sort of guy who hides every time someone looks at him sideways, being funny instead of boring, being able to speak your mind with no fears? It's another addiction. When you're high, you don't have to experience horrible things like not being able to carry on an intelligent conversation or not having the brass to stand up for yourself when some dork intimidates you to death. Fear, fear that makes your throat dry, makes it hard to swallow, your heart seems to be beating double time in your throat and in your ass, thud, thud, thud. Oh, God, it's a gross feeling. You can't let them see you sweat. Then it's bye-bye for you. As soon as they see the fear, they play on it. You have got no choice. Your defences are gone. But on cocaine, damn, I will take the whole motherfucking world on and its army and win too. That's how I feel. Nothing, not nothing on God's green, well, sort of green acres, can stop me. I am so Goddamn bad. So, to maintain this, you must stay high. To stay high, you must work. Bear with me, people, but if I am jumping from topic to topic, I can't help it. I write what flows onto the page. I have no control. My thoughts are stains on paper. What is written is what I am thinking.¹¹³

Drug withdrawal

I heard considerable testimony concerning the impact of drug withdrawal. Many witnesses told the Commission that this was a critical factor that explained the women's involvement in the sex trade and further increased their risk to violence.¹¹⁴ Withdrawal is physically and psychologically painful and involves debilitating physical symptoms, mood disruptions and cognitive dysfunction; these reactions carry significant risk because they make it difficult to think straight, make rational decisions and prioritize.¹¹⁵ While the withdrawal effects vary between types of drug use and degree of addiction, dope sickness leads to impaired judgment and desperation for getting the next fix.¹¹⁶ The need for the next dose is then prioritized over all aspects of life: "nutrition, family relations, friends, career and other forms of social well-being and, in extreme cases, over taking care of self psychologically and physically."¹¹⁷

Dr. Kerr testified that the level of dependency depends on the type of drug being used:

I think what's important to understand in the case of the relationship between opiates and compulsive activity might be more driven by – is driven by both a desire for continued use but also a desire to avoid withdrawal, whereas in the case of cocaine or crack the half-life of the drug is so short that the compulsive need to acquire funds to get your next dose is – occurs more frequently. It's greater. It doesn't last as long. People who inject cocaine can inject up to 20 or 30 times a day, whereas a typical heroin user might only inject twice a day because of the dramatically different half-life of the

drug. So the situation with crack users who are involved in sex work is, is that they simply need to use more often and more frequently, which means they need to generate more income to support their habit.¹¹⁸

He described the physical and psychological aspects of withdrawal from opiates as follows:

It's by all accounts remarkably painful physically and psychologically. It is associated with sweats, nausea, diarrhea, shakiness, mood disruptions, such as anxiety, depression, and very, very extreme physical pain, abdominal cramping. It's an experience that most people describe as very unbearable.¹¹⁹

And the effects of withdrawal from crack cocaine in this way:

I think a common experience that people have locally that we've heard about is, unlike in the case of opiate use, people who use crack and cocaine are often able to stay up for days on end without sleeping, and so often the crash is followed by days of sleep, but I believe the withdrawal can also be marked by, you know, agitation, anxiety, similar types of experiences, paranoia, depression. I think the effects are probably more pronounced in the psychological realm and less in the physical realm...¹²⁰

Ms. Astin described similar observations about drug use among the women and the effects of withdrawal:

Q. And how frequent would the women have to take these drugs before they started experiencing symptoms of withdrawal or showing symptoms?

A. If somebody's using heroin, they would probably have to use every few hours before they would get symptoms of withdrawal. Heroin is a very painful withdrawal. It causes abdominal pain. It causes – the first sign is usually sneezing. It causes deep body aches, vomiting. It's a very painful, uncomfortable process to withdraw from heroin, and it can last, I think, three or four days.

Q. What about with crack cocaine?

A. Cocaine withdrawal is a different process. It doesn't really have the physical symptoms that heroin does. Somebody that's withdrawing from cocaine would be very sleepy and would probably sleep, would go into a deep sleep, and often it can be – they can be confused with somebody that's maybe overdosing from heroin, but, actually, they're very tired. They've been up for three or four days, so they would sleep. There's a psychological withdrawal from cocaine where people might imagine bugs crawling on their skin or they can get what they call psychosis, and so they imagine their skin crawling and might see things.¹²¹

The most compelling evidence about withdrawal is from first-hand accounts from women who have gone through it. I was moved by accounts that I heard from representatives of the Warm Zone, a drop-in facility for street-engaged women in Abbotsford during the policy forums and through the

writing of Sarah de Vries. The latter described it this way:

Withdrawal is my biggest downfall. I'm terrified to death of that word; as far as I'm concerned it is a swear word. It's not like I haven't tried it before. Sometimes I was behind bars and that was the only reason why I did. Man, oh man, was I sick! A sick like puppy I was. There are no words on earth that can describe the feeling of being junk sick.

I have honestly fallen to my knees on the cement floor begging the Lord to strike me dead. He failed me again (thank you, Father).

I start off feeling okay. The few hours that I have before I awake I treasure, they are so precious. Then you should get done what needs to be done. Make your bed perfectly. Put a plastic bag in the garbage can. Put cigarettes, ashtray and water to rinse mouth after vomiting nearby. Have a bath or shower. Tie hair in ponytail. Wear pants and a shirt or shorts and a shirt. Lots of tossing and turning: ponytails save the hair from tangles and knots. Pants or shorts save from embarrassing poses.

A bath or shower make the worst of days seem a tiny bit better. If you're lucky you can go through withdrawal hot-bathing it. With Epsom salts. Epsom salts, my hero! Thank you, Lord! You like me, I think. Well, maybe a little. If you can get me in the water I could stay there forever, but if it's a quick dip, good luck to you and your army. I hate water when I'm going cold turkey. It feels weird, gross; it's hard to explain. But if I have the time to soak for an hour or so, it's one of the only things that makes me feel better. The Epsom salts send up little bubbles that scratch my joints and temporarily end the never-ending itching, tickling and aching in my joints, every joint, every joint means every god damn fucking joint. Fingers, toes. Insanity. Sometimes they must think I'm crazy, but by the end of the first twenty-four hours, I'm banging my head against the brick wall of my cell. It makes me forget one pain and concentrate on the one in my head. And I've only gone one day. It gets worse before it gets better.

Try to imagine hot and cold flashes like from sauna to igloo, sauna to igloo and then add sweating bullets non-stop, then go to a little tickle in the back of your throat, along with an itchy feeling in all your joints along with a little tickling with a feather that can't be scratched or stopped for seven days. Now the little tickle has become a cough which is making you heave which is making you convulse. Itchy, tickling in every joint heaving up nothing but yellow mucus that burns your throat. Then, oh joy, come the seizures.

All this with no sleep. If it takes seven, or fourteen, or twenty days to get off the physical sickness that is how many days I'm awake. No sleep, not one wink. It wouldn't be so bad if I could just relax and sleep a peaceful, restful, undisturbed sleep if only for thirty minutes, even thirty seconds, I wouldn't care.

It is so painful and cold, so cold, no matter how hot you feel on the outside, I'm cold inside just like an ice cube. I am so tired, cold, clammy, sweaty and I ache from head to toe. I just want to go to sleep and sleep and sleep. So tired. So thirsty. Water. I gulp that glass back in one gulp and then thud it hits the bottom of my stomach so heavy that I start to puke. As fast as it goes down it

comes back up. Stupid. Fuck, was I dumb, I know better than that. I can never drink or eat anything. I throw it back up by the bucketful. I dry-heave yellow slime that burns all the way up and out. By the time it's finished my abdomen is so sore that it hurts to breathe.

By the end of day two, seizures have taken over. Now every time I try to stand I get the jerks. No control. I get scared to fart because if I do I start the waterfall of shit that burns like I'm spitting razors from my ass.

So tired. Bang, bang, bang. My head must be covered in bumps from knocking it against the wall, for a few seconds of relief from one agonizing extreme to another. Please somebody shoot me. By the time I'm at day four it's all going at the same time, never-ending itching, tickling, coughing, aching, hot-cold sweats, shits, sneezing, puking, seizures, no sleep. Weak. Weak. Weak. Still not able to eat, no appetite yet.¹²²

Withdrawal as a risk to safety

More intense drug use is associated with high risk for being a victim of violence and virtually every form of risk experienced by women engaged in the survival sex trade.¹²³ This is because, as stated by Professor Lowman, the easiest way to avoid withdrawal symptoms is to take the drug again, and therefore a person is more likely to take a greater risk in order to alleviate the pain.¹²⁴ Dr. Kerr stated it bluntly: "People are waking up each day and literally risking their lives to – as part of their ongoing substance use."¹²⁵

Ms. Astin also observed how the women's safety is affected by these symptoms of withdrawal. She stated:

...they'll do anything sometimes to come out of their withdrawal. So if a women is in – withdrawal can be really, really painful. Even if you don't have physical effects, you've got the psychological effects, and you can have terrible nightmares coming off cocaine, you can have terrible nightmares coming off any drug because if you don't have the drug then all the trauma comes back to you, which is the reason why you were taking the drug in the first place. So any woman that's coming off of drugs, if she didn't have correct supports in place then she'll do – she'll do anything to get the drug if she's in that much pain.¹²⁶

The Vancouver Area Network of Drug Users (VANDU) pointed out the role of the illegal drug market in increasing the women's vulnerability to violence and murder.¹²⁷ Outstanding warrants related to drug offences and minor infractions, often resulting from a failure to appear at a court date or for breaking bail conditions, interfere with a woman's ability to report a crime of violence to police. Avoiding arrest means forsaking one's health as warrant checks are carried out even in emergency rooms. These situations further undermine the police's ability to build relationships of trust with women in the DTES.

The women were by and large entrenched in the DTES; for the majority, this neighbourhood was home and where their day-to-day life was rooted. They were part of the community and many had a circle of friends there.

Many women in the DTES had tried but failed to access treatment, leaving them unable to negotiate safely in their depleted condition.¹²⁸ Dr. Shannon testified that one-fifth of the women involved in her survey reported difficulty accessing drug treatment facilities. Long wait lists were cited as the primary barrier.¹²⁹ Dr. Kerr testified to this as well:

We know that as recently as 2009 approximately 14 per cent of the individuals who use drugs and participate in our studies report having experienced difficulty accessing addiction treatment within the last six months alone. So, you know, this remains a persistent problem. Another problem is the sheer quality of the treatment that's provided and the limited options, particularly for those individuals who use stimulants such as crack. We have in British Columbia a large methadone program. Methadone is a substitute for heroin and is very effective in reducing the health, social, and criminal consequences of heroin addiction. We have no similar – we have no parallel for stimulant use, and I don't think we're actually even close, so really this is an area where there needs to be a huge amount of work done. We currently do not have many effective interventions for high intensity stimulant users, which includes crack cocaine users. They're not being – what's available is probably not being funded and made available to an adequate level, and despite the fact that Vancouver has been a leader internationally in addiction research, there hasn't really been anything happening locally in terms of developing interventions for stimulant users.¹³⁰

Jamie Lee Hamilton, an Aboriginal woman, former sex worker, and long-time advocate for sex workers in the DTES, also discussed the barriers to accessing treatment facilities for women involved in the sex trade:

In terms of detox you're forced to go into a co-ed detox and when you're already dealing with violence from men and then you're put into a program that there's many males in that program, it's very frightening. As far as treatment, I don't recall any specific treatment program that is available for sex trade workers who I think need a very specific treatment type of approach.¹³¹

Ms. Davis agreed that it is important to provide services that are specifically designed for women involved in the sex trade to create a space that “won't be judgmental and will respect the experiences that come particularly to people who are that vulnerable.”¹³²

Entrenchment

The women were by and large entrenched in the DTES; for the majority, this neighbourhood was home and where their day-to-day life was rooted. They were part of the community and many had a circle of friends there.

I heard evidence that the women rarely left the DTES as they regularly relied on services provided in the neighbourhood. Both community and police witnesses referred to the six to twelve block radius in which the women lived. Det. Cst. Lori Shenher of the Vancouver Police Department called it “that small, you know, five or six or eight block – square block

world that I think most of my women lived in, so – and gravitated around” and DCC LePard described the women as being “tied to that 12 square blocks around Main and Hastings; that they were tied there by their illnesses, by their family, by the fact they were collecting welfare, by their need to access drugs, by their need to access medical services.”¹³³ Ms. Astin stated that if the women did not show up at Sheway for two weeks they would start looking for her.¹³⁴

Ms. Hamilton spoke about how the women regularly relied on the services provided in the DTES:

Just working with so many of the women, and that they were regulars in different spots, whether it was the WISH Drop-In or, or PACE, although PACE was out of the Downtown Eastside at that point, or Grandma’s House. They had regular contact. Even at my store that I had opened in 1993, Sarah de Vries often came in there, two or three times a week to shop. So, there was a regular aspect to the women’s lives that didn’t really deviate from day to day.¹³⁵

The degree of the women’s entrenchment in the DTES was also reflected in that many of the community witnesses testified they knew many of the missing and murdered women personally and noticed when they disappeared.¹³⁶ For example, Ms. Allan testified:

I knew Sereena Abotsway, and Mona Wilson, I didn’t know her well, but I did talk to her – somebody who described himself as her partner after she disappeared. And Sereena was connected. I mean, she used to go to WISH a lot. I saw her every time I went there. She would come to the clinic. She was on the street. She would – she loved getting shots from the nurses that were going around giving the hepatitis shots. I mean, she was visible, and then when she wasn’t visible it was noticed because she wasn’t there anymore and we missed her, and we – she wasn’t there. And so when she disappeared, you know, we – the street nurses, we would ask after her. We would ask, “Has anybody seen Sereena?” We’d go, “Did you see Sereena,” you know, ask about her on the street, if anybody had seen her. She just disappeared. She didn’t fade away. She disappeared. She was there one minute, and then she was gone. It was quite dramatic when she disappeared. And it was the same for Angela Jardine. My colleague was telling me one minute she was there and the next minute she was gone. It was noted that she wasn’t there anymore, that she was missed.¹³⁷

Many community witnesses told me that the women had regular places they would go and as a result they could be easily found and that it was unreasonable to think that the women would move away without warning.¹³⁸ Mr. Leng stated this about the ability of women to leave:

It would never have been possible for any of those women just to leave on their own the Downtown Eastside. They were never transient. We always knew they weren’t transient. Anybody who did a little bit of critical thinking would, would realize that.

...

While the women's lives were entrenched in the DTES, many remained in close communication with family members who lived elsewhere.

Because they were heavily dependent on drugs. It's their neighbourhood. They have friends there. Just like any of us, you know. They wouldn't just get up and go to Calgary. They weren't on any kind of a circuit, like, like high track was [referring to more expensive sex workers]. You know, they, they just wouldn't do it. That was their home. They knew everybody there. Their families were within reach, some of them.¹³⁹

While the women's lives were entrenched in the DTES, many remained in close communication with family members who lived elsewhere. Ms. de Vries highlighted the compatibility between the women's entrenchment in the DTES and their broader relationships outside the community:

Q. The information you gathered from people who knew her, she was very rooted, you knew her circle of friends and her community?

A. And her connection to us, which I think shouldn't have been forgotten. Even though she may not have lived with us we were connected and she had two children and she had a mother and we were connected and we were very important to her and she did not want to hurt us. She did not want to hurt us. So that was a really important factor that I'm not sure was heard, that she wouldn't have done that to us, just gone away and left us to think she was dead. She would not have done that to us, and neither would the other women have done that to their families.¹⁴⁰

C. The Disproportionate Number of Aboriginal Women

A disproportionate number of the missing and murdered women were Aboriginal: while 3% of BC's population consists of Aboriginal women, they comprise approximately 33% of the missing and murdered women from the DTES.¹⁴¹ Of the 33 women whose DNA was found on Pickton's farm, twelve were Aboriginal. Aboriginal women experience higher levels of violence, both in terms of incidence and severity,¹⁴² and are disproportionately represented in the number of missing and murdered women across Canada.¹⁴³ Aboriginal women as a group have a heightened vulnerability simply because they live in "a society that poses a risk to their safety."¹⁴⁴

The over-representation of Aboriginal women within the women who disappeared from the DTES must be understood within the larger context of the legacy of colonialism in Canada – a legacy of racism, colossal neglect, violence and abuse.¹⁴⁵ I use the term colonialism as a global descriptor for the relationship between Aboriginal peoples and successive governments in Canada. The history of this unjust relationship has been extensively documented by the Royal Commission on Aboriginal Peoples¹⁴⁶ and others and has been acknowledged to some extent, including through a formal apology from the Prime Minister on behalf of the Government of Canada. Canadians are currently in an active process of recovery or reconciliation from the damage caused through colonialist policies including, for example, through the work of the Truth and Reconciliation Commission of Canada.

Colonialism refers to the fact that the movement of white settlers into and across Canada was not a benign process. The colonial imposition of a new social and economic order was coupled with a prevailing spirit of disregard for Aboriginal peoples and resulted in a devastating set of social and political consequences: “dislocation, dispossession, erasure, decimation of populations and pernicious racism.”¹⁴⁷ Only in the last decade has Canadian society begun to fully appreciate and come to terms with the horrors of the state-sponsored residential and industrial schools that operated for over one hundred years from 1879 to 1996.¹⁴⁸ The residential school system was directly based on the racist premise “kill the Indian in order to save the child.”¹⁴⁹

Under the policy of assimilation, government policies purposely targeted Aboriginal women. In his Opening Remarks to the Commission on behalf of the First Nations Summit, Grand Chief Ed John emphasized how the Crown:

*...understood the powerful place of women and targeted those women to undermine the legitimacy of the authority of our ancient systems that we inherited from our ancestors. The women became the target and they were marginalized and they were demeaned and they were treated in ways that – that has been totally unbecoming of a free and democratic society.*¹⁵⁰

One specific state policy was to define status and loss of status under the *Indian Act*, which has had a particularly devastating and continuing adverse impact on Aboriginal women.¹⁵¹ For many years, an Aboriginal woman lost her status if she married a non-Aboriginal, but an Aboriginal man did not. The vestiges of this discriminatory system continue to have a detrimental impact on the descendants of women who were excluded by the statutory regime because they are denied rights and entitlements provided to comparable individuals.¹⁵²

One of the continuing results of this unhappy history is the tendency of Aboriginal people to distrust state authorities in general and the police in particular, given that the RCMP had a direct role in removing children from Aboriginal homes and taking them to residential schools. In one Aboriginal language, the name for the police is *nayachuknay*: “those who take us.”¹⁵³ Det. Cst. Lawson told the Commission some Aboriginal people used the following phrase to describe the police: “man who throws you in a hole.”¹⁵⁴

Grand Chief Ed John pointed out to the Commission that “Aboriginal peoples’ relationship with the police is marked by distrust. There are many examples of police brutality and misconduct perpetrated against Aboriginal people by the police and criminal justice system.”¹⁵⁵

Freda Ens was a director for the Vancouver Police and Native Liaison Society during the terms of reference. In addition to testifying about the missing and murdered women cases, Ms. Ens spoke describing the impact of the

residential school system on her own family in very moving terms.¹⁵⁶ As an infant, she was given to the man who would become her grandfather in exchange for a bottle of beer. He took her from Prince Rupert to Haida Gwaii where she was raised as Haida by one of his daughters. She described the abuse and neglect she experienced as a result of her parents' own experiences as residential school survivors. She explained that even people who were not direct victims of the residential schools were victimized by what they saw and heard. Although she was never sent to residential school, its impact on her parents resonated throughout her life and throughout the lives of her siblings. Ms. Ens told the Commission:

... but I went to the Indian day school on reserve, which was almost as bad. But with – as I was growing up, my mom, she was the one that was the – more of the physical, verbal, mental abuse. And I have forgiven my mom because what they must have gone through as children being taken away not only from your community, but also from your own province and taken far, far away to a place that is foreign, and after you grow up in a place where you can run and play and whatever, and that everything you know is dirty and bad and wrong. So when my mom as I was growing up would tell me that, “You’re nothing. You’re nobody. You’re – you’ll never be anything,” she was just repeating, I’m sure, what she had been told through the residential school system.¹⁵⁷

She also explained in no uncertain terms how the residential school system contributed to the Aboriginal peoples' distrust of the police: it was the RCMP who would come and take the children away, leaving entire communities childless and grieving.¹⁵⁸

Ms. Ens also spoke about her personal experience of abuse and its impact on her life:

One of the things I think that people need to know and understand is that many times as victims and you lose – you lose your self-confidence, you lose your dignity and self-respect and all of that, and, yes, I felt all the time I was growing up this was happening because I didn't belong, this was happening because I was just adopted.¹⁵⁹

She testified, too, about the many barriers she encountered when she tried to report the crimes against her to police—about how her first complaint disappeared, how she had to go through the trauma of re-telling her story before the police took action, and other difficulties commonly experienced by Aboriginal women in the justice system.¹⁶⁰

The long-term impact of these colonialist policies continues to be keenly seen and felt by the over-representation of Aboriginal peoples in nearly every measured indicator of social and physical suffering in Canada.¹⁶¹ This phenomenon is particularly evident in the DTES where 9 per cent of the community is Aboriginal, a percentage that is more than double the Aboriginal population of the province as a whole.¹⁶² Aboriginal women comprise roughly half of the First Nations population in the DTES, starkly

contrasting the non-Aboriginal composition of this neighbourhood in which men outnumber women three to one.

A study carried out by the Vancouver/Richmond Health Board in 1999, in the middle of the Commission's terms of reference, provides clear indications of the depth of the social, physical and economic challenges that Aboriginal people confront in Vancouver's inner city.¹⁶³ The Board reported that Aboriginal families are frequently exposed to a "wide prevalence" of risk factors, including inadequate or unsafe housing, widespread unemployment or underemployment, domestic violence, and social isolation.¹⁶⁴ It noted that 80% of Aboriginal children live in poverty and that a lone female parent heads more than half of Aboriginal families in the area.¹⁶⁵ Moreover, about half of Vancouver's "children in care" (children who have been removed from their homes by provincial authorities) are of Aboriginal descent.¹⁶⁶ It has been reported that today there are twice to three times more Aboriginal children in care than were in the residential school system at its peak.¹⁶⁷

The Health Board study noted that Aboriginal infant mortality rates were roughly twice as high as those of the total population¹⁶⁸ and Aboriginal adults were eight times more likely to die from alcohol and narcotics.¹⁶⁹ The research suggests that this cohort has a life expectancy roughly 16 years lower than that of its non-Aboriginal counterparts.¹⁷⁰ High levels of HIV infection in Vancouver's inner city have had particularly devastating consequences for Aboriginal women, who are more than three times as likely to die from the disease.¹⁷¹

A wide diversity of research demonstrates that inadequate housing, exposure to HIV and other communicable diseases, unemployment, addiction, familial abuse, exposure to violence and racism and a significant list of other vulnerabilities continue to affect Aboriginal people more acutely than others in the neighbourhood.¹⁷²

Aboriginal women are significantly over-represented in the sex industry.¹⁷³ This over-representation is seen to be a result of economic marginalization, the trauma of colonization, and the persistence of sexist and racist stereotypes about Aboriginal women's sexual availability, which are ever-present in mainstream media.¹⁷⁴ Historic and continuing racism operate both directly and indirectly to marginalize Aboriginal women. The direct impact is "extreme and insidious trauma that wears away at its victims' mental and physical health" and frequently results in symptoms related to post-traumatic stress disorder.¹⁷⁵ The high incidences of violence recorded in Aboriginal communities are inseparable from the history of colonization in Canada. Factors include "the breakdown of healthy family life resulting from residential school upbringing, racism [against] Aboriginal people and the impact of colonialism on traditional values and culture."¹⁷⁶ Domestic violence has been identified as a major cause of Aboriginal women migrating from reserves and remote communities to urban centres.

Aboriginal women comprise roughly half of the First Nations population in the DTES, starkly contrasting the non-Aboriginal composition of this neighbourhood in which men outnumber women three to one.

Approximately 60% of Aboriginal women leave their home community for this reason.¹⁷⁷ Domestic violence also leads to increased economic marginalization of Aboriginal women and their consequent resort to the survival sex trade.

In his closing submissions, Mr. Larson of CRAB Water for Life Society, referred to a quote by Professor Sharene Razack that I find particularly apt:

Police described the stroll
as a world of drugs and prostitution
and most of all as a space of Aboriginality.¹⁷⁸

The fact that a disproportionate number of the missing and murdered women were Aboriginal was rarely mentioned in the media coverage of these events.¹⁷⁹ This oversight has been described as “a particular form of ‘race blindness’.”¹⁸⁰

D. The Survival Sex Trade

No mandate to consider validity of prostitution laws

The women who went missing from the DTES were caught in this cycle of distress and were further marginalized by their involvement in the survival sex trade. Survival sex work involves exchanging sex for money to meet basic subsistence needs. It is street-based sex work in which women solicit clients on the street. Survival sex work in the DTES is sometimes referred to as the “low track stroll.”¹⁸¹

The precarious situation of women engaged in the survival sex trade in the DTES must be understood within the context of Vancouver’s long history of stroll evictions in which police respond to community concerns about the presence of the street sex trade, including the nuisance of increased traffic noise and garbage, by using law enforcement strategies to move women out of a particular location.

The Commission’s mandate does not extend to an assessment of the validity of prostitution laws in Canada, which is the subject of an ongoing debate and judicial consideration. I do not take a position for or against the current legal regime and nothing contained in this report should be interpreted as commenting either directly or indirectly on this point. While my mandate restricts me from considering its validity, at the same time, I cannot ignore the reality that this legal regime played an important role in shaping the relationship between the police and women in the DTES, potentially affecting the police investigations into the women’s disappearances.

The Commission heard and received extensive evidence and submissions on these issues including expert evidence on these issues from Professor Lowman, Dr. Shannon and Dr. Kerr. The expert testimony was seen as

unbalanced by some participants, particularly because some of the evidence tendered was framed from the position that decriminalization and regulation of the sex trade is the only way to protect women from violence. Some of their evidence in this regard is controversial. The Commission's limited mandate means that I do not need to accept or reject the opinions offered by experts concerning the legal regime per se. The factual evidence tendered by them sheds important light on the vulnerability of women engaged in the sex trade, and I rely on it for this purpose.

As the Living in Community Report points out: "Many varied perspectives about sex work exist based on differing cultural attitudes, worldviews, and collective norms."¹⁸² In particular, I acknowledge the equally strongly held view that prostitution should not be decriminalized because it is "inherently oppressive to women and degrades women's sexuality; for some it is inherently violent and therefore it is not a question of regulating the sex trade but abolishing it."¹⁸³ Many Aboriginal individuals and groups within the DTES oppose decriminalization and regulation on the principled basis that, given the high proportion of sex workers who are Aboriginal, sexual transactions represent one of the worst forms of colonial oppression of Aboriginal women and Aboriginal cultures.¹⁸⁴ From this perspective, decriminalization and regulation of the sex trade normalizes and permanently institutionalizes sex and race-based inequalities.

I emphasize that it is not my role to reconcile these divergent perspectives. In this section, I provide a brief overview of the prostitution laws and set out the evidence concerning the nature of the survival sex trade, the violence experienced by women, and the law enforcement strategies employed by the Vancouver Police Department in the years leading up to and during the terms of reference. An understanding of these dynamics is necessary to contextualize the Commission's work.

Prostitution laws and law enforcement strategies

The buying and selling of sex between consenting adults is not illegal in Canada, however certain aspects of the sex trade are prohibited in our national *Criminal Code*, which is federal legislation.¹⁸⁵ Criminal sanctions can be imposed for communicating for the purpose of prostitution (e.g. soliciting a client in public)¹⁸⁶ operating a brothel,¹⁸⁷ living off the avails of prostitution,¹⁸⁸ and procuring a prostitute.¹⁸⁹ The constitutional validity of these provisions is being challenged before the Ontario courts¹⁹⁰ and British Columbia courts.¹⁹¹ The legal basis of the cases is that the prostitution laws are discriminatory, expose individuals engaged in sex work to increased harm, and limit their ability to take adequate steps to protect themselves. The *Criminal Code* also contains provisions to protect children from all forms of prostitution¹⁹² and adults from human trafficking, including for the purposes of sexual exploitation.¹⁹³

The contradictory nature of Canada's prostitution laws has resulted in a wide variation in law enforcement strategies in different parts of Canada

and even in different neighbourhoods within a city, over time. There is a profound unevenness in the legal regime, which has become mostly about the control of public space: it is for the most part about curbing the visibility of prostitution rather than about morality or protection of individuals engaged in the sex trade.¹⁹⁴ Enforcement focuses almost exclusively on the street-level sex trade in which sex acts are negotiated on the street and usually carried out in cars, alleyways, or other public spaces; enforcement largely ignores the much larger indoor sex trade carried out in brothels, massage parlours and escort agencies. While only 5-20% of prostitution is carried out through solicitation on the street, 93-95% of arrests are for this type of sex work.¹⁹⁵

In Vancouver, there has been a marked history of law enforcement strategies being driven by resident groups and business associations uniting in demands to remove the sex trade from their area, with the result of displacing the street sex trade from one neighbourhood to another. The Living in Community Report summarizes this history:

Strolls, where street-based sex work takes place, are usually on streets or in parks. Over the past 20 years, there have been over 20 different strolls in Vancouver. From 1982 to 1994, there were 17 different strolls in the city, of which four or five were active at any one time. Pressure from local residents' lobby groups, police, and politicians forced sex workers out of certain neighbourhoods, leading to displacement from Mount Pleasant to Strathcona and the Downtown Eastside, to the industrial areas north of Hastings and up the Kingsway corridor.¹⁹⁶

Stroll evictions, displacement and containment are all law enforcement strategies developed by police in response to community pressures. Communities have valid reasons for concerns about the street sex trade:

Residents and businesspeople continue to be affected by the nuisance, mess and public disorder street-based sex work creates. They often feel unsafe in their own neighbourhoods. The safety of young people is compromised by recruitment, children are endangered where they live and play, and businesses find it difficult to attract employees and customers.¹⁹⁷

Characteristics of the survival sex trade

Most, if not all, of the missing and murdered women were involved in the survival sex trade. Professor Lowman defined the survival sex trade in this way:

Survival sex – describes the choice of a person who has very few or no other options to make money to subsist and/or support a drug habit. Survival sex is driven by poverty and addiction. In the DTES poverty and addiction reflect and are amplified by the effects of the colonization of Aboriginal people and the destruction of their culture. In a legal sense survival sex workers do “choose” to prostitute, but they make that choice in a set of social conditions they did not choose.

*Generally prostitution is shaped by gender, ethnic and socio-economic structures. Most DTES street-level prostitution is survival sex. The women have to deal with multiple problems including drug addiction, poverty, and/or a violent and abusive past. Some of them suffer mental illness. Clearly, they are the most vulnerable to violence by clients or men posing as clients.*¹⁹⁸

Thus, survival sex work if seen on a continuum of choice to engage in sex work is one step removed from sexual slavery/trafficking in which a woman is forced into prostitution and far removed from the highly-paid sex trade.¹⁹⁹ In Vancouver, any “decision” to engage in the survival sex trade is highly dictated by a number of common factors: entry into survival sex work before the age of 18, having been raised in foster care or group homes, Aboriginal ancestry, poverty, a history of sexual exploitation and abuse, and cyclic entrenchment due to drug addiction.²⁰⁰

Dr. Shannon summarized the demographics and lived experiences of the women who participated in the MAKa study:

*At baseline, the median age of the sample was 36 years, with a median duration of engaging in sex work in this population of over 20 years suggesting that many women were working in and around Vancouver since/prior to 1996. Women of Aboriginal ancestry were highly overrepresented, accounting for over 40% of the sample. The vast majority of women (82%) lived in unstable living situations, of which 22% had no fixed address or were living on the street. Of the total, 88% reported having been homeless (sleeping on the street) at one point in their lives, with a median age of first living on the street of 17 years (14-23years). Over a two-year follow-up period, close to half (43%) reported absolute homelessness (sleeping on the street) demonstrating the ongoing cycles in and out of homelessness among this population. Women in street-based sex work reported high rates of drug use, with the most common drug being non-injection stimulants (81% smoking crack cocaine, 24% crystal methamphetamine) and 59% reporting a history of injection drug use (most commonly heroin, followed by cocaine). One fifth reported having tried but been unable to access drug treatment over the two-year follow-up period, with long waiting lists being the primary reason for inability to access drug treatment (96%). One fifth reported one or more dependent children, with 32% reporting having had at least one child apprehended by social welfare services. Of the total of 255 women, 9% reported having ever been to Pickton’s farm and 73% reported knowing women who had been to Pickton’s farm.*²⁰¹

Professor Lowman said this about the shared experiences of women involved in the survival sex trade:

If you look at studies of samples of mostly street-involved women, about 60 to 70 per cent of them begin prostitution prior to the age of 18, so regardless of what kind of background they come from, they find themselves in what I would call situational poverty. They’re not eligible for welfare. If you’re 16 or 17 you may be eligible for something called independent living. If you’re younger than that you find yourself out on the street. When you look at the profiles of

the people involved there's a lot of state-raised youth, 30 to 50 per cent depending on the survey. You'll find people raised in foster homes for at least part of their lives or group homes. Then you have the very particular plight of aboriginal peoples and the effect of 200 years of colonization. When you compare some of their circumstances you often find that there's intergenerational involvement and that can be with people non-Aboriginal as well, but you often find they start earlier, often reasons that they've run away from their own home or group or foster home. Many of these people, aboriginal and non-aboriginal, have backgrounds of sexual exploitation and sexual abuse. Then we find those people living on the street. One of the things that you often hear people say is it's the first time it felt like home because what they encounter is other people with similar kinds of problems. Survival sex work enters at that point; it's one of the ways of surviving. If those elicit sort of subcultures also include various kinds of drug use, drug use develops into patterns of addiction, addiction can then drive the need for prostitution. There's various forms of exploitation that can occur, boyfriends needing drugs, all sorts of other things. So there you have a situation where you have got a set of vicious cycles, especially as people become entrenched, don't get the education they need, they can't write resumes so they find themselves entrenched in a kind of vicious cycle.²⁰²

Ms. Astin testified that in her experience, women often became involved in the survival sex trade as a result of a lack of education, a history of post-traumatic stress disorder, mental illness, and addictions to drugs:

Q. You talked about women being involved in the survival sex trade. How was it that you understood the women became involved?

A. Well, the women didn't really have – they didn't have an education that would allow them to access work. They had a history of post-traumatic stress disorder from the multiple traumas they'd suffered throughout their lives, and they often had diagnoses, and the first time they used the drugs that they're addicted to it made them feel better. ...really they're using the drugs so that they can feel normal and they feel like they can function and they can feel like they're the same as everybody else because it takes the pain away of their trauma...their multiple traumas and the traumas that they're still experiencing. Like, the trauma isn't over for them. It's still going on. So they use – the drugs as self-medication.²⁰³

Dr. Kerr's research confirms this:

We have also shown high rates of childhood trauma, with sexual and emotional abuse being associated with the initiation of sex work. As well, sex work has been associated with high risk injecting practices, such as frequent cocaine injection, jugular injecting, receiving assistance with injecting and non-fatal overdose. In a follow-up study, 63% of sex workers said they would no longer be interested in participating in sex work if they had access to low-threshold employment.²⁰⁴

There is a symbiotic relationship between drug addiction and prostitution: in some cases economic insecurity results in a woman becoming engaged in sex work to survive and then she begins to use drugs as a coping

mechanism; in other cases it is the expensive nature of drug use that triggers involvement in the survival sex trade. At some point, the two almost always become wholly intertwined. Ms. Davis testified to this effect:

Q. I want to ask you now about drug dependency and the sex worker working on the low track. I think it's not surprising to conclude that many of the women involved in the sex industry are involved in drug usage?

A. Depending on where they're – where they are in the sex industry. For us, we realize that addiction is a symptom of violence and a coping mechanism, so for the people that are working on the street in the most dangerous of working environments, yes. Drug use is very prevalent as they're trying to cope with the violence that they're witnessing and experience every single day.

Q. Does the drug use drive the sex act itself in terms of the activity of the women working in the Downtown Eastside?

A. Sometimes.

Q. How so?

A. If you – I have been a drug addict, so when you're feeling dope sick from heroin, for instance, it's physical pain. And, you know, within a – within a short period of time you will be completely immobilized by drug sickness. So sometimes when you start to feel that coming on, you get a bit desperate and then you'll start to work looking for the money. This is when the high starts to fall. Negotiation ability, choice, all those things are diminished.²⁰⁵

Dr. Kerr found that 63 per cent of participants in his sample who were engaged in sex work said that they would give up sex work if they did not need money for drugs:

...in every analysis that we conduct the intensity of drug use is what predicts engagement in these activities, meaning that the more drugs you use the more likely you are to engage in these activities. We also hear it anecdotally in more in-depth, qualitative interviews, that people tell us this is why they're engaging in this activity.²⁰⁶

Of the 255 women engaged in the survival sex trade interviewed as part of the MAKHA health study in 2005, 100% were drug users as that was one of the study design criteria.²⁰⁷ Approximately 60% of participants in the MAKHA health study said they would give up sex work if they did not need it for drugs or if they could be involved in "low threshold employment."²⁰⁸ Thus, the link between sex work and need for money and drugs is bidirectional.²⁰⁹ The remainder believed they needed to remain in the survival sex trade for the necessities of life. Lack of access to employment and low levels of social assistance were other main barriers to exiting identified by these women.²¹⁰

Women involved in sex work are “at extremely elevated risk for various forms of severe violence.” The murder rate of adult women engaged in street prostitution is estimated to be between 60 and 120 times the rate of other adult women.

Violence in the survival sex trade

Women involved in sex work are “at extremely elevated risk for various forms of severe violence.”²¹¹ The murder rate of adult women engaged in street prostitution is estimated to be between 60 and 120 times the rate of other adult women.²¹² Dr. Shannon explained the results of the MAKKA Project health study of women engaged in the survival sex trade which found that a high proportion of women interviewed had experienced physical or sexual violence, feelings of pervasiveness of violence and lack of police and criminal justice response to their experiences of violence.²¹³ The study found that over the course of an 18-month period:

- 57% of the women reported physical and/or sexual violence
- 25% had been raped
- 30% reporting client-perpetrated violence. Of those
 - 100% reported verbal harassment
 - 67% reported physical assault or beating
 - 49% reported assault with weapon
 - 27% reported strangling
 - 26% reported abduction/kidnapping
 - 21% reported attempted sexual assault
 - 20% reported being thrown out of a moving car
 - 16% reported other.²¹⁴

The women interviewed all feared violence and its pervasive influence on their lives. They experienced violence at the hands of almost everyone with whom they came into contact: strangers, acquaintances, partners, friends, drug dealers, police, clients and co-workers.²¹⁵

Dr. Kerr’s research revealed women involved in the sex trade are victims to extreme forms of male domination:

Specific quotes from individuals who were interviewed who described male domination, who described their male associates controlling their access to everything from drugs to prevention tools, such as condoms. As well we have reports from individuals who have talked about males coercing their participation into sex work. We also have other work showing that many women experience harassment and violence at the hands of men within the drug market often because they’re perceived to be engaged in sex work even when they are not and that typically men, male drug users assume that they are sex workers and because they are sex workers they must have money and drugs on them and that they are often accosted on this basis.²¹⁶

Dr. Kerr testified that violence is perpetrated by various actors:

We’ve published work on physical violence, and we found that 66 per cent of females in our study had experienced violence and that it came from a variety of sources with approximately 32 per cent reporting that violence came at the hands of a stranger, 43 at the hands of an acquaintance, 5 per cent partners, 4 per cent friends, about 4 per cent drug dealers, 4 per cent police, about 5 per cent

a sex trade client or worker, and 3 per cent made up the other category. So, yes, I think a wide variety of actors, and I think what's significant is that about 31 per cent were strangers.²¹⁷

Professor Lowman explained that women engaged in the sex trade are vulnerable to two types of violence: situational and predatory.²¹⁸ Situational violence is not premeditated and it occurs when a client resorts to violence due to frustration or conflict during the exchange. Predatory violence is premeditated and ranges from crimes of theft to murder, and targets women who are isolated. Women are safer from both forms of violence in locations where there is some form of monitoring by a third party.²¹⁹

The area where the street-level sex trade is mainly carried out in the DTES is inherently unsafe. Ms. Astin stated this about the strolls in the DTES:

Q. What were the strolls – can you describe for us what they looked like?

A. Okay. Well, if I had one word in my mind it would be Dickensian. It was like going back to some movie from Charles Dickens. The strolls were in the most isolated parts of the Downtown Eastside. It was often dark, wet, raining, and very – you know, the street lighting would be poor. They weren't busy thoroughfares where there's people coming and going. There were no coffee shops. The only cars going down really were either the street van or the van from the DEYAS or johns looking for dates, the occasional police car, but really they were isolated, dark, gloomy areas. It took a lot of courage, I think, for those women to stand there because they didn't feel the safest. They were isolated. The women were kind of pushed out of the communities, because of complaints from the communities, to these isolated areas, but then there was no protection afforded them for having to work in those areas. So it – they were – they were kind of dark, gloomy, isolated, nobody around.

Q. Did women tell you about the risks that they faced when they were involved in the sex trade?

A. Sometimes the women would make complaints about events that happened to them. There was – there's a sheet, a red alert sheet that goes out, I think it's weekly or monthly, where women can report, and that was – that used to go out – they used to call it the date rape sheet then, I think, and sometimes they would tell us about an event that happened to them, and we would encourage them to at least report it to the date rape, or we would do it on their behalf, to warn other women that this perpetrator is out there that might do this to them. Sometimes it would be a van of youths come in to look for somebody that they could beat up or sexually assault. Sometimes it was an individual.²²⁰

Predictors of violence for women involved in the survival sex trade include police violence or assault, enforced displacement away from main streets, servicing clients in cars or public spaces, homelessness, and poor availability of drug treatment.²²¹ The MAKa Project health study concludes that there is a clear geographic correlation between the location of the survival sex trade and vulnerability of violence: women reported avoiding areas that

Women engaged in the survival sex trade are seen to be and treated as morally and socially distinct from other women.

are heavily policed even though more deserted areas were more dangerous and remote from services needed by them.²²² Furthermore, women reported being more likely to succumb to pressure for unprotected sex in isolated areas thereby increasing their health risks.²²³ These findings underscore the increased vulnerability of women due to geographic pressure imposed by the community and police.

The exposure to violence is abetted by the relentless stigmatization and demonization of street-involved women.²²⁴ Women engaged in the survival sex trade are seen to be and treated as morally and socially distinct from other women. Despite the acknowledgement of violence as an everyday reality for women engaged in street-level sex work, society sees these women as “non-ideal victims” who are less deserving of respect and protection.²²⁵ The Victorian archetype of “the prostitute” as a source of danger and criminal deviance and symbol of moral corruption maintains a strong hold over many segments of society.

Experiences of violence can have various impacts on women’s physical and psychological health, including their levels of mental illness and substance use. Research affirms that women’s health is profoundly impacted by violence, mental illness, and substance use; the overlap and co-occurrence of these three conditions can adversely impact the outcome of each.²²⁶ Compelling research demonstrates that women’s experiences of violence preceded their substance use and/or mental illness.²²⁷ This consistent pattern suggests violence can cause addiction and mental health concerns and can also increase vulnerability to further violence.²²⁸ The relationship between these three factors is “complex and multi-directional.”²²⁹ Sarah de Vries wrote about the extreme violence she faced every day standing on the street. Her sister Maggie de Vries read this passage from Sarah’s journal into the Commission record:

Warmer than it was a couple of days ago, thank you god, it’s hard standing out there in the cold. My toes get so cold they actually make me cry when they start warming up again. My hands aren’t better. The tips of my fingers. Yikes. Ouchy ouchy ouchy. Business has been okay. Can’t really complain. I’ve done better, I’ve done worse. I can’t shake it. It’s this feeling that creeps over me all the time, loneliness, emptiness, lost in a vast void of nothingness. Groping my way through life like a blind woman with no cane, crawling on my hands and knees, afraid to stand, unsteady upon my feet. No sense of direction, balance or time. Drifting endlessly through these icy cold nights. Trying to hide my pathetic growing fear that maybe, just maybe, my time draws near. Am I next? Is he watching me now? Stalking me like a predator and its prey. Waiting, waiting for some perfect spot, time or my stupid mistake. How does one choose a victim? Good question, isn’t it? If I knew that I would never get snuffed. So many women, so many I never even knew about that are missing in action. It’s getting to be a daily part of life. That’s sad. Somebody dies and it’s like somebody just did something normal. I can’t find the right words. It’s strange. A woman who works the Hastings Street area gets murdered and nothing. Yet if she were some square john’s little girl shit would hit the goddamn fan. Front page news for weeks. People protesting in the streets. Everybody

makes a stink while the happy hooker just starts to decay like she didn't matter. Expendable, dishonourable. It's a shame that society is that unfeeling. She was some woman's baby girl. Gone astray, lost from the right path. She was a person.²³⁰

Even when a woman's plight is shown sympathy, she is still stereotyped as "a drugged, dazed, deviant, dissolute and corrupted "other" whose affiliation with a notorious underworld places her in constant threat of danger and predation."²³¹ She is blamed for her "high-risk" choices.

Relationship between street-involved women and the police

The relationship between police and sex trade workers is generally marked by distrust, which is fostered by the adversarial relationship created by the law.²³² Faced with contradictory laws and pressure from residents to address the nuisance aspects of street prostitution, the police used a containment strategy before and during the reference period that pushed women into isolated areas, increasing their vulnerability to violence.²³³ Enforcement was used only when women refused to be contained. Probation orders ("no-go conditions") were used to control where women could work, moving them from an existing stroll to adjacent areas. This had the effect of making the strolls larger and spreading them out, shifting women from residential to more isolated and poorly lit industrial areas, off main streets and into back alleys.²³⁴ While the containment strategy resulted in a dramatic drop in charging women for communicating, it also meant they had less police protection and thus became easier targets for predators.²³⁵

Some women interviewed in the MAKKA Project health study reported being subjected to oppressive searches (dumping purses, seizing condoms)²³⁶ and others reported experiencing violence, including alleged theft, physical assault, kidnapping and sexual assault at the hands of police.²³⁷ Similar experiences were reported during the Commission's consultation in the DTES.²³⁸ Several police witnesses questioned the validity of these statements²³⁹ and there was no evidence before me concerning specific incidents of police assaulting women. There is a clear difference in perspective between the police and the community on this issue, which I need not resolve for the purposes of my mandate. In my view, it is important to listen to the voices of the women affected and understand their perspective on their relationship with police as a whole. I am not making a decision concerning culpability for specific actions.

Women interviewed for the MAKKA Project reported both direct harm at the hands of police and experiencing power imbalance.²⁴⁰ Their experiences included detainment without arrest, being followed, being taken by police and dropped off in another area, direct violence and assault, and confiscation of clean syringes.²⁴¹ They also experienced feelings of dispassion and apathy felt among the police regarding the missing women and ongoing violence.²⁴² However, some reported good experiences with some police officers and more recent police initiatives to increase their safety.²⁴³

Det. Cst. Shenher, a VPD officer who played a major role in the missing women investigations, acknowledged their fear of police:

Q. Did you find that the women were also very fearful themselves of the police?

A. I was well aware that there was, you know, a very negative perception and that many of these women had related to us negative experiences with different police officers over the years. You know, some of them I felt those interactions were – those concerns were very legitimate. It was hard to tell what might have been urban myth and what was reality, but my sense was that they were – these concerns were very well-rooted in reality.

Q. And regardless of whether they were real or perceived, did you find that – that the women – that that presented a challenge for you in terms of really communicating with the women and getting information from them?

A. Sometimes. I think you had to look at individuals and go on an individual basis and look at their history and obviously what level of damage they may have incurred through various negative police contacts. There was a real diversity of acceptance of us and of the experiences of the women.²⁴⁴

Many Aboriginal women, in particular, distrust the police. Ms. Hamilton stated:

Q. Picking up where we left off, you testified yesterday in response to Ms. Brooks' question that the relationship between aboriginal people and police on the Downtown Eastside is not good. Can you expand on that?

A. Yes. It's a very difficult one. It's built on a lot of mistrust, as you can imagine, from times going so far back as the residential school stuff and being misplaced from families and taken away and often the police were involved with the government agents. Aboriginal people were brought up fearing men in suits, blue suits, and I don't think that the police, the Vancouver Police Department, has done an awful lot to foster a bridge of getting over that. I think many officers should have further sensitivity training, which they don't, and there's that criminalizing of behaviours within the aboriginal population that those issues surrounding poverty issues and homelessness but that doesn't – shouldn't warrant criminality levelled at, in my opinion, aboriginal people who are survivors.

Q. So those are also very broad reasons why the relationship between aboriginal people and the police in the Downtown Eastside is not good. Do you have any specific examples that you can provide the commissioner with respect to the missing women investigations where you saw evidence of aboriginal people being treated differently?

A. Certainly in terms of reporting that there were cases that – police in terms of investigating would demean the individual asking them are they drinking, are they drunk, are they drug users, and I think those are issues that shouldn't be relevant towards – if you're involved in being a victim of violence, assault or rape or so forth,

and so it automatically puts individuals at a place where they're being treated in a manner that often makes them out to have been the one that has done something wrong.

Q. So if I understand your evidence then, you're saying that the police may have acted on stereotypes of aboriginal people?

A. Yes, I think that sums it up fairly well.²⁴⁵

Detective Constable Lawson, an Aboriginal Officer working in the VPD Native Liaison Unit, testified that in his dealings with Aboriginal communities he learned how the police were identified by some Aboriginal community members:

Q. And as the Native Liaison Unit officer I understand that you would liaise with various aboriginal organizations, and from that you also learned a lot more about the perspective that aboriginal people have about the police, and in one particular instance you were told a phrase that was used to describe the police. Can you tell the commissioner about that?

A. Yeah. I was on a workshop in Prince George and was introduced to a community member, and we were interested in finding out what the word for police officer was, and she says there is no one word. She says it's just a phrase. It's "man who throws you in hole." And that was her saying for police officer. That's how they identified them.²⁴⁶

As I noted above, we also heard from Grand Chief Ed John in his opening statement that his community referred to the police as *nayachuknay*: "those who take us."

Morris Bates, who served as a victim service support worker with the Vancouver Police and Native Liaison Society during the terms of reference, stated the poor relationship Aboriginal people have with the police was the reason the Native Liaison Society formed:

Q. Mr. Bates, why was a Native Liaison Society formed?

A. They wanted – because natives were not going – there was too many cases that were just slipping through the cracks. They wouldn't go. They just wouldn't go into – I mean, you couldn't – it's hard to stop a cop or get anybody. The whole production of how that whole system was done, you couldn't get that. Once you had a police – the Native Liaison was so important that you could walk through that door and you wouldn't be arrested, and you could come in there and say, "Look, there's a sexual assault going on," or there's – you had a contact that was there, just like the Chinese storefront that was there for a while.

...

Because they were not – a lot of – a lot of native women and guys – a lot of native women, if you – if a police officer showed up and you had kids and you reported a spousal assault, Social Services would

be there before you could say Jack Jams twice, and your kids are gone. They're gone. So they won't report them, because as soon as you report them the cops show up. The cops show up, they report it, then you can't get your kids back. And if Social Services get a hold of your kids, God bless your heart because you're not going to see them again for – even if you do all the hoops, hoopla that they want you to do, you've got to go to anger management, you've got – you've got to do this, you know, the kids – by the time you get them you won't recognize them anymore.²⁴⁷

I conclude that there is a clear correlation between law enforcement strategies of displacement and containment in the period leading up to and during my terms of reference and increased violence against prostitutes. The fear of police harassment or arrest leads prostitutes to rush transactions, jump into cars quickly, and move to dark or more isolated areas.²⁴⁸ The rushed transaction denies the sex worker the time to innately sense whether a client is a “bad trick,” and moving to a darker, isolated area puts her in a more dangerous environment.²⁴⁹

The result was not intentional but foreseeable: “...I don't think it was the intention of anybody to make this a more dangerous area or the situation worse, but I think that's exactly what it did.”²⁵⁰ Other interests were prioritized over women's safety: “Public priorities, public propriety and property values are prioritized over the problems these women face.”²⁵¹ The containment strategy resulted in what Professor Lowman refers to as an “orange light district”²⁵² and Jamie-Lee Hamilton calls it “the killing field”.²⁵³ a space where men could hurt women and not be accountable, where police essentially gave up policing, a zone bereft of justice and outside the rule of law.

Furthermore, the containment strategy must be viewed within the context of the overarching inequality in the enforcement of the prostitution laws. The weight of law enforcement practices falls on the women engaged in the survival sex trade, not their male customers. Not only are women arrested more frequently than men by a three to one ratio,²⁵⁴ but the consequences of conviction are more severe. Many more women are incarcerated and put on probation, whereas men are usually fined.²⁵⁵ These statistics are partially explained by the fact that women are more likely to have had previous convictions under the communicating provisions. Diversion programs exist for male customers, but not for women involved in the sex trade.²⁵⁶ This disparate reality was known to the women and influenced their behaviour: “They would certainly know that they themselves are a constant target of law enforcement because hundreds of charges were laid every year against sex workers on the street level.”²⁵⁷ DCC LePard disputed the evidence of the disparate and gendered impact of law enforcement, although his testimony on this point was made with respect to current VPD practices.²⁵⁸ Official statistics from before and during the reference period are significantly higher arrest and conviction rates for women under the solicitation provisions even in the overall context of a shift toward charging more men.²⁵⁹

Safety measures

The women were keenly aware of the dangers and took many precautions to reduce the risk of violence within the constraints of their marginalized condition. Women worked together in developing and employing these strategies, in some cases in assistance with support organizations in the DTES. Examples of safety measures included working in pairs, working with a spotter, not working under the influence, checking for door knobs, and making use of the “bad date” sheets (also called “date rape” sheets or “red alert” sheets) through which women could let others know about an abusive client to serve as a warning. In some cases, support workers would record a bad date sheet on a woman’s behalf.

Commission Counsel asked Ms. Astin about the risks that the women faced when they were in the sex trade and about safety measures they took to look after themselves. Ms. Astin told the Commission:

Yeah, the women, they would work in pairs sometimes. They would work from the same spot. They would – sometimes they would have what they call spotters, so somebody would be close by to where they were working and they would – they would spot for them. So they would see them getting in a car, maybe take the number plate or – and then they would wait for them to come back.²⁶⁰

E. Social Marginalization and Individual Vulnerability

Together this short introduction to the women’s stories and the conditions in which they lived demonstrates the interconnections between social marginalization and individual vulnerability.

The fallacy of the “high-risk lifestyle”

One point that is absolutely clear from this introduction to the women and their lives is that it is wrong to attribute the women’s vulnerability to predation to their “high-risk lifestyle.” This narrow view cannot explain the disappearance of so many women over such a sustained period of time. This attitude allows us, as a society, to simply accept that these women and others like them live and continue to live, in desperate and deadly situations. It is this “prevailing spirit of dismissal” and “culture of disinterest” that explains how scores of marginalized women could “disappear” without raising a deafening public outcry.²⁶¹

Ms. de Vries read from her sister Sarah’s journal to underscore Sarah’s awareness of the climate of disapproval and the limitations imposed by her social condition about the ways in which society had forsaken her:

I’ve sentenced myself to life imprisonment, no chance of parole, no chance of release, no judge, no jury, no presentence inquiry. My gavel has fallen and my sentence passed. From that fateful day on I am doomed slowly to fade away in my self-made prison, self-erected, brick by brick. Day by day I placed a stone to signify

another event that is never to be forgiven or forgotten, always and forever cemented in time to tell me that another part of me has died. With every failure, letdown, misfortune, the wall gets higher and inside gets darker and dear colder. I made this big, empty, cold senseless cell escape-proof and of course I left no mistakes. In no part of my brilliant architectural plan is there a way for anybody to get in and realize who I really am. Not that I know the answer to that question.

She goes on:

Somebody is going to leave us tonight. I don't know who and I don't know why. I feel it. I fear it. It's in the air. It's so just – well, just there. It makes my flesh tingle from goosebumps and sent my heart through a flash of panic. What is the fucking use of trying to be so rock hard cold, emotionless, empty, yet too tough to show that you're cracking inside and are starting to cry? Deep, deeper and deeper still, way down in the abyss of my heart a spark shows through all the empty cold and darkness.

Ms. de Vries then explained that she felt that Sarah is teaching us:

I wanted to read that passage because I think that it's really important for people, police, whoever is working with women who are in survival sex work to recognize that even when – Sarah built this wall, she wrote about that a lot, the wall that she built around herself, and it meant that she could present a very hard exterior to the world and certainly she would present a very hard exterior to any police officer who encountered her. I think maybe even a little worse than hard, maybe hostile even, but recognizing that inside that shell there's a person in pain with dreams and who has suffered and there's a spark, "in the abyss of my heart a spark shows through," that the police who are charged with protecting women like my sister need to be able to see past the exterior that she's forced to present to the world in order to survive to the person that's inside of her and that's key to a lot of the change that needs to happen.²⁶²

Social condition and societal dismissal as a contextualizing factor

I cannot inquire further into the other identified governmental responses that shaped the situation: the inadequate social assistance, the continuing effects of colonialism and discrimination against Aboriginal women in society at large, and the criminal regulation of prostitution. It is simply not within my mandate to do so. It is equally clear that my examination of the police response cannot be carried out in isolation from these broader social patterns. It is imperative to recognize that these broader forces of marginalization and societal dismissal and abandonment of the women contributed to their vulnerability to become victims and shaped the police response to the women's disappearances. After all, as Sir Robert Peel pointed out in the late 19th century: the police are the public and the public are the police. It is to this framework for policing that I turn next.

PART FIVE

LEGAL AND POLICY FRAMEWORK FOR THE INQUIRY:
Policing Duties, Structures, Principles, and Standards

PART 5 – LEGAL AND POLICY FRAMEWORK FOR THE INQUIRY: POLICING DUTIES, STRUCTURES, PRINCIPLES AND STANDARDS

Introduction and Overview

The legal framework for policing in Canada is complex and consists of written and unwritten constitutional principles, including the rule of law, federalism and the *Charter of Rights*, Aboriginal rights, statutory standards, common law administrative and private law duties, internal codes, rules and guidelines, as well as Canada's legal obligations under a variety of international human rights conventions. The policy framework is also multi-faceted and marked by the separation between municipal, provincial and federal policing authorities.

In this part, I set out four of the overarching legal and policy frameworks that guide my findings of fact and recommendations: policing within an equality rights framework, the structure and organization of policing in British Columbia, standards related to missing person investigations, and the challenge of stopping serial killers. At the end of this part, I set out in general terms my approach to findings of individual and systemic misconduct and my jurisdiction vis-à-vis the RCMP.

A. Policing Within an Equality Rights Framework

The general duty of non-discrimination in policing

The police have a three-fold duty to enforce the law, maintain law and order, and prevent crime.²⁶³ In carrying out these duties, the police must 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. This prohibition against discrimination is one important aspect of the fundamental guarantee of equal protection of the law, which underpins all human rights.

Through their activities, the police are part of society's common efforts to promote legal protection and a sense of security. As such, the police must "be responsive to the community as a whole and strive to deliver their services promptly, and in an equal and unbiased manner."²⁶⁴ More vulnerable groups or persons should enjoy particular protection.²⁶⁵ For reasons that I discuss in greater detail below, discriminatory policing can be evidenced in both inappropriately high levels of enforcement and inappropriately low levels of investigation and enforcement for particular communities, groups or persons. For example, ethnic profiling can result in over-enforcement and harassment of individuals and communities. At the same time, the failure to adapt to the needs of those individuals and communities who are particularly vulnerable to violence can result in under-investigation and a lack of protection.

The Canadian Constitution guarantees equality before and under the law and equal benefit and protection of the law.²⁶⁶ Human rights laws guarantee that public services are provided in a non-discriminatory manner and in a manner that recognizes and accommodates the needs of individuals and groups who historically have been the subject of disadvantage.²⁶⁷ International human rights law provides an additional level of guarantees of the right to equality in all spheres of life, including women's right to equal protection from violence and equal access to the justice system.²⁶⁸

These equality guarantees, which are at the heart of the protection of all human rights, are aspirational and have yet to be fully put into practice. Many studies and reports have concluded that Canadian laws, legal system and justice institutions including the legal profession, lawmakers, the police, the prosecution, the courts and correctional institutions have systemically discriminated against women,²⁶⁹ Aboriginal people,²⁷⁰ and minority and marginalized groups.²⁷¹ Justice institutions are intrinsic to society and have reflected and incorporated broader societal patterns of inequality and discrimination. This history is common knowledge and beyond dispute. Over the past few decades, justice institutions have taken steps to promote equality and to actively work against discriminatory actions, policies, practices, institutional structures and systems. While some progress has been made in eradicating discrimination, this work is incomplete.

In this section, I set out my framework for analysis of discrimination in the policing context. The policy standards that I frame here are derived on the legal definitions of equality and discrimination under Canadian law. These are based on a concept of substantive equality as developed by the Supreme Court of Canada, which has replaced former more limited conceptions of formal equality based on the 19th century civil libertarian philosophy. Madam Justice Abella of the Supreme Court of Canada sets out this distinction in succinct terms:

Civil liberties is about treating everyone the same; human rights is about acknowledging people's differences so that they can be treated as equals. Civil liberties is only about the individual; human rights is about how individuals are treated because they are part of a group. Civil liberties is a concept of rights that requires the state not to interfere with our liberties; human rights, on the other hand, cannot be realized *without* the state's intervention.²⁷²

Discrimination is the detrimental treatment of an individual or group of individuals because of their membership in a defined, protected group, such as women and Aboriginal women. Canadian and international law recognize that discrimination can take several forms: direct, indirect and systemic.

Direct discrimination occurs when an individual experiences harmful treatment because of her or his group affiliation. The act or omission can be deliberate and conscious or unintentional and unconscious. Discrimination can result where there is no malicious intent²⁷³ and, in fact, often a

The Canadian Constitution guarantees equality before and under the law and equal benefit and protection of the law.

discriminator is unaware that his or her actions are biased and have a consequent negative impact on the victim. The discriminator may even believe that he or she is acting in the best interests of the victim. The Supreme Court of Canada defines direct discrimination in this way:

Discrimination is a distinction which, whether intentional or not but based on grounds relating to personal characteristics of the individual or group, has an effect which imposes disadvantages not imposed upon others or which withholds or limits access to advantages available to other members of society.²⁷⁴

Examples of direct discrimination in the policing context include use of racist or sexist language in relation to victims or offenders and stopping, searching or arresting an individual based on personal characteristics, such as belonging to an ethnic minority, rather than on the basis of reasonable suspicion.

Indirect discrimination is the application of laws, policies and procedures which, while they are applied to everyone, have a disproportionate and negative impact on a protected individual or group of individuals. Because the rules or procedures fail to take into account the claimant's already disadvantaged position within Canadian society, their application results in substantively different treatment. This is sometimes called adverse effects discrimination. The Supreme Court of Canada defines indirect discrimination in this way:

A distinction must be made between what I would describe as direct discrimination and the concept already referred to as adverse effect discrimination in connection with employment. Direct discrimination occurs in this connection where an employer adopts a practice or rule which on its face discriminates on a prohibited ground. For example, "No Catholics or no women or no blacks employed here." There is, of course, no disagreement in the case at bar that direct discrimination of that nature would contravene the Act. On the other hand, there is the concept of adverse effect discrimination. It arises where an employer for genuine business reasons adopts a rule or standard which is on its face neutral, and which will apply equally to all employees, but which has a discriminatory effect upon a prohibited ground on one employee or group of employees in that it imposes, because of some special characteristic of the employee or group, obligations, penalties, or restrictive conditions not imposed on other members of the work force.²⁷⁵

An example of indirect or adverse effects discrimination in the policing context is a policy requiring all reports of crimes to be made in writing in English; this would have an adverse impact on individuals who are physically incapable of writing or whose level of literacy or knowledge of English precludes them from taking this step. This type of policy would likely have a disproportionately negative impact on some groups within society.

Systemic discrimination occurs when policies or practices disadvantage individuals because they are members of certain groups. This concept recognizes the pervasive problems of discrimination embedded within institutional practices and policies. Systemic discrimination can encompass both direct and indirect discrimination. The Supreme Court of Canada defined systemic discrimination in this way, building on the definition in the Abella Report:

Discrimination ... means practices or attitudes that have, whether by design or impact, the effect of limiting an individual's or a group's right to the opportunities generally available because of attributed rather than actual characteristics

It is not a question of whether this discrimination is motivated by an intentional desire to obstruct someone's potential, or whether it is the accidental by-product of innocently motivated practices or systems. If the barrier is affecting certain groups in a disproportionately negative way, it is a signal that the practices that lead to this adverse impact may be discriminatory.

This is why it is important to look at the results of a system

In other words, systemic discrimination in an employment context is discrimination that results from the simple operation of established procedures of recruitment, hiring and promotion, none of which is necessarily designed to promote discrimination. The discrimination is then reinforced by the very exclusion of the disadvantaged group because the exclusion fosters the belief, both within and outside the group, that the exclusion is the result of "natural" forces, for example, that women "just can't do the job" (see the Abella Report, pp. 9-10). To combat systemic discrimination, it is essential to create a climate in which both negative practices and negative attitudes can be challenged and discouraged.²⁷⁶

The Court emphasized that systemic discrimination involves established practices and policies that have an unintended negative impact that is compounded by attitudes of persons within an organization or system.²⁷⁷ The Court also recognized the special difficulties involved in dealing with systemic discrimination, referring to the lower court's finding that "Such discrimination has its roots, not in any deliberate desire to exclude from favour, but in attitudes, prejudices, mind sets and habits which may have been acquired over generations."²⁷⁸

The Supreme Court's definition makes it clear that direct discrimination can contribute to systemic discrimination if it represents a widespread practice within an institution, such as negative stereotyping of a group, sexual harassment or racial harassment. To the extent that manifestations of direct discrimination are so much a part of an institutional culture as to be accepted as practice, they constitute systemic discrimination.

More recently, the Canadian Human Rights Commission developed this definition of systemic discrimination, which focuses on the cumulative effect of institutional policies and practices in the justice system context:

Systemic discrimination, on the other hand, is the creation, perpetuation or reinforcement of persistent patterns of inequality among disadvantaged groups. It is usually the result of seemingly neutral legislation, policies, procedures, practices or organizational structures. Systemic discrimination tends to be more difficult to detect.²⁷⁹

Examples of systemic discrimination in the policing context include the negative stereotyping about a particular group of victims or offenders that has a widespread impact on all aspects of the investigative process.

The Supreme Court of Canada has also noted with concern the fact that conventional discrimination analysis can leave systemic discrimination unchecked and that narrow formal equality analysis “undermines the promise of substantive equality and prevents consideration of the effects of systemic discrimination;” one that ignores the transformative nature of equality rights.²⁸⁰ The Court has held that there is a broad proactive duty on behalf of employers and service providers under human rights legislation to be aware of the both the differences between individuals and differences that characterize groups of individuals, and that “conceptions of equality” must be build into standards.²⁸¹ The Supreme Court has emphasized that the purpose of equality right guarantees is not only to prevent discrimination but also “to ameliorate the position of groups within Canadian society who have suffered disadvantage by exclusion from mainstream society.”²⁸² This requires that institutions both refrain from discrimination and develop policies and practices that take into account the situation of those who have historically been treated unequally.²⁸³ The central question is whether the impact of the action or omission has “the effect of imposing a real disadvantage in the social and political context of the claim.”²⁸⁴

Intention or malice is not a requirement for a finding of any of the three forms of discrimination: direct, indirect or systemic. In my view, it is important to underscore that the Canadian law on discrimination is focused on preventing discrimination and remedying inequalities, *not* on punishing wrongdoing.²⁸⁵ The purpose of anti-discrimination legislation and Charter rights is not to assign blame nor punish moral blameworthiness. The focus of discrimination analysis is on *effects* visited on an individual or group of individuals regardless of the intent of a given act, omission, practice or policy. The impact on the person discriminated against is the same regardless of the motivation or underlying purpose. As the Supreme Court has reminded us on several occasions: “No doubt, some people who discriminate do so out of willful ignorance or animus,” but more often it is the effect of policies and practices that is discriminatory even if that effect is unintended and unforeseen.²⁸⁶

The discrimination analysis that I have described is consistent with, although not identical to, the approach proposed by Counsel for the Families,²⁸⁷ Independent Counsel for Aboriginal Interests,²⁸⁸ and Independent Counsel for the DTES.²⁸⁹ The Vancouver Police Department defines systemic bias, racism and sexism as involving “prejudices entrenched in an institution

either by their prevalence in the institutional culture, or where structural aspects of the institution create bias, racism or sexism;²⁹⁰ I consider this to be a narrower definition. The VPD approach appears to be inconsistent with Canadian legal norms because it necessitates a finding of pejorative, malicious or intentional bias.

In particular, the VPD's submissions fail to appreciate the nature of an effects-based analysis. I agree with the VPD that, "the facts that sex workers are marginalized persons who suffer higher incidents of violence and underreport violence do not prove that police are biased against them."²⁹¹ An effect-based discrimination analysis requires me to consider what steps police took to take into account the vulnerability of this group in the missing and murdered women investigations. I am also required to consider the potential role of negative stereotyping about this group in policing efforts. Recognition of the historic and present disadvantage suffered by a group within a society is not the end of the discrimination analysis; it is the beginning of it.

Canadian courts and tribunals have been called upon to apply equality rights law in the policing context on very few occasions.²⁹² In the absence of more refined Canadian standards, I adopt the definition of discriminatory policing adopted by the U.S. Department of Justice for the purpose of reviewing U.S. police forces' compliance with the U.S. Constitution and federal civil rights law. This definition incorporates direct, indirect and systemic discrimination:

Discriminatory policing occurs when police officers and departments unfairly enforce the law—or fail to enforce the law—based on characteristics such as race, ethnicity, national origin, sex, religion, or LGBT status. Discriminatory policing may take the form of bias-based profiling, in which an officer impermissibly decides whom to stop, search, or arrest based upon one of the above-mentioned characteristics, rather than upon the appropriate consideration of reasonable suspicion or probable cause. Failing to provide police services to some persons or communities because of bias or stereotypes, or by not taking necessary steps to enable meaningful communication, also constitutes discriminatory policing. Discriminatory policing may also result when a police department selects particular enforcement and crime prevention tactics in certain communities or against certain individuals for reasons motivated by bias or stereotype.²⁹³

The U.S. Department of Justice specifically recognizes that discriminatory policing is manifested in the under-investigation and under-enforcement of crimes of violence against women.²⁹⁴ A systemic inability to adequately protect women from violence and to effectively investigate these crimes is a worldwide phenomenon.²⁹⁵

Discriminatory policing has two broad impacts on law enforcement: less effective policing, and erosion of individuals' and communities' inclinations to trust and cooperate with law enforcement, impeding effective and safe policing. Examples of these impacts include:

Equality means that all individuals should be treated fairly and that vulnerable groups or persons should enjoy particular protection due to their marginalized status and situation.

- Errors in investigation due to stereotypes and misapprehensions about characteristics or living conditions of victims belonging to certain groups;
- Failure to take reports or misclassifying reported crimes;
- Failure to correctly appraise evidence from victims and/or witnesses;
- Under-investigation of crimes;
- Deficiencies in investigation due to poor interviewing skills, missing or inadequate documentation, and minimal efforts to contact witnesses or interrogate suspects; and
- Documentation within investigations that contains stereotypical assumptions and judgments about crimes and victims of crimes, including misguided commentary about a victim's or witness' perceived credibility (including issues related to sexual history or delay in contacting the police).²⁹⁶

The word “discrimination” tends to be associated solely with overt bias, intentional prejudice and negative stereotyping; however, discrimination frequently operates in subtle and systemic ways reflecting broader patterns of social inequality. Direct, indirect and systemic discrimination all result in detrimental effects that further reinforce disadvantage. Moreover, discrimination perpetuates the view that the individual or group is less capable, less worthy of recognition or value as a human being or as a member of Canadian society, or less deserving of concern, respect or consideration.²⁹⁷

In order to assure equal protection of the law and the treatment of each individual in a manner that recognizes her or his intrinsic worth as a human being, the police must be responsive to the community as a whole and strive to deliver their services promptly in an equal and unbiased manner.²⁹⁸ What problems are brought to the police to be resolved – and by what segments of society – as well as how the police respond clearly indicate how consistent policing practices are with the guarantee of equality.²⁹⁹ Equality means that all individuals should be treated fairly and that vulnerable groups or persons should enjoy particular protection due to their marginalized status and situation.

Law enforcement agencies mirror the society they serve. Thus the historic and continuing racism and sexism within Canadian society is likely to be reproduced in discriminatory policies and practices within law enforcement, unless and until steps are taken to actively work toward bias-free policing. It is difficult for a police service to perceive how gender bias and racism can have a serious and detrimental impact by hindering the initiation and conduct of investigations, as often the investigators and their supervisors are unaware of bias and are doing what they perceive to be their best. Part of the difficulty in understanding these forms of discrimination is that they center on omissions – that is, the *failure to act*. The difficulties in ascertaining and remedying discriminatory police failures have led to the development of positive remedial duties outlined in the following sections.

Specific duties to address violence against women

Societies worldwide face serious barriers to providing adequate protection to women and girls who are at high risk to all forms of violence. Over the past few decades, many governments and organizations have recognized these barriers and taken steps to overcome them. While some progress has been made, girls and women continue to experience substantially higher levels of violence, particularly sexual violence and violence within relationships, than do boys and men. Members of sexual minorities, including gay men, lesbians, bisexual and transgendered persons, also face higher levels of violence.

Canadian and international law has evolved over the past two decades in response to this more profound understanding of the dynamics of violence against women: it is a human rights issue best understood in the context of social and economic inequality. Under the Canadian Constitution and as a general principle of international law, the state has a duty to protect women and children from sexual violence. This duty requires the government to demonstrate “due diligence” in taking sufficient measures to respond to this violence against women and girls. This evolution of legal duties under Canadian and international law with respect to the police duty to protect girls and women from violence serves as an important backdrop and reference for the Commission’s inquiry into the missing and murdered women investigations.

Aboriginal women in Canada are at particular risk of discriminatory policing as a result of the legacy of colonialism and racism exemplified in forced assimilation policies, including the residential school system and other discriminatory laws, policies and practices that compound gender bias in the justice system.

A recent report summarizing research and findings about violence against Aboriginal women explained the dynamic and ongoing discrimination in this way:

The racist assumptions that informed colonial governments’ Aboriginal policy still thrive in contemporary mainstream Canadian society as well as within its systems and institutions. The literature identifies racism as a significant cause of acts of violence against Aboriginal men and women by non-Aboriginal Canadians. Systemic racism also creates barriers to Aboriginal people accessing the supports they need from the justice system, and health and social service systems. Furthermore, racism underpins and reinforces Aboriginal people’s socio-economic disadvantage.

...

Societal and systemic racism and sexism intersect. The disproportionately high number of missing and murdered Aboriginal women, for example, may be blamed at least in part on the racist and sexist attitudes of both the perpetrators of violence and of the people working in the justice system.³⁰⁰

Canadian and international law has evolved over the past two decades in response to this more profound understanding of the dynamics of violence against women: it is a human rights issue best understood in the context of social and economic inequality.

In Canada, the leading court case on discriminatory policing is *Jane Doe v. Board of Commissioners of Police for the Municipality of Metropolitan Toronto et al.*³⁰¹ (“Jane Doe Case”) woman, who is known as Jane Doe due to a court order protecting her identity, was sexually assaulted by a man referred to as “the balcony rapist” because he broke into apartments in a particular Toronto neighbourhood through the balconies in order to sexually assault women. She was the fifth known victim of this rapist. At the time of the trial, Jane Doe continued to suffer from serious post-traumatic stress and depressive disorder as a result of the attack. She claimed that the police were negligent in their investigation of the balcony rapist and failed to warn potential victims. She also made a constitutional claim that her Section 7 right to security of the person and Section 15 right to equality under the *Canadian Charter of Rights and Freedoms* were violated because the police acted in a way that was discriminatory on the basis of gender. She succeeded in her case and was awarded damages of over \$220,000 together with a declaration that her constitutional rights had been violated.

In this case, the Ontario Court held that the police are liable to the victim of a sexual assault where the police ought to reasonably have notified the public of a suspect’s pattern of behaviour. The Court found that the police had violated Jane Doe’s constitutional rights to equality and her right to physical security and had failed in their duty to protect her and other women in her position.

The Court held that Jane Doe was not simply discriminated against as a woman by the individual officers involved in the case but that systemic bias existed within the police force, which adversely impacted all women. In making this finding, the judge relied on evidence that revealed these discriminatory patterns of behaviour. Among those problems she noted were:

- Insensitive treatment of survivors of sexual assault;
- Lack of effective training for officers engaged in the investigation of sexual assault, including a lack of understanding of rape trauma syndrome and the needs of survivors;
- Lack of co-ordination of sexual assault investigations;
- That some officers are not suited by personality/attitude to the investigation of sexual assault;
- That too many investigators came into contact with victims;
- Lack of experienced investigators investigating sexual assaults;
- Lack of supervision of those conducting sexual assault investigations; and
- Prevalence of rape myths and stereotypical reasoning about rape.

I highlight the fact that the decision in the *Jane Doe Case* was rendered in 1997, shortly before the period of reference of interest to the Commission.

Violence against women under international law

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) provides specific and detailed provisions regarding violence against women as a violation of human rights.³⁰² Canada became a signatory to CEDAW in 1980 and ratified it in 1981. CEDAW's provisions have been interpreted and applied by numerous international bodies including the CEDAW Committee, the United Nations Rapporteur on Violence Against Women and through decisions by various UN bodies and regional human rights courts.³⁰³ International law imposes obligations on "States," which means on the collective government actors and institutions within a country. International legal obligations also require States to take all available measures to ensure that "non-State actors," including individuals and corporations, live up to these obligations.

In *General Recommendation No. 19*, the CEDAW Committee defined violence against women or gender-based violence as "Violence that is directed at a woman because she is a woman or affects women disproportionately."³⁰⁴

*Violence Against Women [VAW] is a form, a cause and a consequence of discrimination. It is not possible to understand fully the causes or consequences of VAW without looking at the discrimination and inequality that women face at home and in the community. VAW is the result of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women's full advancement.*³⁰⁵

The relationship between violence against women, inequality and discrimination is complex and mutually reinforcing. It can best be understood as a cycle of discrimination, inequality and violence.

The content of international human rights policy on violence against women has been drawn together in three legal policy documents: the *Vienna Declaration and Programme of Action*,³⁰⁶ the *Declaration on the Elimination of Violence Against Women*,³⁰⁷ and the *Beijing Platform for Action*.³⁰⁸ The obligations of countries to take active measures to eliminate violence against women was reiterated and reinforced in a June 2010 resolution of the UN General Assembly.³⁰⁹

Regional human rights bodies have also adopted specific instruments setting out the obligations of their member states. For example, the Organization of American States has adopted the *Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women* (known as the Convention of Belém do Pará).³¹⁰ Similarly the Organization of the African Union has adopted the *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa*³¹¹ and more recently the European Council adopted the *Convention on Preventing and Combatting Violence against Women and Domestic Violence*.³¹² These conventions complement the UN conventions and provide additional

protection to women through regional human rights systems.

Special protections for Indigenous women are guaranteed under of the *Declaration of Rights of Indigenous Peoples*.³¹³ Article 22 (2) of the Declaration reads: “States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.”

A United Nations International Expert Group is currently considering measures to combat violence against Indigenous women and girls.³¹⁴ As a paper prepared for this expert group notes: “Violence against indigenous women and girls is rarely understood as one of the most pervasive human rights abuses, rather it is seen as a ‘social issue.’”³¹⁵

International legal standards, with respect to the police obligation to prevent and investigate violence against women, are evolving at a faster pace in comparison with Canadian law. This rapid evolution is not surprising given the broad range of international bodies engaged in promoting effective legal protections for women consistent with their right to equality. Canadian courts apply international human rights norms to interpret the *Charter of Rights and Freedoms*, legislation and common law, and to guide the exercise of administrative discretion.³¹⁶ Policing practices, policies and actions are one form of government actions that are reviewable under international law either in Canadian courts through litigation under the Charter, before human rights tribunals through complaints made under human rights legislation, or before international bodies such as the CEDAW Committee (through an inquiry or through a complaint made under the Optional Protocol).

The due diligence standard under international law

One of the central features of the evolution of international norms to address violence against women is the refinement of the due diligence standard. The term *due diligence* broadly means due “care” or “attention.” Under international law, the due diligence standard refers to the standard of care required of States to prevent, investigate, punish and provide remedies for acts of violence regardless of whether these are committed by State or non-State actors.³¹⁷ The due diligence standard in this context has been defined in this way:

The due diligence standard

The positive obligations of States under general international law described above mean that States can be held responsible for acts of violence perpetrated by private persons or entities (such as private companies) if they fail to act with due diligence to prevent, punish, investigate and redress harm caused by private persons or entities. This does not mean that every act of VAW [violence against women] committed by a non-State actor is a human rights violation that the State can be held responsible for. Rather it means that if the

State does not act with due diligence to prevent and respond to all forms of VAW perpetrated by non-State actors, it can be held responsible for that violence under international law.

Whilst the due diligence standard applies to State obligations in relation to all human rights, it has been developed as a particularly useful tool to identify the specific obligations of States to prevent and respond to VAW.

When this standard is considered in light of the principles of equality and non-discrimination, it requires States to employ all means to ensure that efforts to prevent, investigate, punish and provide remedies for VAW are as effective as the efforts employed with regards to other forms of violence. This means that the law, policies and their implementation must be gender-sensitive and respond to VAW within a wider context of gender inequality.³¹⁸

The due diligence standard can be described as an obligation of *means* rather than *result*.³¹⁹ As long as the state has exercised the “due diligence” required to protect women from these acts of violence, it will have met its obligations, even if the act of violence occurred despite its efforts. In other words, state responsibility will not necessarily arise as a result of the commission of the acts of violence themselves, but from the lack of due diligence to prevent these acts or to respond to them adequately.³²⁰

The standard of due diligence has been considered and applied by numerous courts as a practical tool allowing them to assess whether the state has met its human rights obligations to protect women from violence committed by both private and State actors. The Commission undertook a review of this international jurisprudence,³²¹ which has assisted me in developing my framework of analysis. I highlight two cases here. First, the Inter-American Court of Human Rights found that Mexico was guilty of discrimination and of failing to protect three young women murdered in 2001 in Ciudad Juárez, and of ensuring an effective investigation into their abduction and murder in the context of the disappearance of hundreds of young women in that city over a number of years.³²² Second, the Inter-American Commission of Human Rights found that the United States had violated the human rights of Jessica Lenahan (formerly Gonzales) and her children through the repeated failure of the police to adequately respond to threats of violence by her former spouse.³²³

While the requirements of due diligence depends on a case-by-case analysis, the courts have nonetheless provided some general guidelines. The obligation on State authorities includes several clear duties:

- The duty to investigate promptly and effectively;
- The duty to take effective judicial action;
- The duty to take adequate prevention measures; and
- Heightened duty owed to particularly vulnerable groups.

Breaches of international legal obligations can occur in an individual case, but the court reviews individual cases in the context of systemic patterns of conduct or, more accurately, inaction. The case law indicates that a breach of due diligence will be found where there is sufficient evidence for the court to infer that the State has generally failed to take violence against women seriously.

In summary, under international law, States have a duty to exercise due diligence in preventing and responding to acts of violence against women committed by both State and private actors. This duty includes an obligation to conduct an effective criminal investigation, to prosecute and convict perpetrators, to provide effective judicial remedies to victims, as well as to take measures to tackle social and cultural attitudes that may lie at the root of violence against women.³²⁴ Furthermore, the State must be cognizant that certain groups of females, such as girls, poor women and Aboriginal women, may be even more vulnerable to these acts of violence; and that they are, therefore, under a heightened duty of due diligence vis-à-vis these groups.

The due diligence standard under international law continues to be refined through judicial interpretation and application and through legal policy developments, particularly through the work of United Nations bodies. These pronouncements provide practical guidance to individual police officers, to police agencies and other State authorities, and to me in my role of Commissioner. The standard speaks to both the duties owed in specific cases in which there is a known risk of violence and to the State's broader responsibility to eradicate violence against women. One of the expected next steps at the international level is the establishment of due diligence standards that take into account the vulnerability of Aboriginal women to gender-based violence and the complex socio-economic, racial, cultural and geographic facets of their experience. While these were not completed in time for me to consider them in this inquiry, I take note of the fact that specialized standards are required given the extraordinarily high levels of violence against Aboriginal women in Canada discussed in the previous section.

My review of the general duty of non-discrimination in policing and specific police duties to address violence against women makes it clear that the police have an obligation to take steps to prevent violence against women and to ensure effective investigations into crimes of violence against women. The positive nature of this obligation is very clear. I return to the words of Madam Justice Abella expounding on the remedial nature of human rights, which requires public authorities to take active steps to overcome inequalities:

We had, in short, come to see the brutal role of discrimination—a word we had never and could never use in a concept like civil rights that permitted no differences—and invented the term “human rights” to confront it. We clothed governments with the authority to devise remedies to prevent arbitrary harm based on race, religion,

gender, or ethnicity, and we respected government's new right to treat us differently to redress the abuses our differences attracted. So we blasted away at the conceptual wall that had kept us from understanding the inhibiting role group differences played, and extended the prospect of full socio-economic participation to women, non-whites, aboriginal people, persons with disabilities, and those with different sexual preferences. And, most significantly, we offered this full participation and accommodation based on and *notwithstanding* group differences.³²⁵

I hasten to add that the obligation of police to take steps to increase the safety of women and carry out effective investigations once a crime has occurred is an obligation of process not of result. Police cannot guarantee that women will be safe women or that they will apprehend a perpetrator; but they do have a responsibility to take adequate steps bearing in mind the situation of vulnerable women.

B. Structure of Policing in British Columbia

The Commission must take into account the structure of policing in the Greater Vancouver area that was in place during the terms of reference. The overall structure has changed little in the intervening decade. British Columbia is currently policed through 11 municipal police departments, approximately 60 RCMP detachments,³²⁶ the South Coast BC Transportation Authority Police Service, and the Stl'atl'imx Tribal Police Service based in Lillooet. Some of the RCMP detachments service more than one community. Counting the number of policing agencies depends on which boundaries are used. The RCMP's Lower Mainland District boundary encompasses 22 police agencies,³²⁷ whereas the Vancouver Census Metropolitan Area (formerly Greater Vancouver Regional District) encompasses fewer agencies. In my 1994 report on policing in British Columbia, I described the structure of policing agencies in the Lower Mainland and the Capital Region as a "patchwork."³²⁸ The Vancouver metropolitan region is said to be the only large metropolis in Canada without a regional police force.³²⁹ Municipal police forces and the RCMP operate under separate legal and policy frameworks; although the newly negotiated agreements between the provincial and federal governments have some new features, which they do not bear upon my fact-finding mandate. I return to these recent changes in Volume III as they relate to my recommendations for reform.

The Provincial Ministry of Justice is currently the lead ministry with overall responsibility for public safety and the protection of all citizens and their individual rights. These responsibilities extend to ensuring "that an adequate and effective level of policing and law enforcement is maintained throughout British Columbia."³³⁰ Under the *Police Act*, the Director of the Police Services Division is assigned broad powers, including all former functions of the BC Police Commission (with the exception of public complaints). These functions include audits, inspections and reviews, recommendations about appointments to police boards, policing policy, research and statistics, and advice to the Minister, police boards and Chief Constables.

Vancouver Police Department and the British Columbia Police Act

If a municipality chooses to form its own police department, as Vancouver has done, then the *British Columbia Police Act* will regulate that department.³³¹ A municipal police board is formed to provide governance of the department. Among other responsibilities, this board is responsible for hiring the Chief Constable, approving the annual budget and departmental policies. Municipal police boards are required under the *Police Act* to determine the priorities, goals, and objectives of the department for each year, in consultation with the Chief Constable. These boards are accountable to the community they serve.

A municipal police board consists of the mayor, who acts as chair; one person appointed by the municipal council; and up to five people appointed by the province. Board members are selected from a variety of backgrounds and are usually appointed for an initial one-year term and then reappointed for terms up to a maximum of six years. Board members serve as volunteers, but related training and travel expenses are covered. The role of mayor as chair has been the subject of much controversy. In 1994, I strongly recommended that the mayor no longer chair the police board.

The *BC Police Board Handbook* states that Board members should develop mechanisms to acquire information and input from the community on topics such as what the policing issues are, how well the police are carrying out their duties, and what changes citizens feel are needed.³³² Specifically, the *BC Police Board Handbook* states that police boards:

...play a pivotal role in promoting relations between the department and the community, to prevent crime and violence, and to promote safety and trust. It is envisioned that through police boards, the department and communities working together to solve community problems, community members and law enforcement can build relationships and use resources more effectively.

*Police boards should look to develop and make recommendations directed towards improving, promoting and encouraging open communication and cooperation between the police department and the residents of the community. This includes reviewing and recommending policies, practices and programs designed to make law enforcement sensitive, effective and responsive to the needs of the community.*³³³

All complaints against members of a municipal police department are administered under the provisions of the *Police Act*. The Chief Constable is also the discipline authority for the department, as legislated by the *Police Act*. Complaints concerning an officer's conduct are dealt with first by the Chief as an internal matter, but are then subject to review by the BC Police Complaint Commissioner, an office independent of both police and government. The police board is responsible for taking action in response to complaints about the services or policies of its police department. Most police boards meet once a month. Performance management issues are

considered as a matter between the employer and the employee and are dealt with in a separate process.

Royal Canadian Mounted Police and the Royal Canadian Mounted Police Act

The Royal Canadian Mounted Police (RCMP) perform three separate policing functions in British Columbia: federal, provincial and municipal. The Province of BC has contracted the RCMP to perform the provincial police function since 1950, when the BC Provincial Police was disbanded. Only Ontario, Quebec and Newfoundland/Labrador maintain their own provincial police agencies. Given the RCMP's role as the provincial police force, this agency provides specialized services to all police agencies in the province (including RCMP Air Services, West Coast Marine and forensic laboratories). Some specialized services are also provided under the federal responsibility of the RCMP.

Municipalities can opt to contract the RCMP to provide municipal policing services under the Municipal Police Service Agreement signed by the provincial and federal governments. Currently there are 61 Municipal Police Unit Agreements in place.

Governance of the RCMP is managed under the authority of the *Royal Canadian Mounted Police Act*³³⁴ regardless of which policing role is being carried out (federal, provincial or municipal). Under this federal legislation, the RCMP Commissioner, under the direction of the federal Minister of Public Safety Canada, has control and management of the RCMP and all matters connected therewith. The *BC Police Act* does not fulfill a governance role over the RCMP detachments, but it does provide for the formation of local policing committees to liaise with RCMP detachments. Local policing committees are the alternative to police boards in municipalities that are policed by RCMP detachments.

Section 31(1) of the *Police Act* provides that the provincial government may establish a local policing committee after consulting the municipal council. The local police committee consists of not fewer than three members appointed by the provincial cabinet. These police committees are advisory in nature. They consult in the hiring of the Officer in Charge of the RCMP detachment and in establishing budget or policy. Their duties, according to section 33 of the *Police Act*, are as follows:

33. A committee has the following duties:
- (a) to promote a good relationship among
 - (i) the residents of the area of British Columbia in which the committee has jurisdiction,
 - (ii) the provincial police force, and
 - (iii) any designated policing units or designated law enforcement units that may be operating in that area;
 - (b) to bring to the attention of the minister, the provincial police force, the designated policing units and the designated law enforcement units, any matters concerning the adequacy of policing and law

enforcement in the area of British Columbia in which the committee has jurisdiction, and to make recommendations on those matters to the minister, the provincial police force, the designated policing units and the designated law enforcement units;
 (c) *to perform other duties that the minister may specify.*

A recent study on police governance concluded:

Unlike municipal police boards who direct their local police, local police committees have no statutory authority to direct the Royal Canadian Mounted Police (RCMP), to set policy, budgets, or a long-term local strategic plan. Their role is advisory in nature, in that local police committees can make recommendations only. The RCMP is free to accept the suggestions of the committee, or not.³³⁵

The municipal agreement stipulates that the RCMP administrative process shall be followed.³³⁶

A complaint against a member of the RCMP is administered under the provisions of the federal *RCMP Act* and is subject to oversight by the Commission for Public Complaints Against the RCMP. The Officer in Charge of a detachment may implement informal discipline as described in Part IV, section 41 of the *RCMP Act*. The Officer in Charge may also recommend formal discipline, but an external RCMP review board conducts this process. The Commission for Public Complaints does not have the same authority as its counterpart the Office of the Police Complaints Commission does over municipal police forces.³³⁷ The RCMP does participate in investigations carried out by the newly established Independent Investigation Office that conducts *criminal* investigations regarding police-related incidents involving death or serious harm. The BC provincial government established the Independent Investigation Office in response to the report of the Braidwood Commission of Inquiry.

Integrated units, teams and services

A number of integrated policing units operate within British Columbia and the Lower Mainland District. Some are the integration of two agencies, while others include all police agencies. There is no formal structure or model to the formation of an integrated unit. They all have different governance structures, funding models and operational mandates. Many of the integrated units operate with a “Joint Management Team” (JMT), although in many instances these teams are a reporting conduit rather than a managerial body. The Provincial Unsolved Homicide Unit was established in 1996 as a joint forces operation between the RCMP and the VPD. It operates in support of other homicide investigation teams by focusing on cold cases – murder cases in which all leads have been investigated, but the crime remains unsolved.

Police agencies also share a number of information management services such as the Canadian Police Information Centre (CPIC) and Violent Crime Linkage Analysis System (ViCLAS). CPIC is the Canadian database for

police information. It contains criminal record information, missing person information, persons of interest, stolen property data, vehicle information and other police related data. ViCLAS is a national analytical database developed in the 1990s to compare crimes and develop a list of potential suspects based on a number of factors. The lead investigator completes a comprehensive workbook and the information is loaded into the ViCLAS system.

Policing policy and principles

Sir Robert Peel, a British Member of Parliament from 1809 until his death in 1850 who served as Home Secretary and Prime Minister, is credited with establishing the first professional police force in the Commonwealth in 1829. The “Peelian Principles” are often quoted as a statement of the underlying philosophy of contemporary policing which is as true today as it was in the 1830s: the police are the public and the public are the police. In the words of Sir Robert Peel:

Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent upon every citizen in the interests of community welfare and existence.³³⁸

This statement recognizes that the police are not separate from the community; and while the two must work hand in hand, the police have specific duties and responsibilities over and above those of the community member because it is their paid professional responsibility to provide these services. This principle is a touchstone to which I will return several times in my inquiry concerning the missing women investigations.

In British Columbia, the *Police Code of Ethics* is framed on the basis of seven 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 & the rule of law*
- *justice & equality*
- *protection of life & 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.*³³⁹

Over the past two decades, there has been a shift away from traditional methods of policing to a community-based policing model. One of the most important recommendations I made in the 1994 report on policing in British Columbia was in support of the shift to community-based policing. At the time, I noted:

Our present system of policing has serious limitations. It is incident-driven. It is reactive in nature in that it takes the form of police officers responding to calls in patrol cars. The usual scenario is that after an incident has taken place, police arrive and begin an investigation.

Community-based policing is a philosophy or style of policing. While it may mean different things to different people, it essentially calls for a partnership between the police and the public in order to produce a peaceful and secure environment for our communities. It is proactive in nature as opposed to the present system, which is reactive. Community-based policing necessarily involves problem-solving. This style of policing attempts to deal with some of the social, economic, political and environmental causes of crime. Under this system, communities would become more involved in establishing priorities.³⁴⁰

This basic idea was initially developed by Professor Herman Goldstein of the University of Wisconsin Law School and conceptualized as “problem-oriented policing,” based mostly on what seems to be a common-sense way of approaching crime problems in the community; that is, to address the problems that cause or encourage criminal activity rather than merely enforcing the laws that prohibit such activities.³⁴¹ Three elements must be present before a crime can be committed:

1. Someone must be motivated to commit the crime;
2. A suitable target must be present;
3. The target must be (relatively) unguarded.³⁴²

Community-oriented policing works to eliminate one or more of these elements by reducing motivation or opportunities for individuals to commit crimes. Working with community members to understand the factors that encourage crime can lead to a successful crime reduction program. For example, in community-oriented policing, after responding to many requests for service in a particularly dark alley, the police might initiate steps to improve the lighting to reduce the opportunity that exists for thieves and robbers to attack people.

I made specific recommendations on community-based policing in my 1994 report on policing in British Columbia:

- 35. The province amend the Police Act to ensure that each community police board or community police committee initiates a consulting process that will develop a community-based policing plan. This process should include the following:*
- (a) police-agency task analysis;*
 - (b) community involvement in identifying community needs and policing goals;*
 - (c) community ratification;*
 - (d) periodic reviews; and*
 - (e) implementation and outcome evaluations.*

36. The Community Police Board Coordination Unit provide community police boards, community police committees and community committees with the information and expertise necessary to organize and manage a community consultations process designed to identify community needs and policing goals.³⁴³

Steps have been taken to implement this recommendation on community-based policing within the province. The *BC Police Board Handbook* states:

...within its broadest meaning, community policing looks to increase the co-operation between the police and community members to discover and address the root causes of crime, decrease the number of reoccurring crimes and to allocate policing resources to meet community policing needs.³⁴⁴

One of the central components of community policing is a shift away from a traditional model of policing focused on catching the “bad guy” perpetrator towards a model of “problem-oriented policing.” This newer approach places the emphasis on proactive rather than reactive policing. The goal is to address basic problems that create repeated demands for policing service. Whereas under a traditional policing model, success is measured by the number of cases cleared or suspected criminals arrested, under a community policing model success is measured by the reduction in crime. A critical feature of community-based policing is police getting out of their cruisers and interacting with members of the community on a regular basis. This point was emphasized in community consultations carried out by the BC Civil Liberties Association in 2010.³⁴⁵

A community-oriented policing strategy rests on three key components:

- 1) Collaborative partnerships between police and the public to identify and solve public safety problems and increase community trust;
- 2) Organizational transformation: the alignment of a law enforcement agency’s management, structure, personnel and technology systems to support these partnerships and problem-solving efforts; and
- 3) Proactive and systematic examination of identified problems to develop and rigorously evaluate effective responses.³⁴⁶

The concept of community policing remains poorly understood and unevenly implemented in many jurisdictions. Inadequate resources and organizational structures that continue to reward traditional police methods also hinder community policing implementation. One U.S. study found in some jurisdictions that “officers consistently reported that pressure to conduct stops and arrests diverts attention and resources from quality arrests, community engagement, and are more considered problem-solving.”³⁴⁷ Furthermore, and perhaps most importantly, community policing cannot work in a situation where there is deep distrust and a sense of alienation between the community and the police. A problematic police-community relationship serves as both a barrier to an effective community-oriented

One of the central components of community policing is a shift away from a traditional model of policing focused on catching the “bad guy” perpetrator towards a model of “problem-oriented policing.”

A problematic police-community relationship is created by and cultivates an “us” versus “them” atmosphere of distrust.

policing program and as a compelling reason to prioritize its implementation.³⁴⁸

In some communities or within segments of communities there is an uneasy, challenging or problematic dynamic in the police-community relationship. A problematic police-community relationship is created by and cultivates an “us” versus “them” atmosphere of distrust. The distrust is usually double-sided: the community does not trust the police and the police do not trust the community. Within the context of a hostile relationship, police officers tend to view members of the public as potential problems rather than as potential collaborative partners or sources of information and insight about their communities. This animosity is not generally absolute: some individual police officers can and do establish and maintain community trust, even in the context of an overall problematic police-community relationship.

Following the arrest of Anthony Sowell in 2009 for the sexual assault and murder of 11 women, the Mayor of Cleveland established a Special Commission on Missing Persons and Sex Crime Investigations. The Special Commission employed focus group consultations to identify barriers experienced by members of the community in working with police.³⁴⁹ Several barriers were identified:

- Negative police attitude towards community members;
- Lack of understanding by the public about the process of police investigations (including, for example, what happens with a missing person report);
- Feeling afraid of police; and
- Experience of police being unresponsive to their concerns.

People with a history of drug use, involvement in prostitution, or mental health issues experienced additional barriers in their dealings with police. Focus group participants differentiated between individual police officers with whom they had positive interactions; and the police force as a whole, with which they had overall negative interactions. Police were considered a last resort and not as a resource for people seeking help.

High crime neighbourhoods pose particular challenges in the police-community relationship. As noted earlier in this report, the relationship between the police and the DTES community is affected by the high rates of poverty, drug use, street prostitution and mental illness. As noted earlier, I am also mindful of the strained relationship between the police and Aboriginal communities throughout the province.³⁵⁰

I conclude that an important aspect of my framework of analysis is the commitment to community-based policing and the difficulties met by police and community members in putting this sound policy into practice, both in general and in the context of specific investigations.

C. Missing Persons Investigations

The challenge of missing persons cases

Many individuals go missing every year; the vast majority of these individuals are found or return home within two days and 93 per cent are found within three weeks. I heard testimony on these trends from distinguished international expert Professor Kim Rossmo, who was a Detective Inspector with the VPD during the reference period and played a role in the missing and murdered women investigations. Figure I-1 and Figure I-2 illustrate the average length of time that missing persons remain unaccounted for and the average delays in locating missing persons. These two figures are adapted from the PowerPoint presentation introduced into evidence in Professor Rossmo's evidence. (Exhibit 67)

FIGURE I-1: LENGTH OF TIME MISSING



FIGURE I-2: MISSING PERSONS FOUND OVER TIME

From the data available in 2005, Public Safety Canada indicated that over 100,000 persons are reported missing annually, approximately 4,800 persons were still recorded as missing after a year, and approximately 270 new cases of long-term missing persons are reported annually.³⁵¹ As well, between 20 and 30 sets of human remains are found each year in Canada. British Columbia has historically had the highest number of missing persons within Canada. Reasons posited for this trend include the extensive coastline, large wilderness areas, and a large transient population due to mild weather conditions.³⁵² There is a relative paucity of data on missing persons within Canada in comparison with the US, UK and Australia.³⁵³ The lack of statistics is partially explained by the fact that for an adult to be missing, it is not a crime, and therefore data is not compiled by Statistics Canada.

Survey of missing persons policies and practices

The Commission undertook cross-Canada surveys of police agencies regarding missing persons practices and procedures in 1997-1998 and today. The purpose of the surveys was two-fold: to strengthen the Commission's understanding of Canadian standards with respect to missing persons practices and procedures, noting how they have evolved from the beginning of the Commission's mandate to the present; and to discover innovative practices that could contribute to the Commission's ultimate policy recommendations. A Commission report summarizes and analyzes the information received from 20 police agencies that responded to surveys.³⁵⁴ This section provides an overview of the VPD and RCMP

missing person policies and practices in 1997/1998 and compares them to other Canadian police forces. The comparative analysis is carried out under eight topics: acceptance of reports, resources, assessment of priority, investigation, cooperation with other jurisdictions and use of non-police resources, communication with reportees and family members, review and closure of files, and documentation.

Here I provide an overview of the policies but do not assess them. This overview of missing persons policies establishes a reference point or standard for my inquiry into the actual investigations: how these policies were operationalized in reference to specific missing and murdered women cases, and to the missing and murdered women investigations as a whole.

The Commission survey asked whether certain factors affected the acceptance or investigation of missing person reports: whether the missing person was a woman, a sex trade worker or a drug addict, had a history of going missing, or was transient or believed to be of no fixed address. The majority of police forces indicated that these factors would not affect their response either by making it more likely or less likely that they would accept or investigate a report.

Vancouver Police Department

Acceptance of MPs reports

The Vancouver Police Department had a written mandate or policy for accepting and/or investigating missing persons (MPs) reports. The Vancouver Police Department took reports of MPs in 1997/1998 and has always done so, although jurisdictional restrictions limited them to investigating reports of MPs who resided in Vancouver or were last seen in Vancouver. In 1997, 2993 MPs were reported to the Vancouver Police Department; in 1998, 3469 MPs were reported. In the first instance, the Communications Centre, a part of the Vancouver Police Department, received the MP reports. The Communications Centre call taker completed the Missing Persons Report, VPD Form 565, a hardcopy form. Details on the report included name, date of birth and age, race, sex, date last seen, location last seen, place of birth, physical description, address, social insurance number, driver's licence number, dental chart availability, disabilities, and reportee information.

There were no restrictions on who could report a person missing. Although the Missing Persons Unit (MPU) did not have restrictions based on the time a person needed to be missing, the Communications Centre may have had a 24-hour rule in the absence of suspicious circumstances or other circumstances that indicated vulnerability.

Resources and organization

The Vancouver Police Department has specifically assigned staff to the missing persons “function” since at least the 1970s. In 1997/1998, they had a dedicated MPU with the sole responsibility of investigating MPs. A full-time detective was assigned in 1991, creating an MPU of one detective and one civilian clerk working five days per week. The MPU Detective was under the Violent Crime Section and reported to the non-commissioned officer in charge of Homicide Squad 2.

Priority and investigation

Dispatchers passed information received to the Communications Centre when appropriate. A Communications Centre Field Supervisor reviewed the report received by the Communications Centre. The Field Supervisor determined the priority and whether further investigation by a Patrol member was needed. While there were no specific procedures to categorize adult MPs, Field Supervisors considered specific factors to prioritize adult MPs cases. These factors included the MP’s age, mental and physical condition, and length of time the MP was missing.

The assigned Patrol member conducted the initial investigation and completed the Supplemental Report, VPD Form 19. The form detailed the investigation and, together with the Missing Persons Report, was submitted to the Missing Persons Detective for follow-up investigation.

Routine investigative processes and procedures were followed, such as those referred to in Policy 34.06. These processes were in addition to standard investigative procedures followed by the MP Detective, which included records checks, witness checks, and hospital queries.

Any investigative action, together with its date, time and subsequent findings, would normally be recorded in the investigator’s log attached to the file and in a notebook retained by the investigator.

Cooperation with other jurisdictions and use of non-police resources

In the course of an investigation, the Vancouver Police Department used inter-jurisdictional resources such as placing the MP’s particulars on CPIC and consulting or requesting the assistance of other police jurisdictions to assist in carrying out queries in their jurisdiction.

The Vancouver Police Department also used non-police resources in some circumstances. These could have included media, community groups and so on. Non-police resources were available to investigators and used as appropriate to a particular investigation.

Communication

Initially, the Communications Centre call taker dealt with the reportee and family. Further contact was handled by the Field Supervisor, assigned Patrol member, or the MP Detective, as appropriate. There were no specific, written guidelines that required regular communication with reportees or the MPs' families; however, investigators contacted reportees and families as they considered necessary in the course of the investigation.

Referral, review and closing

When not tied to a crime scene, MP reports were forwarded to the Homicide Unit in the Major Crime Section or another appropriate investigative unit when there were suspicious circumstances surrounding the disappearance of the MP.

MP files were not regularly reviewed; the Vancouver Police Department had no formal procedures for routinely reviewing outstanding MP files.

The MP Detective closed MP files once the MP was located or his or her fate was known. For reasons that are unclear, however, it appears that in the 1990s some files were concluded when the MP had not been found.

RCMP British Columbia detachments

In its policy submissions, the Government of Canada informed the Commission that "[t]he national Missing Persons policy in place in 1997-2002 was sparse and pertained mainly to missing children investigations."³⁵⁵ These submissions note that the E Division policy operating across British Columbia during that period provided more guidance but was "also fairly basic." The Commission sought and received survey responses from four RCMP detachments: Burnaby, Coquitlam, Richmond and Surrey. Unlike the VPD, the RCMP detachments did not have MP units. There are small but important differences between RCMP detachment policies, including the ways in which MP reports were taken, the amount of information recorded, and the requirements for file reviews. I set the policies out in some detail to demonstrate the range of variations, underscoring the lack of a common standard.

RCMP BURNABY DETACHMENT

Acceptance of MP reports

The RCMP Burnaby Detachment had a written mandate or policy for accepting and/or investigating missing persons reports. The Burnaby RCMP accepted MP reports in 1997/1998 and has done this for as long as anyone can remember. However, due to legislation governing file purging, the Detachment is unable to provide information regarding the number of MP

reports received in 1997 and 1998. Members at the front counter took reports in person, and the complaint taker in the Operational Communications Centre or Radio Room took reports by phone.

MP reports contained standard investigative detail, which included enough information about the MP for a green CPIC form to be completed: physical description, clothing which the MP was believed to last be wearing, date of birth, and so on. Additional information obtained by the investigator was included in a 1624 Narrative Report.

Reports were recorded both in hardcopy and online. CPIC and the Narrative Report were written in hardcopy and forwarded to the master file; dispatch information regarding when the call was sent out and when the investigator arrived on the scene was recorded online.

There were no restrictions regarding who could report an MP. Policy dictated that anyone could report an MP; however, some operators in Radio Rooms, acting on their own, suggested callers must be related to the MP. This was the exception rather than the rule.

There were restrictions on accepting MP reports based on the jurisdiction where the MP resided or was last seen. Specifically, some OCC operators advised callers to call the police agency where the MP resided; other operators told the caller to phone the police agency where the MP was last seen.

There were informal restrictions regarding how much time a person needed to be missing before a report was taken. Policy did not indicate that a specific amount of time had to pass prior to taking an MP complaint, but some OCC operators told callers that MP reports were only accepted when the MP had been gone for at least 24 hours.

Resources and organization

The Burnaby RCMP did not have a dedicated Missing Persons Unit. Assigned members conducted follow-up investigations of MP reports. If the MP file involved suspicious circumstances, members of the General Investigation Section (GIS) would also become engaged.

Priority and investigation

The Burnaby RCMP had a system to assess the report and determine its priority: Corporals (or supervisors) reviewed the work of the investigator, and if there were suspicious circumstances or the matter was high priority, the investigation could be referred to the GIS for additional follow up.

The Burnaby RCMP did not prioritize or have specific procedures for any categories of adult MPs: in their words “An MP was an MP.” Further details regarding the MP’s circumstances were contained within the investigative

follow up or Narrative Report. The specific factors identified in the survey had no effect on the acceptance and investigation of MP reports. For example, if the MP was a chronic runaway, an investigator might not apply the same urgency as for a missing four-year-old child, but a file was nonetheless created and investigated.

The Burnaby RCMP had routine investigative processes and procedures. The Corporal or supervisor of the investigator reviewed the written investigation. A diary date specifying when follow up was required was assigned and further investigation was completed by the assigned date. CPIC policy dictated that dental charts had to be obtained after 10 days, although this was often overlooked, such as when the MP was a habitual runaway.

Investigative steps were recorded. MP records were similar to any other investigation: investigative steps were noted in the master file, usually a 1624 Narrative Report, or in the investigator's notebook. The standard investigative questions would be asked: the five "W"s (who, what, when, where, why) and "how" were always relevant. Each investigation would have its own unique questions to be asked, and might have included questions regarding the MP's friends and associates, vehicles, mental state, clothing, access to cash and credit, locations last seen, and workplace.

Referral, review and closing

In the absence of a crime scene, an MP report could be forwarded to another unit; for example, if circumstances surrounding the MP were suspicious or foul play was suspected, the file was forwarded to the GIS.

The Burnaby RCMP used inter-jurisdictional resources. For example, a CPIC message about the MP would be sent out to neighbouring detachments or police agencies if there was a significant link to that area, such as if the MP was last seen in, frequented or resided there.

The Burnaby RCMP used non-police resources to help MP investigations in some circumstances. Depending on the situation, the Burnaby RCMP might have used the media or called Social Assistance (Ministry of Children and Family Development), since many MPs sought social assistance in the form of financial aid.

Outstanding MP files were regularly reviewed: every investigation that was not concluded had an attached diary date. Depending on the investigator, additional investigation would have to be completed by the date noted. The investigation was reviewed by the investigator's supervisor and by a group called the "Readers Section."

MP files were concluded only when the MP was physically located. Exceptionally, if a group home counsellor phoned and advised that a runaway had returned home, the file could be concluded based on the phone call.

Communication

The Burnaby RCMP's policy required regular communication with reportees and family members. Communication with the reportee and family was the responsibility of the investigating member; the amount of contact depended on the investigator and the circumstances of the case.

RCMP COQUITLAM DETACHMENT

Acceptance of MP reports

The RCMP Coquitlam Detachment had a written mandate regarding accepting and/or investigating missing person reports. The Coquitlam RCMP accepted MP reports in 1997/1998. It is unclear when it first began accepting MP reports, but the Coquitlam RCMP took over from the BC Provincial Police in the 1950s. It is also unknown how many MP reports were received in 1997 and 1998, because the Coquitlam RCMP no longer uses the PIRS (Police Information Retrieval System) and files are purged when their retention dates expire.

MP reports were accepted by phone at the Detachment reports desk, by attending the Detachment front counter, or by speaking with an officer.

The report recorded details such as descriptors, substance abuse issues, occupation, associates, last seen location, and other risk factors. The report was recorded in hardcopy. There were no restrictions regarding who could report an MP or how long a person had to be missing before a report could be taken.

The Coquitlam RCMP had restrictions on accepting MP reports based on jurisdiction: the MP investigation was held by the agency with jurisdiction where the MP normally resided. Standard procedure for this period was to advise the reportee to call the police of the relevant jurisdiction. For example, if a reportee called from Williams Lake and said his wife had gone missing, having not arrived at her sister's residence in Coquitlam, the Coquitlam RCMP would have likely advised him to report her missing to the Williams Lake RCMP. Then it would likely have assisted the other agency's file by making inquiries with the sister in Coquitlam. That said, the Coquitlam RCMP would often open a file locally and forward the information to the police agency where the MP resided. For example, in the case of a woman living in Mission who reported that her husband did not return from fishing on Pitt Lake, the Coquitlam RCMP would take the file and start a search of the lake and forward the information to Mission.

Resources and organization

The Coquitlam RCMP did not have a dedicated Missing Persons Unit. MP files were held and investigated by the primary investigator.

Priority and investigation

MP complaints were assigned to General Duty members. MPs were entered on CPIC. The assigned investigating officer or designate conducted follow up investigations. Files were not reassigned unless there were exceptional circumstances. If situational factors indicated the file was suspicious, it could be passed to the Serious Crimes Section.

The Coquitlam RCMP had a system for individually assessing the report and determining its priority. The MP complaint was entered onto CPIC, with a 10-day diary date setting out when follow up was required. The CPIC system automatically indicated MP files that were outstanding after 10 days, but this indication did not require that additional steps be taken.

The Coquitlam RCMP did not prioritize or have specific procedures for categories of adult MPs. Further, the identified factors had no effect on the acceptance and investigation of MP reports: all MP reports were investigated.

The Coquitlam RCMP followed routine investigative processes. Follow-up processes were completed according to information received. Processes were based on the experiences of the investigator and supervisor and investigative guidelines provided in policy.

There was a record kept of investigative steps. All investigative steps were recorded in hardcopy files, completed on RCMP Form 1624.

Referral, review and closing

In the absence of a crime scene, there were circumstances in which an outstanding MP report could have been transferred to another unit. If there were suspicious circumstances or information suggesting foul play, the investigation could have been forwarded to the Serious Crimes Unit.

The Coquitlam RCMP used inter-jurisdictional resources. Their use was determined by the facts of the file or the resources deemed most effective in solving the MP investigation.

There were also circumstances in which the Coquitlam RCMP used non-police resources to assist MP investigations. Depending on the circumstances of the case, any available resource could have been used; as noted at the beginning of this section under the VPD policy, a wide range of resources were available in the community.

There were regular reviews of outstanding MP files. A supervisor or other specialty unit could have reviewed any file at any time depending on its circumstances. All MP files were required to be reviewed after 10 days.

The investigator concluded MP files when the investigator felt that the file was complete; i.e., when the MP was located and all the information had

been properly documented, although visual identification of the MP was not required. On conclusion, a supervisor reviewed the file to ensure it was complete.

Communication

The primary investigator or an assisting officer, or both, liaised with family members or reportees. If the General Duty member was absent, a Radio Room Constable contacted the reportee for updates. MP procedures involved regular communication with the reportee or family. Contact with the family depended on the particular file, the investigator managing the file, the supervisor reviewing the file, and the family's needs.

RCMP RICHMOND DETACHMENT

Acceptance of MP reports

The RCMP Richmond Detachment had a mandated policy to accept and/or investigate missing person reports in 1997. It has always taken MP reports, but it is unknown how many MP reports were received in 1997/1998 because these records are no longer available.

Reportees could report an MP by attending the RCMP Detachment or phoning the emergency or non-emergency phone lines. Information gathered in the report included the MP's name, date of birth, gender, sex, physical and clothing descriptions, medical and mental history, and lifestyle. Information was recorded in hardcopy format.

There were no restrictions regarding who could report a person missing. Nor were there restrictions relating to how long a person needed to be missing before a report would be taken.

There were jurisdictional restrictions on the acceptance of MP reports; generally, the police with jurisdiction where the MP resided was responsible for investigating the MP complaint.

Resources and organization

The Richmond RCMP did not have a dedicated Missing Persons Unit in 1997/1998.

Priority and investigation

The Richmond RCMP's routine investigative processes involved general steps taken to locate the MP, such as obtaining details from the MP's family or the reportee; inquiring into the MP's previous history and CPIC/PIRS history; and questioning employers, educational institutes and associates. The assigned lead investigator typically completed a follow-up investigation that was self-generated or assigned by the investigator's supervisor.

There was a system in place for assessing and determining the priority of MP reports. Officers used standard investigative procedures to assess risk and determine priority. Additionally, in 1997/1998, the Richmond RCMP records department used ORS (Occurrence Reporting System)/OSR (Operations Statistical Reporting) codes, one for “missing person” and another for “high-risk missing person.”

There were no specific procedures in place for any categories of adult MPs. The identified factors had no effect on the acceptance or investigation of MP reports: the Richmond RCMP took and investigated all MP reports, regardless of the identified factors.

The Richmond RCMP recorded the investigator’s notes, investigative steps and outcomes in a hardcopy file. Generally, all investigative steps and their outcomes were documented.

Referral, review and closing

There was no dedicated MPU, so there was no relationship between the MPU and other units. However, all suspicious reports or reports where foul play was suspected were referred to the General Investigative Section. Because assignment to the GIS was determined by an assessment of all available details, there were circumstances in which an outstanding MP report would be transferred to the GIS without a crime scene.

The Richmond RCMP used inter-jurisdictional resources for MP reports. CPIC and BOLF (Be On the Lookout For) bulletins were used as broadcast tools to send descriptors and details surrounding MPs to other agencies.

There were also circumstances in which the Richmond RCMP used non-police resources to help with MP investigations. Such investigative steps included alerting the media about high-risk investigations and inquiring with hospitals and government resources such as welfare offices.

MP files were regularly reviewed: policy ensured that a maximum one-year diary date was assigned to the lead investigator for review and follow-up. The supervisor could assign any length of time as the diary date for continued follow up.

The lead investigator could conclude MP files once a supervisor had approved the request in hardcopy. In 1997, if an MP was located within 24 months, the file was purged from records. However, if the MP was not found, the file was to remain open until the MP reached an age of 110 or, if the MP’s age was unknown, for 92 years after the initial report.

Communication

The lead investigator was responsible for liaising with appropriate family members or reportees. Procedures involved regular communication with

the reportee or family members, including an annual follow-up to contact the family and/or the reportee to determine if there was any new information. Any information provided may have resulted in additional follow up.

RCMP SURREY DETACHMENT

Acceptance of MP reports

The Surrey Detachment had a mandated policy for accepting and/or investigating missing person reports in 1997/1998. It is unclear when Surrey first began taking reports, but there are MP reports that date from 1957.

It is unknown how many MP reports the Surrey Detachment received in 1997 and 1998: files with expired retention dates are purged, and only those files retained for other reasons remain. However, according to the Senior Data Analyst from Strategic Services Section at E Division Headquarters, the PIRS database indicates that in 1998 there were 2309 MP files. The Analyst does not have access to the database for 1997 files.

MP reports were taken by a complaint taker (whose official capacity was not specified in survey response) and dispatched to a member for investigation. Numerous details regarding the MP were recorded in the MP report including descriptors, substance abuse issues, occupation, associates, future court appearances and other risk factors. All information was recorded on hardcopy files.

There were no restrictions on the acceptance of MP reports based on who could report a person missing. There were also no restrictions on how long an MP needed to be missing.

However, there were jurisdictional restrictions: prior to a 2010 policy change, the MP investigation was held by the agency with jurisdiction where the MP usually resided.

The identified factors had no effect on the acceptance of MP reports: all MP reports were accepted.

Resources and organization

The Surrey Detachment did not have a dedicated Missing Persons Unit in 1997/1998.

Priority and investigation

After receipt of an MP report, routine investigative processes were followed based on the investigator's and supervisor's previous experiences and the investigative guidelines provided in policy.

The investigator initially assigned to the file conducted follow-up investigation, unless the Homicide or Major Crime Unit had assumed the file; in that case, a Homicide or Major Crime investigator completed follow-up.

The Surrey RCMP had a system for assessing the priority MP files. While the Surrey RCMP did not have a formal system such as the use of a risk assessment, the investigator considered risk factors and suspicious circumstances on an individual basis to determine appropriate investigative steps.

The Surrey RCMP Detachment did not prioritize or have specific procedures for categories of adult MPs in 1997/1998. The identified factors would have had no effect on the investigation of MP reports: investigations were determined based on an evaluation chart and a review of the facts. The totality of the facts, details and risk factors determined the priority of investigations, not any one factor.

The Surrey RCMP Detachment kept a record of investigative steps taken. All investigative steps were normally recorded on hardcopy files.

Referral, review and closing

There was no MPU to liaise with Homicide or Major Crime. However, an MP report or investigation not involving a crime scene might be forwarded to Homicide or Major Crime if there were suspicious circumstances or if source information or evidence suggested foul play.

The Surrey RCMP used inter-jurisdictional and non-police resources. Their use was determined by the facts of the file and on consideration of what would be most effective in solving the MP investigation.

Supervisors regularly reviewed outstanding MP files. Additionally, the investigator's supervisor reviewed and authorized the conclusion of MP files when a missing person was located.

Communication

The investigator assigned the file liaised with family members or reportees. MP procedures involved regular communication with reportees and family members: contact with the family depended on each file, the investigator managing the file, the supervisor reviewing the file and the family's needs.

Cross-Canadian standard missing person policies and practices

My framework of analysis for the inquiry is further informed by a cross-Canada comparison of missing person policies and practices during the reference period based on the results of the Commission's survey. I draw three main conclusions from this national comparison. First, many police

agencies in other provinces dedicated more resources to missing persons investigations in comparison with the VPD and RCMP detachments described above. While direct comparison is impossible because of numerous differences in police force structure and organization, I note with interest that the Ottawa Police Service had a full-time sergeant assigned to its MP Unit and the Winnipeg Police Service assigned four full-time civilian specialists to this function; Calgary and Edmonton also had MP units.

Second, police agencies outside BC were also more likely to employ risk assessment and cross-referencing policies or tools. However, the survey demonstrates that across Canada, missing reports of women, sex trade workers, drug addicts, people with histories of going missing, or people who were transient or believed to be of no fixed address were not prioritized or otherwise considered high risk by police agencies in 1997/1998. There was one exception: the Ottawa Police Service was more likely to accept or investigate reports of missing women at the time. Several agencies explained that their practice at that time was to consider these categories of persons “may be less reliable,” and this might have meant that they would be less likely to follow up on these reports.

Third, 75 per cent of police agencies conducted regular reviews of outstanding MP files in 1997/1998 – this number includes the RCMP detachments as outlined above. Frequency of review, and how frequency was determined, varied widely.

Acceptance of MP reports

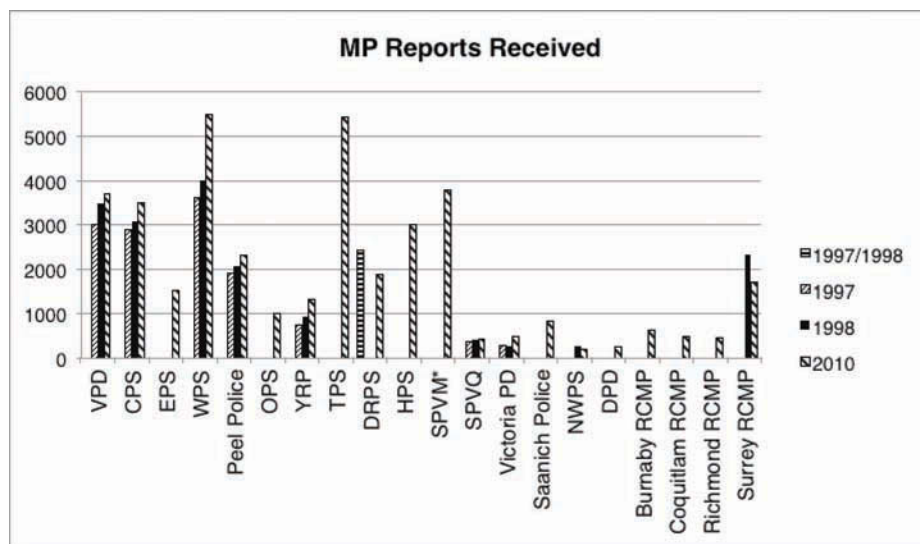
Figure I-3 shows the number of missing person reports police agencies received in 1997, 1998 and 2010. These numbers are large: only the smallest agencies received less than one MP report per day, now or then. The large metropolitan police forces currently receive, on average, 10 or more MP reports per day. The abundance of reports poses a challenge to police agencies, which must recognize which MPs are at risk and prioritize and investigate those reports accordingly.

The participating police agencies and the acronyms for them used in the tables are:

Vancouver Police Department (VPD)
 Calgary Police Service (CPS)
 Edmonton Police Service (EPS)
 Winnipeg Police Service (WPS)
 Peel Regional Police (Peel Police)
 Ottawa Police Service (OPS)
 York Regional Police (YRS)
 Toronto Police Service (TPS)
 Durham Regional Police Service (DRPS)
 Hamilton Police Service (HPS)

Service de Police de la Ville de Montréal (SPVM)
 Service de Police de la Ville de Québec (SPVQ)
 Victoria Police Department (Victoria PD)
 Saanich Police Department (Saanich PD)
 New Westminster Police Service (NWPS)
 Delta Police Department (Delta)
 Burnaby RCMP Detachment
 Coquitlam RCMP Detachment
 Richmond RCMP Detachment
 Surrey RCMP Detachment

FIGURE I-3: NUMBER OF MP REPORTS RECEIVED, BY POLICE DEPARTMENT
 *2009, not 2010



Every police agency surveyed accepted missing person reports. Generally, the responding agencies have always accepted MP reports since they were first established or regionalized into their current forms.

In 1997/1998, MP reports were initially accepted in three general ways:

- Through any medium the public could access the police, such as by attending the front desk, phoning the emergency or non-emergency phone lines, and by fax;
- Through a dedicated Communications Centre; or
- Through Patrol officers who were dispatched to attend the scene to speak to reportees on receipt of a complaint.

One distinction that emerges is that some agencies exclusively accepted MP reports through Patrol officers, who on receipt of a complaint attended the scene to interview the reportee. Agencies that accepted reports through other means might have dispatched a Patrol Unit to investigate after receipt of an MP report, but this may have only occurred in emergency or high-risk situations. Thus Patrol officers were not always dispatched, which could have been to the detriment of an MP investigation. In 2004, the Vancouver

Of all the reporting restrictions in 1997/1998, jurisdictional restrictions were the most common.

Police Department conducted a Missing Person Audit, in which it was noted that investigative problems were compounded when a Patrol Unit was not originally assigned.

In 1997/1998, some police agencies had restrictions on their acceptance of MP reports. Some police agencies restricted who could report an MP and three agencies reported formal restrictions. These restrictions included jurisdictional restrictions, restrictions regarding the amount of information the reportee had about the MP, and third party restrictions. Additionally, other police agencies suggested there may have been informal restrictions. For example, the Burnaby RCMP Detachment reported an informal policy of radio room operators who, in some cases, suggested to reportees that they must be related to the MP to make a report. In general, restrictions on who could report a missing person were uncommon.

Of all the reporting restrictions in 1997/1998, jurisdictional restrictions were the most common. Thirteen police agencies reported restricting their acceptance of MP reports based on jurisdiction. However, this analysis must be viewed in light of the different meanings given to the question by respondents: some agencies interpreted “restriction” to mean a policy that defined which MP reports fell within the police agency’s jurisdiction; other police agencies interpreted “restriction” to mean an absolute bar on receiving reports. Many agencies that viewed “restriction” to mean an absolute bar did not see themselves as having a restriction, because they took reports that did not fall within their jurisdictions on an exceptional basis when the responsible agency would not. On the other hand, a number of police agencies that reported restrictions in 1997/1998 clarified that despite their restrictions, they took reports when the responsible agency would not.

Jurisdictional requirements were based on the MP’s place of residence or from where the MP was missing or last seen; requirements varied among police forces in 1997/1998. In Ontario, only two agencies reported jurisdictional restrictions, and both required the MP to be missing from the respective jurisdiction. Interestingly, all Ontario police services reporting no jurisdictional restrictions forwarded reports to the police agency where the MP resided. In Quebec, both the Service de Police de la Ville de Montréal and Service de Police de la Ville de Québec limited the acceptance of MP reports to persons missing from their jurisdictions. The Winnipeg Police Service required MPs to live in the jurisdiction to take a report, but neither of the police agencies in Alberta had jurisdictional requirements.

In BC, jurisdictional restrictions were common but the basis for jurisdiction varied. The Victoria Police Department and the Coquitlam, Richmond and Surrey RCMP Detachments took reports of MPs who resided in their jurisdictions. The Saanich Police Department and Delta Police Department took jurisdiction of reports of MPs who were last seen in or missing from their jurisdictions. The Burnaby RCMP noted an inconsistent practice: some call takers advised reportees to call the jurisdiction from which the

MP was missing, while others advised reportees to make MP reports in the jurisdiction where the MP usually resided. Finally, the Vancouver Police Department required the MP to either reside in or have last been seen in its jurisdiction. Only the New Westminster Police Service did not report a jurisdictional requirement, accepting all reports. Because different agencies had different requirements, gaps in coverage could have occurred, with reportees referred back and forth between police agencies.

Although differences in policies may have created gaps, this may have been ameliorated by a number of police agencies' reported policies to accept reports when other agencies would not.

In 1997/1998, few police agencies imposed time requirements for accepting MP reports. Agencies that did identify restrictions typically referred to inconsistent requirements that the MP be missing for at least 24 hours. For example, the Vancouver Police Department's Communications Centre may have required 24 hours to elapse in the absence of suspicious circumstances or circumstances that indicated the MP was vulnerable. Similarly, the Service de Police de la Ville de Québec often asked reportees to wait 24-48 hours before accepting a similar report.

In 1997/1998, few police agencies imposed time requirements for accepting MP reports.

However, this analysis of the survey responses may underreport the number of police agencies with informal practices requiring an elapsed time period before accepting MP reports. Three agencies that said there were no time restrictions, when probed, elaborated that an informal 24-hour requirement had been in place.

Resources

Dedicated Missing Persons Units were rare among responding police departments in 1997/1998. Most police departments assigned MP investigations to officers in Patrol or General Investigation divisions. When dedicated MPUs existed, they usually consisted of a single position. This position was often a Constable or Investigator rank. Uniquely, the Ottawa Police Service MPU was staffed by a Sergeant and the Vancouver Police Department MPU was staffed with a civilian staff member who assisted the Detective.

Often, officers in MPUs were assigned full-time and conducted follow-up investigations on MP files. This was the case at the Vancouver Police Department and Ottawa Police Service. Another common scenario saw the MPU officer acting as an MP Coordinator, reviewing and monitoring files and assigning them to different units for investigation; the Calgary Police Service and Edmonton Police Service followed this practice.

Some departments without dedicated MPUs had MP Coordinators who were a part of other units. In the case of the Peel Regional Police, the MP Coordinators in each Divisional Detective Bureau did not investigate MP

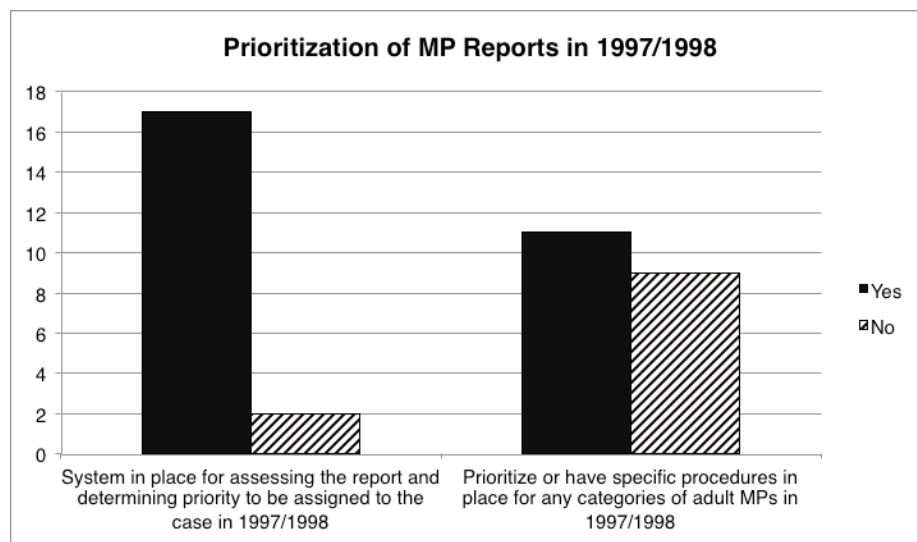
reports but ensured they were assigned and given resources as required. The Victoria Police Department assigned a member from the Detective Office to conduct follow-up investigations for MPs and domestic assaults exclusively once the initial Patrol investigations were complete. Because police agencies had different understandings of what constituted a dedicated MPU, the responses must be interpreted in light of those differences. Some police departments thought a dedicated MP Coordinator qualified as a distinct MPU; other police departments did not. For example, the Winnipeg Police Service reported it did not have a dedicated MPU despite its four full-time civilian specialists who worked exclusively on MPs: taking initial reports, conducting risk assessment and forwarding files to a Staff Sergeant who assigned Detectives for investigation. Thus, this question did not capture the resources each police agency dedicated to MPs and should be interpreted accordingly.

Furthermore, whether a police agency committed resources exclusively to MPs does not necessarily reflect the amount of resources it provided to MP investigations. Many investigative resources could be assigned among divisional or general investigative detectives, or other officers in a police force, without an exclusive assignment to MPs investigations.

Assessment of priority

In 1997/1998, the majority of responding police agencies had systems for assessing the priority of MP reports. The majority also prioritized particular categories of MPs. Systems to assess and determine priority of MP reports were varied. They were both formal and informal, but tended towards the informal, involving subjective and discretionary assessments or procedures.

FIGURE I-4: IN 1997/1998 SYSTEM TO ASSESS MP REPORTS AND CURRENT PRIORITIZATION FOR CATEGORIES OF MPS



Factors indicating priority were not uniform among prioritization systems, but generally specified MPs who were very young, old, or suffered from

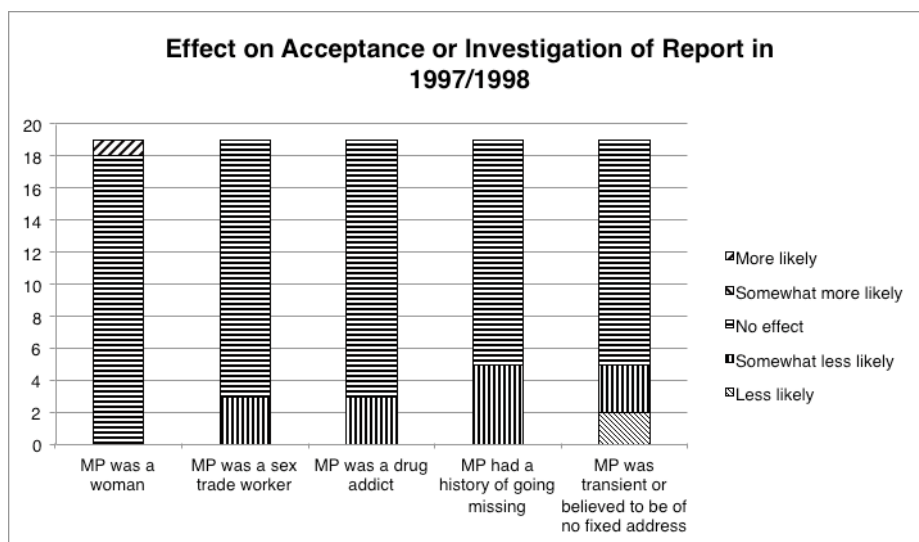
mental illness or infirmity; inclement weather conditions; unusual or suspicious circumstances; or indications of foul play. The Durham Regional Police Service additionally considered cases where the MP had displayed suicidal tendencies.

Specific procedures for categorizing adult MPs were closely related to assessment systems. In fact, based on the responses, an assessment of priority and a categorization of the MP were often the same. Categorizations of MPs could also be carried out through cross-referencing to name registries for elderly persons and those suffering from Alzheimer's or similar diseases, or through the use of a Search Urgency Chart, an investigative tool used to assess the relative urgency and appropriate response to a missing person incident. Ontario police agencies including Toronto, York and Hamilton used this latter method.

Based on the assessment of priority or categorization of adult MPs, police agencies had policies in place for escalating the response or urgency. These policies included assigning the file for immediate follow up to the detective division; assigning the file to a specialty unit, such as Major Crime; providing more supervisory oversight or responsibility; or following specific investigative steps. For example, the Durham Regional Police Service outlined investigative procedures that were determined by the assessment of priority, such as requiring the Patrol Supervisor to assume responsibility for the investigation and notifying the Major Crime Unit if the circumstances were unusual or suspicious.

When asked whether certain factors would have affected the acceptance or investigation of MP reports in 1997/1998, most police agencies responded "no": there would have been no effect. The lack of impact these factors had on acceptance and investigation of MP reports is demonstrated in Figure I-5.

FIGURE I-5: IN 1997/1998, FACTORS AFFECTING ACCEPTANCE OR INVESTIGATION OF MP REPORTS



It is apparent that women, sex trade workers, drug addicts, people with histories of going missing, or people who were transient or believed to be of no fixed address were not prioritized or otherwise considered high risk by police agencies in 1997/1998.

It is apparent that women, sex trade workers, drug addicts, people with histories of going missing, or people who were transient or believed to be of no fixed address were not prioritized or otherwise considered high risk by police agencies in 1997/1998. There was one exception: the Ottawa Police Service was more likely to accept or investigate reports of missing women at the time.

Rather than indicating priority, the above factors influenced some police agencies to be less likely or somewhat less likely to accept or investigate MP reports. For example, in the case of the identified factors except female MPs, the Service de Police de la Ville de Québec generally advised reportees to wait 24 to 48 hours before reporting.

Police agencies often explained their “no effect” responses by remarking all MP reports were accepted and investigated equally, regardless of circumstance. For example, the York Regional Police stated that, regardless of the circumstances, a report would be compiled and investigated.

However, some police agencies qualified their responses that the identified factors would have had no effect on an MPR’s acceptance or investigation. The Calgary Police Service’s responses indicated the identified factors would have had no effect, but also candidly provided that, nonetheless, it should not be thought that they never had any influence in 1997/1998: the Calgary Police Service took reports but did not complete a full investigation in the majority of cases. The Durham Regional Police Service explained that the identified factors would not have affected an MP report’s acceptance, but could have affected the response and investigative measures taken as a result of the resources assigned to the investigation. The Victoria Police Department clarified that the response to a sex trade worker reported missing depended on the circumstances or situation: it was more likely to investigate if there were suspicious circumstances; however, if there was nothing suspicious about her disappearance and it was believed she moved to another stroll, the Victoria Police Department was less likely to investigate. Perhaps acknowledging the changes in perception or risk that have occurred since, the Edmonton Police Service stated that in 1997/1998 there was no specific risk assessment in place that recognized the identified factors.

Police agencies that answered that they would have been somewhat less likely to accept or investigate MPRs often provided reasons revealing low expectations of some MPs’ reliability. For example, the Saanich Police Department stated that people falling into all of the identified factors except “women” were considered, at the time, to be less reliable and less likely to comply with regular schedules and responsibilities. The Victoria Police Department also identified issues it had in 1997/1998 with chronic runaways that influenced the acceptance or investigation of persons with histories of going missing or those believed to be transient or of no fixed address. The Ottawa Police Service succinctly responded that the lifestyle of the MP would dictate police action. Generally the identified factors

were not recognized as placing an MP at higher risk; rather, they may have resulted in MPs being treated as lower risk because of the perception that they were unreliable and difficult to investigate.

Investigation

In 1997/1998, MP investigations took on many forms. In most cases, a Patrol or General Duty officer conducted the initial investigation: almost all policies called for MP investigations to begin with Patrol. However, as noted in the section on acceptance of MP reports, Patrol officers were sometimes not dispatched. It seems likely that, in those cases, the same officer conducted both initial and follow-up investigations.

After the initial Patrol investigation, processes diverged. At some police agencies, including the New Westminster Police Service, the assigned Patrol officer continued the investigation. At other agencies, MP files were transferred for follow-up investigation. Sometimes policy required that MP files were transferred after a certain amount of time had passed; files were also often transferred in cases with suspicious circumstances or foul play. For example, at the Saanich Police Department, MP files outstanding after 48 hours or files with suspicious circumstances were forwarded to the Detective Division for assignment to a plainclothes officer.

In police agencies with dedicated MPUs, MP officers generally inherited files from Patrol. Examples of this can be found in the practices of the Vancouver Police Department and Victoria Police Department, where the dedicated MPU or MP Coordinator conducted follow-up investigations.

At some agencies, MPU Coordinators assigned files to investigative units; for example, this was the function of the Calgary Police Service's MP Coordinator.

Police agencies with and without dedicated MPUs equally reported interacting with other units, including Major Crime or Homicide Units, in MP cases. In fact, MP investigations were often referred to different units within police agencies in 1997/1998. Most police agencies had procedures to enable the transfer of MP files to other units, even in the absence of a crime scene. MP files in many instances could be referred to an MCU or Homicide Unit for follow-up investigation or review. Typically, files were referred in suspicious circumstances or when evidence indicated foul play:

- At the Winnipeg Police Service, the MCU or Homicide Unit was engaged or advised in suspicious circumstances or when death or foul play was suspected;
- The Peel Regional Police required the officer in charge of the Homicide Bureau to be notified immediately in the case of suspicious or unusual circumstances;
- The Calgary Police Service MP Detective could access any other unit based on the circumstances of the report;

- The Durham Regional Police Service Homicide Unit was available as a resource, if required, to complete follow-up investigations in suspicious or unusual circumstances;
- The Edmonton Police Service policy required all MP reports outstanding after the two-week diary date to be forwarded to the Homicide Section Staff Sergeant for diary dating and then to the Criminal Investigative Section; and
- The Surrey RCMP's Homicide and Major Crime Units were available in cases of suspicious circumstances or foul play.

In some police agencies, including those too small to support dedicated Major Crime or Homicide Units, files with suspicious circumstances or foul play were transferred from Patrol to investigative divisions:

- The Saanich Police Department required referral of MP files from Patrol to the Detective Division in suspicious or serious circumstances;
- At the Burnaby RCMP, MP cases with suspicious circumstances or high priority could be referred to the General Investigation Section for additional follow up;
- All MP reports held by the Richmond RCMP with suspected foul play were referred to the GIS; and
- The Delta Police Department's policy dictated that if the circumstances surrounding the MP were suspicious and out of character for the MP, the file would be forwarded immediately to the Criminal Investigation Branch.

Members of Major Crime or Homicide Units could receive information on MP files due to organizational or reporting structures. For example, the Ottawa Police Service MPU was a part of the Major Crime Unit; the Vancouver Police Department MPU was under the Violent Crime Section and reported to the non-commissioned officer in charge of Homicide Squad 2.

Many police departments' policies enabled MP files to be referred to Homicide or Major Crime Units in the absence of a crime scene. As noted above, typically these referrals would be made in cases of suspicious circumstances, foul play or suspected homicide. Additionally, in some police agencies, MP files might be referred to Homicide Units after a certain elapse of time; for example, this was the practice at the Peel Regional Police. However, some agencies noted that the standard for referral was high and therefore not often met: the Coquitlam RCMP noted that files were not reassigned unless there were exceptional circumstances, but if situational factors indicated a file was suspicious, it could be passed to the Serious Crimes Section.

In 1997/1998, most police agencies had routinely followed investigative processes. The descriptions police agencies gave of their regularly followed investigative processes had common elements. They comprised general investigative protocols, and often included a number of specific steps:

- Obtain statement and detailed description of MP;
- Interview reportee, any witnesses who last saw the MP, and family and friends of the MP;
- Search the area where the MP was last seen, areas the MP frequented, and hospitals;
- Obtain a photo of the MP;
- Enter information into CPIC;
- Obtain dental records of the MP (sometimes only in certain circumstances);
- Check other types of records; and
- Assign a diary date.

Some policies strictly delineated investigative processes; other policies prescribed fewer or less detailed procedures. For example, the Durham Regional Police Service's former directive on MPs outlined very specific steps to be followed in three discrete phases in MP investigations; the New Westminster Police Service, a smaller police force, provided more general direction in its 1998 policy, advising that MP investigations would be conducted using the general criteria for all investigations.

Cooperation with other jurisdictions and use of non-police resources

In 1997/1998, the majority of police agencies used both inter-jurisdictional police resources and non-police resources in MP investigations.

Most police agencies responded that they used inter-jurisdictional police resources for MP files; however, it appears all police agencies used inter-jurisdictional resources to some degree. Of the two police services that answered that they did not use inter-jurisdictional resources, both indicated they entered all MP reports onto CPIC. Therefore, the use of some inter-jurisdictional resources was universal.

Some police agencies identified which inter-jurisdictional resources they used. These resources included CPIC entries, zone alerts, and fan-outs. Some police agencies also indicated they requested other police agencies check locations or provide assistance with queries within that agency's jurisdiction and transferred MP files to other police agencies when the file fell within the other agency's jurisdiction. Some agencies listed circumstances in which they would use inter-jurisdictional resources. They specified their use was determined by the facts of the file, with those resources deemed most effective employed.

Every police agency indicated there were circumstances when it used non-police resources to help with MP investigations in 1997/1998. Some clarified which non-police resources they used. These resources were diverse:

- Media, including TV, radio, newspapers and press releases;
- Shelters;
- Hospitals;
- Schools;

- NGOs;
- Banks;
- Public service groups;
- Block Parent organizations (for missing children);
- Social Services or Social Assistance, including Welfare or financial aid services;
- Civilian search teams or rescue units;
- Volunteers;
- Fire departments;
- Private companies.

Some agencies explained when they would use non-police resources. For example, the Service de Police de la Ville de Montréal used non-police resources in life-threatening situations, and the Saanich Police Department used them in critical and suspicious circumstances. Other police agencies stated the use of non-police resources was determined by the facts of the file or which resources were believed to be most effective in solving the investigation. Specific resources might be sought for ground searches: the Durham Regional Police Service used non-police resources to assist with physical searches for MPs, seeking assistance from various search groups and registries, radio stations, the fire department and works department, and civilian volunteers.

Some agencies provided their criteria for using the media to assist with an MP investigation. For example, the Calgary Police Service explained when it used press releases and why it limited their use:

If a person was deemed to be at risk for grievous bodily harm or death then a press release would be issued to seek the public assistance in locating the MP. CPS continues to be cautious in the use of press releases for those circumstances where there is a significant concern for the health and safety of the missing person. Given the number of reports CPS receives annually we wish to use the media judiciously to maintain the impact of the media releases. The other issue that has come up related to the use of media releases for MP is the MP remaining forever identified as an MP via internet searches...

Some agencies also identified which members were responsible for liaising with non-police resources. For example, the York Regional Police noted that the District Commander/Duty Inspector was responsible for contacting Public Affairs and public service groups.

Communication with reportees and family members

Many police agencies had procedures that involved regular communication with reportees or family members in 1997/1998. Some police agencies reported they did not have procedures involving regular communication, yet also specified who was responsible for liaising with family members or reportees. As such, even if policies for regular communication did not exist, there appeared to be some expectation of communication between police investigators and family members.

Furthermore, communication may not have been prescribed in policy, but undertaken regularly pursuant to common practice. For example, the VPD lacked specific, written guidelines that required regular communication, but its investigators contacted reportees and families as they considered necessary. The Saanich Police Department also noted it had no written policy regarding contact with families, but nonetheless remained in contact with families during MP investigations.

A variety of different officers were responsible for liaising with reportees or families. Typically, the police officer assigned the file was responsible for family liaison. This officer could be the Patrol officer taking the complaint and conducting the initial investigation or the investigator assigned the follow-up investigation. In some instances civilian specialists, front desk officers, communication centre members, field or Patrol supervisors, dedicated MP officers and coordinators, Detective Sergeants, and Search Coordinators were also involved in liaising with reportees and family members.

Many police agencies described the circumstances in which communication occurred. Some described general procedures. The Peel Regional Police, Hamilton Police Service, Durham Regional Police Service, Saanich Police Department and Richmond RCMP communicated with reportees or family members regularly or continually during the investigation. The Burnaby, Coquitlam and Surrey RCMP remarked that communication depended on the circumstances of the case, and could also depend on the investigator and supervisor involved in the file and the family's needs. Some police agencies noted communication was undertaken for specific purposes: the Service de Police de la Ville de Montréal, Ottawa Police Service and York Regional Police noted that their officers communicated to inform reportees or family of new developments or to look for new information. Other police agencies indicated that communication was often on the reportee's or family's initiative: at the Service de Police de la Ville de Québec, communication may have only occurred when the police responded to phone calls from families.

Some police agencies observed that the frequency of communication could depend on the priority of the case. For example, at the Winnipeg Police Service, civilian specialists made daily callbacks in higher risk MP investigations and weekly callbacks for other MP cases.

At most police services, communication seemed to decrease as investigations became long-term or historical. This was noted by the Victoria Police Department, which stated that communication was regular at the beginning of an investigation, but as the file continued contact became occasional to determine if the MP had returned or responded to inquiries. Some police forces' policies had specific requirements for ongoing contact, even if contact was infrequent. For example, scheduled communication was a part of the Richmond RCMP's policy to contact reportees or family during annual follow-up to determine if there was new information.

At most police services, communication seemed to decrease as investigations became long-term or historical.

Seventy-five per cent of police agencies conducted regular reviews of outstanding MP files in 1997/1998.

In later stages of the investigation, contact may have only occurred if initiated by a reportee or family member. This was the communication practice for suspended files at the Edmonton Police Service.

Review and closure of files

Seventy-five per cent of police agencies conducted regular reviews of outstanding MP files in 1997/1998. Frequency of review, and how frequency was determined, varied widely. Reviews might have been conducted regularly, but policies may not have specified precisely how often they should occur (the practice of the Peel Regional Police). Specific review intervals might not have been outlined in review policy, but have been contingent on the assigned diary date (the policy of the Burnaby RCMP). Deadlines for reviews also might be set out strictly in policy: the Winnipeg Police Service reviewed MP reports daily and reviews were undertaken weekly and every 30 days by different workers or police officers; the Coquitlam RCMP required all MP files to be reviewed after 10 days; and the Ottawa Police Service required annual reviews.

Some police agencies did not specify whether there were specific, formal policies for review but rather noted that assigned investigators or their supervisors reviewed MP files.

Of course, some agencies did not conduct regular reviews in 1997/1998. Both the Calgary Police Service and Service de Police de la Ville de Québec fall into this category.

Some also noted that although there were policies for regular reviews of outstanding MP files, they might not have been done consistently. Reviews were supposed to be regular at the Victoria Police Department, but were often missed for several months. The Burnaby RCMP similarly commented that human error could result in policy breaches, so there were occasions when diary dates for reviews, among other things, were not met.

Generally, police agencies only closed MP investigations when the MP was located. However, the Vancouver Police Department candidly admitted that there were occasions in the 1990s when the MP clerk closed files when the MP had not been located. Some police agencies also mentioned other situations in which an MP file might be closed or become *de facto* inactive:

- New Westminster Police Service officers could conclude an MP investigation when the investigation indicated it was suitable.
- MP files at the Calgary Police Service were not officially closed until the MP was located, but MP investigations often became inactive. A supervisor had to read and review a report before an MP file could be listed as inactive; however, there was no requirement that the MP's fate be known and confirmed by police for the file to be deemed inactive.

- The Edmonton Police Service referred to a process whereby MP files could be classified as suspended once all investigative avenues were exhausted and the MP was still missing. For an Edmonton Police Service file to be suspended, the file was required to be reviewed by the member in charge of Major Crimes. A suspended file was subject to periodic reviews.

Some police agencies, including the Hamilton Police Service and Burnaby RCMP, reported that their policies required the MP to be physically identified or located in order to confirm his or her identity or safety before the file could be concluded.

The majority of police agencies specified that closures were reviewed and authorized by a supervisor, often a Sergeant or Staff Sergeant. The Saanich Police Department noted that MP file closures were also authorized by Quality Control. However, a number of agencies did not indicate that file closures or classifications of inactivity required a supervisor's authorization.

Documentation

In 1997/1998, police agencies all recorded the same type of information in their MP reports. This information included a description of the MP, often with financial and dental information, and a description of the MP's disappearance, for example, the date last seen.

Records, including the initial report and subsequent investigative reports, were typically in hardcopy. However, some agencies also maintained electronic copies. The Calgary Police Service, Edmonton Police Service, Durham Regional Police Service, Service de Police de la Ville de Québec, and York Regional Police recorded information in both hardcopy and electronic form in 1997/1998.

Police officers typically completed specific reports or forms, such as Occurrence Reports or MP forms, and also recorded information in their notebooks. Almost all agencies normally had investigators document all investigative steps taken in relation to an MP file. However, as noted by the Calgary Police Service, documentation might not always have complied with the standard: reports might not have been updated until the MP was found or might not have reflected all the investigative steps.

International standards

The International Association of Chiefs of Police (IACP) developed and published a *Missing Persons Model Policy* in 1994.³⁵⁶ This model policy is much more robust and sophisticated in comparison with the Canadian policies at the time.

The IACP model policy's definition of a missing person is: "the person's whereabouts are unknown and unexplainable for a period of time that is

regarded by knowledgeable parties as highly unusual or suspicious in consideration of the subject's behavior patterns, plans or routines."³⁵⁷

The amount and quality of information gathered in missing person reports are key components to investigative success. The IACP recognizes the crucial importance of this first step in its model policy:

*The roles of the complaint taker and initial responding officer are critical in identifying the circumstances surrounding missing persons and in identifying those persons at risk. Therefore, it is the policy of this agency that (1) all reports of missing persons be given full consideration and attention by members of this agency to include careful recording and investigation of factual circumstances surrounding the disappearance in accordance with this policy, and (2) that particular care be exercised in instances involving missing children and those who may be mentally or physical impaired or others who are insufficiently prepared to take care of themselves.*³⁵⁸

The initial report taker must gather as much pertinent information as possible in order to properly classify a missing person report and initiate a proper response. According to the IACP, this should include the following information:

- a. Name, age and physical description of the subject and relationship of the reporting party to the missing person.
- b. Time and place of last known location and the identity of anyone accompanying the subject.
- c. The extent of any search for the subject.
- d. Whether the subject has been missing on prior occasions and the degree to which the absence departs from established behaviour patterns, habits or plans.
- e. Whether the individual has been involved recently in domestic incidents; suffered emotional trauma or life crises; demonstrated unusual, uncharacteristic or bizarre behaviour; is dependent on drugs or alcohol or has a history of mental illness.
- f. The current physical condition of the subject and whether the person is currently on prescription medication.³⁵⁹

There are a number of basic investigative steps that are considered a requirement in every case:

- question the informant about the nature of the disappearance and the person missing;
- obtain a recent photograph;
- obtain a list of the missing person's associates, friends and frequented places to assist with future enquiries;
- conduct a thorough search of the missing person's normal place of residence and other appropriate locations;
- check if the person reported missing is in custody;

- *conduct a check of relevant police indexes and intelligence systems (including to determine if the missing person may be an offender, a vulnerable witness or a victim of crime);*
- *conduct a check of relevant non-police indexes;*
- *check the missing person index for previous incidents of the same nature;*
- *check local hospitals as a possible location of the missing person; and*
- *circulate the description of the missing person to police patrols.³⁶⁰*

The IACP *Model Policy* sets out additional pieces of information that are essential for police to gather at the early stage of an investigation:

- *details of any physical or emotional problems (including concerning whether the missing person has been involved recently in domestic incidents, suffered emotional trauma or life crises, demonstrated unusual, uncharacteristic or bizarre behaviour, is dependent on drugs or alcohol, or has a history of mental illness);*
- *identity of the last person(s) to have seen the missing person as well as friends, relatives, coworkers or associates who were or may have been in contact with the missing person prior to the disappearance;*
- *plans, habits, routines and personal interests of the missing person including places frequented or locations of particular personal significance; and*
- *indications of missing personal belongings, particularly money and other valuables.³⁶¹*

The *Model Policy* states that all ongoing missing persons investigations should include, but not be limited to:

- *request release of dental records and any fingerprints available;*
- *contact hospitals and the coroner's office, as appropriate, for injured or deceased persons fitting the description of the missing person;*
- *thoroughly check the location at which the missing person was last seen, and conduct interviews as appropriate with persons who were with the individual or who may work in or frequent the area;*
- *conduct interviews with any additional family, friends, work associates, schoolmates and teachers as well as school counsellors and social case workers, as appropriate, to explore the potential for foul play, voluntary flight, or, in the case of juveniles, parental kidnapping or running away;*
- *provide identification and related information to all elements of this agency, the state police missing persons authority, neighbouring police agencies and, if parental or stranger-to-stranger abduction is suspected, the FBI;*
- *decisions to use local media to help locate missing persons shall be made with the approval of the police chief executive and the missing person's family;*
- *the lead investigator shall maintain routine ongoing contact with the missing person's closest relative concerning progress of the investigation. These and other relevant individuals shall be informed that they must notify the lead investigator as soon as any contact is made with the missing person.³⁶²*

The investigative challenge is particularly great in cases of stealth predators who are able to hide any sign that a crime has been committed.

This international standard provides an important additional dimension to my framework for examining the missing and murdered women investigations. I note with interest that the IACP *Model Policy* identifies the importance of early risk assessment, the need for a systematic approach to investigative steps, the value of gathering as much information as possible early in the investigation, and emphasizes the collaborative nature of a missing person investigation, one that by definition involves non-police agencies.

D. The Challenge of Stopping Serial Predators

So far, I have reviewed standards relating to the police duty to investigate and prevent violence against women and missing person practices. A third critical element in the Commission's framework is the specific investigative difficulties arising from the multiple or serial nature of the missing and murdered women investigations.

Serial predators are notoriously difficult to catch, yet police are frequently successful in investigating multiple or serial crimes such as in arson cases. The investigative challenge is particularly great in cases of stealth predators who are able to hide any sign that a crime has been committed. For example, in most missing person cases, unlike other police incidents, there are no obvious signs that a crime has taken place, and in the vast majority of missing person reports this turns out to be the case. One of the most difficult tasks for police in missing person cases is to determine which cases are urgent and require immediate investigative action and which cases are less critical. *The Kaufman Report on the Wrongful Conviction of Guy Paul Morin* made it clear that missing person searches should be conducted according to a standardized operating procedure and that officers conducting missing person investigations must be mindful of the possibility that the case could develop into a major crime investigation.³⁶³

In his review into the investigation of the serial sexual assaults and murders committed by Paul Bernardo, Mr. Justice Campbell concluded that:

Virtually every inter-jurisdictional serial killer case including Sutcliffe (the Yorkshire Ripper) and Black (the cross-border child killer) in England, Ted Bundy and the Green River Killer in the United States and Clifford Olsen in Canada, demonstrate the same problems and raise the same questions. And always the answer turns out to be the same systemic failure. Always the problems turn out to be the same, the mistakes the same, and the systemic failures the same.³⁶⁴

I am committed to ensuring that this pattern of systemic failure be permanently disrupted. It is striking and unsettling to me that most serial killers are caught through fortuitous events rather than as a result of successful police investigations, especially considering most serial predators don't usually stop until they are dead or imprisoned. Reviews and analyses of past serial

killer investigations provide another important aspect of the policy framework for the Commission's work.

Lessons learned from investigative reviews

A review of 1,400 serial killers over the last century identified seven major pitfalls in police investigations of these crimes: (1) inability to find linkages between the crimes; (2) victims are usually from lower social strata and therefore do not get the attention of police or from larger society that sets out priorities for police; (3) investigators are often unwilling to admit they have a serial killer in their jurisdiction; (4) police often do not know how to manage large amounts of information; (5) the inability to coordinate between multiple police forces; (6) investigations are often hampered by an adversarial relationship with the media; and (7) they are not aware of how past serial murder investigations were successful.³⁶⁵

The investigation into Clifford Olson was hampered by multiple investigators and investigating agencies. Delays were experienced in accepting reports of the missing children. As well, the high number of RCMP personnel transfers resulted in delays as transferred officers became familiar with new staff, current investigations and case intelligence. While Olson appeared on the suspect lists of several policing agencies, there were delays in determining that he should be considered a serious suspect and for a coordinated response to be developed and implemented. Comprehensive surveillance was eventually set up, but during a 12-day delay three more children were abducted and murdered. The eventful success of the investigation is attributed to one of the agencies, RCMP Division E, taking the lead and one individual officer taking command. At the time of Olson's arrest, the police still had very little hard evidence.³⁶⁶

In the *Coroner's Report of Inquiry on the Olson Murders*, Dr. Alan Askey made two major recommendations for future investigations:

RCMP senior management should review their procedures in assessing ongoing field investigations in cases of serious crimes where there is a substantial likelihood that public safety is endangered. Senior management must review this type of case at the earliest possible time, with the option of assuming command where the situation is deemed to be of such a degree of severity as to warrant such control. Any change in procedure should not be done in such a way as to lessen the initiative of other levels of investigation. Assumption of control by senior management, in appropriate cases such as this, would allow such questions as public safety and the apprehension of the criminal to be looked at in a broader context. In this way priorities could be properly established for such activities as surveillance, etc.

*A central headquarters review appears to be more imperative in multi-jurisdictional areas where numerous RCMP detachments and sections and municipal police departments are doing independent investigations, and where coordination is arranged only on an ad hoc basis.*³⁶⁷

Lessons from the Olson case focus on the need for the direct involvement of senior police management to ensure prioritization and allocation of resources are consistent with ensuring public safety and for mechanisms ensuring inter-agency collaboration.

In his review of the Yorkshire Ripper case, Sir Lawrence Byford inquired into the police investigation leading to the eventual arrest of Peter Sutcliffe.³⁶⁸ He attributed the police failures to many systemic causes:

- a lack of an effective computerized record management system; particular investigative failures that led to the failure to connect Sutcliffe with a number of other attacks on women;
- poor interviewing techniques (Sutcliffe was interviewed by the police on twelve occasions);
- poor media relations;
- limitations on the Major Incident Room approach to investigations; and
- generally poor management, command control and use of resources (failure to plan the introduction of new lines of inquiry, lack of flexibility of mind to remedy system failures, poor delegation of responsibility to subordinate commanders).

In the *Bernardo Review* investigation, Mr. Justice Campbell found a number of systemic failures within the law enforcement and justice systems including a lack of cooperation, coordination and communications between police and other justice partners. His conclusions are eerily similar to Sir Byford's findings from more than 15 years earlier and across the Atlantic. Listed here are some of the specific systemic failures he identified:

- *absence of any system whereby senior officers monitored and followed up the investigation and set timelines to ensure follow up;*
- *no information system to ensure that all the tips called in about one suspect were compiled and followed up when appropriate;*
- *failure to take Bernardo's stalking seriously, to not properly record it in a manner to ensure this information was retrieved in the context of the murder investigations;*
- *no system in place to recognize a wider public interest in tracking down the predator beyond the parochial interests of one community;*
- *poor case management information systems;*
- *no shared information management system (such as ViCLAS);*
- *no provincial system in place to recognize that serial predators are mobile, or to ensure that the investigation was continued vigorously after the local police force no longer considered it a priority;*
- *no systems to ensure that the obvious link between sexual assaults in different jurisdictions was recognized and to ensure, once local leads were exhausted, that the scope of investigation widened beyond local boundaries;*
- *delays in the analysis of forensic evidence (under-resourced system and no supervision);*
- *communication between police forces was inadequate;*
- *poor relationship between the Green Ribbon Task Force and the media;*

- *poor communication, coordination and information sharing between the Green Ribbon Task Force and Metro Toronto Police; and*
- *arrest and questioning of Bernardo “was a mess from beginning to end” because there was no effective cooperation between the Task Force and Metro Toronto Police.*

These investigative reviews contain a number of common systemic errors in the police investigations of suspected serial predators and multiple homicides:

- *Slow responses and delays;*
- *Limited investigative techniques that do not integrate multidisciplinary approaches/teams (psychology, criminology, geographic profiling, and so on);*
- *Failure to make connections between related cases, which is known as “linkage blindness”;*
- *Confusion over leads and untouched leads;*
- *Inadequate case management;*
- *Investigator’s managers not undertaking the required checking or auditing of investigations under their control as thoroughly as required;*
- *Inability to work with the media;*
- *Mishandling of a victim’s family or potential witnesses; and*
- *Lack of training.*

The solutions, too, are remarkably similar across these thoughtful reports.

Sir Byford made many recommendations:

- *the standardization of procedures,*
- *computerization of records,*
- *management of serious crimes,*
- *coordination of different forces through a unified command of a senior investigating officer,*
- *the appointment of an advisory team to ‘harness the best detective and scientific talent in the country’ to provide external assistance to the investigation,*
- *better coordination of specialist and scientific support services,*
- *additional training, and*
- *the appointment of permanent media liaison officers because the police “need to understand their positive duty to assist the media to provide the public with accurate information about serious crime.”³⁶⁹*

Mr. Justice Campbell formulated his recommendations within the rubric of building a “strategic defence against serial predators.”³⁷⁰ In his view, a strategy for a reasonable level of public protection against serial predators requires five elements:

- (1) *A change in attitude to recognize that the capture of a serial predator requires a wider law enforcement response than the response available*

from any one police force or agency and therefore requires cooperation between forces instead of isolation and rivalry;

(2) A system to recognize links between crimes early enough to pool the information about the linked offences and converge the separate investigations onto the same target;

(3) A centrally supported organizational structure, based on co-operation among individual police forces, that combines unified leadership across police jurisdictions with organized case management procedures and inter-disciplinary support from forensic scientists and other agencies;

(4) Common case management computer and information systems to ensure that information crucial to a serial predator investigation can be consolidated and recognized and shared; and

(5) Training: The extraordinary demands of a major serial predator investigation require that the senior officer in command and his senior investigators and forensic support team receive special training in major case management, and also that the general level of training for sexual assault, homicide investigators, and crime scene identification officers be maintained at a high level.³⁷¹

At the center of these recommendations is the development and implementation of a more sophisticated major case management:

What is needed is a system of case management for major and inter-jurisdictional serial predator investigations, a system that corrects the defects demonstrated by this and so many similar cases. A case management system is needed that is based on co-operation, rather than rivalry, among law enforcement agencies. A case management system is needed that depends on specialized training, early recognition of linked offences, co-ordination of interdisciplinary and forensic resources, and some simple mechanisms to ensure unified management, accountability and co-ordination when serial predators cross police borders.³⁷²

In particular, he recommended a common automated case management software application, mandated by regulation, for use in the investigation of homicides and sexual assaults.

Major Case Management standards

Enhanced case management is a central theme in these investigative reviews. Case management is the adaptation of proven managerial skills and techniques to provide effective planning and administration for major investigations. Major Case Management (MCM) is based on an understanding that complex cases involve processing large volumes of information and will usually require collaboration and information sharing between agencies. MCM structures an investigation by identifying clear

goals and objectives; establishing lines of responsibility and decision-making authority; and creating infrastructure for the recording, storage and sharing of information and contributing to operational efficiencies.

Major Case Management is a structured approach to criminal investigations that includes independent oversight in order to assure investigators do not get locked into tunnel vision, that all aspects of the investigation are completed, and that the speed, flow and direction of the investigation is properly maintained.

MCM requires specialized training and investigation techniques. The first Canadian case management training for major criminal investigations was developed in Ontario, and the module was first made available in 1984.

The Canadian Police College developed a manual on MCM in 1994 in response to an identified shortcoming of training in this area.³⁷³ The focus of MCM is the effective command of coordinated investigative teams. Even in these early years, MCM was not “an entirely new creation” as it “repackages the cumulative skills, knowledge and experience derived from the successes and failures of Canadian law enforcement and organizes them in a manageable format which makes them more effective and easily applied.”³⁷⁴

The foreword to the 1996 version of the manual notes that while the earlier versions of the manual had been enthusiastically endorsed and adopted, in whole or part as policy in many agencies, there were still great obstacles to its implementation. In consultations with members of police forces across Canada, the main obstacle to implementing MCM was attributed to the attitudes of “senior management” or department senior personnel who did not support the change toward greater systematization of policing practices.³⁷⁵

The 1996 MCM training manual focuses on the role of the team commander and the duties of other members of the investigative team, particularly the primary investigator and the file coordinator. It also addresses the issues of supervision, organization and resource utilization in coordinated investigation teams and provides tips for front-end loading of the investigation, task analysis and prioritization, reviewing common errors, settling communication issues and controlling and organizing the investigation. Tools and checklists for MCM are also included.

Some of the standard errors in major case investigations identified and addressed in the manual are an underestimation of investigation complexity, snowballing without planning and control, incorrect assumptions about roles and assignments, and inappropriate shifting of priorities. It specifically addresses common obstacles to major case investigations: multitude of victims and acquaintances of victims, multitude or complete absence of suspects, absence of physical evidence, absence of experienced supervisors,

There is no single standard or approach to missing person/homicide investigations.

inadequacy of investigator cooperation, deficiencies in finances and resources, and so on.

During this time period, the Ontario government moved swiftly to respond to the *Bernardo Review* and to implement its recommendations. It established the Ontario Major Case Management Committee three months after receiving the *Campbell Report*. The following year it established the Campbell Report Implementation Project which worked until 2002 to develop materials and standards and to deliver in-depth training across the province.³⁷⁶ It is widely recognized that Ontario was ahead of other jurisdictions in the comprehensive and expedited approach it took to implementing MCM; however, most other large Canadian police forces were not far behind. The movement had begun in the early 1990s and the Bernardo Review hastened these reforms in most Canadian cities.

Missing person/homicide investigative standards

There is no single standard or approach to missing person/homicide investigations. Investigators use a variety of strategies and techniques: interviewing witnesses and suspects, searches, surveillance, undercover operations, managing agents and informants, collecting and analyzing forensic evidence, profiling, information management and analysis. The Government of Canada captured the complexity of this situation in its policy submissions:

*The focus of a homicide investigation is on collecting evidence in order to bring those responsible to justice. In a missing person investigation, enquiries are focused on the ultimate goal of finding a person in addition to gathering evidence. When the evidence indicates that a missing person has been the victim of an abduction or has otherwise met with foul play, a homicide response is warranted.*³⁷⁷

The end result of arrest and conviction is not the only measurement of the quality of an investigation. Investigative success is gauged by the extent to which evidence was gathered, examined and understood; by the ability to surmise the facts; and by accurately assessing the critical facts from among the range of information and potential evidence. One of the greatest challenges in missing person investigations is that there are few traditional investigative options because of the lack of a crime scene; this can lead to indecisions by the investigator, a lack of alternatives and delays in pursuit.

Many police officers highlight the difference between “traditional” investigations and serial investigations. Part of the difficulty lies in the fact that serial homicide is relatively rare, as Sergeant Robert Hotston wrote in a submission to Mr. Justice Campbell:

Traditionally, police officers have investigated one or a pair of killers for just a single murder. Murders committed by the same killer(s) over time are unusual for most agencies. They don’t know how to react because they’ve never investigated related murder cases

before. As a result, they end up using traditional single-murder investigative methods, just as they have done in every murder case that came before. That reaction is a conditional response. The supervisor assigns an investigator to a case. That investigator has help with the initial investigation, but when the “heat” dies down, it’s all his. His name is on the folder as a “my case” attitude develops. Anything that comes in regarding any one case goes to “so-and-so”. Other members of the police service relinquish all responsibility for the investigation, thereby placing it solely in the hands of one unwitting investigator.

There is great danger in this. One investigator is left with only what worked in the past — looking for suspects from within the victim’s circle of acquaintances. How can one investigator deal with a case that might have multi-agency implications? When all traditional investigative options are exhausted, what comes next? Indecision on the part of the investigator, lack of alternatives and delays in pursuing strangers negatively impact the investigation. By the time a “routine” investigation is completed, the investigator is many steps behind the killer. What is needed is an investigation of suspects who are complete strangers, as well as a traditional investigation of the victim’s acquaintances.³⁷⁸

Luck seems to play a large role in catching most serial killers, but they can also be caught through creative investigative work. Both Sgt. Hotston³⁷⁹ and Professor Rossmo³⁸⁰ highlight the creative imperative in successful serial murder investigations.

Confusion over leads and untouched leads can be lessened through prioritization of suspects:

The lack of a clear priority system for suspect investigations results in some suspects being partially investigated, in their elimination being postponed by investigation of a “better” suspect, in having to play catch-up, and in a feeling of being overwhelmed by masses of work.³⁸¹

In his testimony, Professor Rossmo emphasized the important role that members of the community play in solving serious crime in overcoming this lack of leads, among other things:

It’s also important to realize when we step away from the Hollywood rhetoric about detectives is that the number one group that solves crimes is the community. In fact there’s a classic study done by Rand on the investigative function and they found that the number one group for solving crimes is the community, the public, the number two group were patrol officers, and the number three group were detectives. So this said that it was very important to have good lines of communication within your agency, and good lines of communication between your agency and other agencies, and good lines of communication between the police agencies and the community.³⁸²

In missing person cases where foul play is suspected, investigations initially focus on gaining as full an understanding of the victim as possible through

the development of a victim profile. Multiple sources of information including family members, community members and available records can be used in this regard. Patrol units are often a course resource to employ in gathering this information. These investigative efforts can be further supported through research and analysis into similar fact occurrences. The greater the lack of physical evidence, the more investigators need to carefully and thoroughly review all available information and leads.

E. The Commission's Definition of Misconduct and Approach to the Issue of Jurisdiction

Individual and systemic misconduct

Canadian courts and scholars have defined misconduct on a spectrum from least to most blameworthy: (1) mistaken; (2) unfortunate, inappropriate and ill-advised; (3) irresponsible, failure to act and willful blindness; (4) improper, negligence and bad judgment; and (5) grossly negligent, malicious or corrupt.³⁸³ Like Mr. Justice Braidwood, who recently served as Commissioner for the public inquiry into the death of Robert Dziekanski,³⁸⁴ I take the view that a finding of individual misconduct should be limited to situations where conduct is motivated by improper, malicious or corrupt intentions. There is no purpose achieved by blaming individuals for mistaken behaviour or errors. While I will identify errors and make findings that are critical of some individuals involved in the police investigations, I find that these errors amount to, at most, an error in judgment.³⁸⁵ These findings fall short of my definition of misconduct and are not, in any case, the focus of my report. The pointlessness of targeting individual failures is especially pronounced in this case, given the passage of time since the events under scrutiny and the fact that most of the individuals involved have retired from active police service.

My report is focused on identifying the shortcomings in the police organizations' systems that contributed to the failures on matters within my terms of reference. My emphasis is on the need to be forward-looking and to prioritize the identification of measures to assist police and communities to prevent serial predation, or at minimum to facilitate effective investigations to minimize the deadly impact of serial killers.

Police organizations may themselves be subject to a finding of misconduct for failing to establish a norm or standard of conduct when there reasonably should have been one, or for establishing or maintaining a norm or standard that is deficient. An inquiry into potential systemic misconduct is fully consistent with my approach.

In this way, I follow in the footsteps of Justice Campbell who underscored the importance of systemic explanations and the need for systemic solutions in his review of the investigation of serial crimes committed by Paul Bernardo:

The Bernardo case shows that motivation, investigative skill, and dedication are not enough. The work of the most dedicated, skillful, and highly motivated investigators, supervisors, and forensic scientists can be defeated by the lack of effective case management systems and the lack of systems to ensure communication and co-operation among law enforcement agencies.³⁸⁶

He provided this advice to future commissioners, which I take to heart in this report:

It is often the case that systemic failures, as opposed to individual mistakes, are the real cause of public disasters and the most appropriate focus of public inquiries. It is a mistake for a Royal Commissioner or public inquiry to focus exclusively on the search for scapegoats when the failure is really an institutional failure in the sense of lack of appropriate systems, a lack of reasonable resources, a flawed institutional culture or a breakdown in the machinery of accountability.³⁸⁷

Provincial inquiry's jurisdiction vis-à-vis the RCMP

As noted earlier, the RCMP performs three separate policings in British Columbia: federal, provincial and municipal. An unclear delineation between federal and provincial powers in the contracts with the RCMP complicates the ability of the province to assert legislative or regulatory control over the RCMP. In the past, provincial inquiries into RCMP activities have been met with litigation that challenged the jurisdiction of the province. On occasion, these cases have reached the Supreme Court of Canada, and the holdings that resulted are generally seen as undermining the authority of the province with respect to policing services contracted to the RCMP.

In brief, early decisions of the Supreme Court have held that Parliament's authority to establish and manage the RCMP is unquestioned, and as such, it is "clear that no provincial authority may intrude on its management."³⁸⁸ Internal RCMP management or administration which lies beyond provincial jurisdiction has included the methods of investigation used,³⁸⁹ the punishment and discipline of RCMP officers,³⁹⁰ and the regulations and practices of the RCMP.³⁹¹ Courts have deemed it beyond the powers of a provincial inquiry even to make recommendations on the regulations and practices of the RCMP.³⁹² However, members of the RCMP have, at all times, remained subject to the provincial enforcement of criminal law for any criminal acts committed by them, whether or not they were acting as RCMP officers at the time.³⁹³

In a more recent decision of the Supreme Court, the relationship between the province and the RCMP as a contracted provincial police force was clarified.³⁹⁴ It was held that "there is no doubt that the RCMP remains a federal institution at all times," even when it is acting under a contract with the province.³⁹⁵ However, there is no transfer of the province's constitutional responsibility for the administration of justice in the province.³⁹⁶ When acting on the province's behalf, the RCMP thus must also fulfill the

constitutional and *Charter* obligations of the province.³⁹⁷ The question that follows is whether it should be the RCMP or the province that elects the manner and standard to which those obligations are met.

My mandate under paragraphs 4(c) and 4(d) clearly require me to focus on policing in British Columbia as a whole. Furthermore, representatives of the RCMP and counsel to the Government of Canada have stated that they welcome my recommendations for reform.³⁹⁸ Thus I cannot trench through a “direct focus or effect” upon areas of management or administration of the RCMP, given that it is a federal agency. I can, however, make recommendations relating to the changes I consider necessary respecting the initiation and conduct of investigations in British Columbia of missing women and suspected multiple homicides, including those involving more than one investigating organization.

ENDNOTES

Pagination cited in Endnote references refer to the PDF page number shown in the Adobe Toolbar for electronic versions of the documents. Otherwise pagination cited for print versions refer to the actual page number printed on the physical copy. This practice is consistent with the Endnote references to Exhibits and Transcripts which are also in PDF format.

Part One

- ¹ Transcript, March 6, 2012, p. 108-112; Transcript, December 1, 2011, p. 157-158.
- ² *Closing Submissions of Vancouver Police Union*, p. 50.
- ³ *Canada (Attorney General) v. Downtown Eastside Sex Workers United Against Violence Society*, 2012, SCC 45, para 76 (per Mr. Justice Cromwell for the Court).
- ⁴ Honourable Rosalie Silberman Abella, "International Law and Human Rights: The Power and the Pity" (2010) 55 McGill LJ 871, p. 883 [Abella 2010].
- ⁵ Transcript, January 25, 2012, p. 41-42.
- ⁶ Project EDAN consists of 23 experienced, certified Forensic Artists who volunteer their time and talent to assist law enforcement, medical examiners and coroners with the investigation of unidentified decedents. Project EDAN Forensic Artists create composite sketches and clay reconstructions of unidentified human remains from skulls and post mortem photographs. Volume IV contains an Index of the women's sketches.

Part Two

- ⁷ Elizabeth Sheehy, "Legal Responses to Violence Against Women in Canada" in Katherine M.J. McKenna & June Larkin, eds, *Violence Against Women: New Canadian Perspectives* (Toronto: Inanna Publications, 2002), p. 473-491; *Facts About Violence Against Women*, online: Canadian Women's Foundation <<http://www.canadianwomen.org>>; *Statistics on Violence Against Women in BC*, online: Ending Violence Association of BC <<http://www.endingviolence.org>>.
- ⁸ Native Women's Association of Canada, *Voices of Our Sisters in Spirit: A Report to Families and Communities*, 2nd ed (Ottawa: Native Women's Association of Canada, 2009) [NWAC 2009]; Native Women's Association of Canada, *What Their Stories Tell Us – Research Findings from the Sisters in Spirit Initiative* (Ottawa: Native Women's Association of Canada, 2010) [NWAC 2010]; Shannon Brennan, *Violent Victimization of Aboriginal Women in the Canadian Provinces, 2009* (Ottawa: Statistics Canada, 2011) [Brennan 2011]; House of Commons, Standing Committee on the Status of Women, *Interim Report, Call Into the Night: An Overview of Violence Against Aboriginal Women* (March 2011) (Chair: Hedy Fry) [Call Into the Night 2011]; Tracy Byrne, *Stopping Violence Against Aboriginal Women - A Summary of Root Causes, Vulnerabilities and Recommendations from Key Literature*

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¹⁰ Maurice Godwin, "Victim Target Networks as Solvability Factors" (1998) 26(1) Social Behavior and Personality, p. 75-84; Chris Grover & Keith Soothill, "British Serial Killing: Towards A Structural Explanation" in British Criminology Conference, Selected Proceedings, 1997, Volume 2, online: British Society of Criminology <<http://www.britisoccrim.org>>.

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¹² World Bank, *World Development Report 2012: Gender Equality and Development* (September 2011) [WDR 2012].

¹³ WDR 2012, p. 77.

¹⁴ United Nations Entity for Gender Equality and the Empowerment of Women, *2011-2012 Progress of the World's Women: In Pursuit of Justice* (2011) [Progress 2011].

¹⁵ Michael Newton, *Serial Killers* (New York: Chelsea House, 2008), p. 16-21.

¹⁶ Kenna Quinet, "Prostitutes as Victims of Serial Homicide: Trends and Case Characteristics, 1970 – 2009" (2011) 15(1) Homicide Studies 74-100, p. 93.

¹⁷ "Highway Serial Killings", online: Federal Bureau of Investigation <<http://www.fbi.gov>>; Tom Leonard, "Serial Killers Working as Lorry Drivers Have Murdered 500 Women Across US", *The Telegraph* (6 April 2009) online: The Telegraph <<http://www.telegraph.co.uk>>.

¹⁸ Manny Fernandez, "Prostitutes' Disappearances Were Noticed Only When the First Bodies Were Found", *New York Times* (7 April 2011) online: New York Times <<http://www.nytimes.com>>.

¹⁹ James Pinkerton, "Guard May Be Linked to Killings of 15 Prostitutes", *Houston Chronicle* (20 October 2011) online: Houston Chronicle <<http://www.chron.com>>.

²⁰ "Anthony Sowell", *New York Times* (4 December 2009) online: New York Times <<http://topics.nytimes.com>>; "Ohio Man Who Killed 11 Women Gets Death Sentence", *NBCNews.com* (8 August 2011) online: NBC News <<http://www.msnbc.msn.com>>.

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- ³¹ "Project Kare on Trail of Serial Killers", *Edmonton Journal* (26 October 2007), online: Edmonton Journal <<http://www.canada.com/edmontonjournal>>.
- ³² FPT MWWG Report, p. 27.
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- ³⁶ Covadonga Robles Urquijo & Anne Milan, "Female Population", in *Women in Canada: a Gender-Based Statistical Report, 2010-2011*, 6th ed (Ottawa: Statistics Canada, 2011), p. 11 [Urquijo 2011].
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- ⁴³ NWAC 2010, p. 36-37.
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- ⁴⁷ *Walk4Justice Summary*, online: First Nations in British Columbia Portal <<http://www.fnbc.info/walk4justice>>.
- ⁴⁸ *Affidavit #1 of Gladys Radek, Affirmed November 28, 2010, In the Matter of An Application Brought by Gladys Radek on Behalf of Walk4Justice for Participant Status and In the Matter of An Application for Funding Recommendation*.
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- ⁵⁴ *Missing Women Commission of Inquiry, Standing Together and Moving Forward: The Northwest Consultation Report* (Vancouver, Missing Women Commission of Inquiry, 2012) [MWCI Northwest Consultation].

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⁵⁶ Ian Bailey, "Alleged serial killer charged with murder of four B.C. women", *The Globe and Mail* (6 September 2012) online: The Globe and Mail <<http://www.theglobeandmail.com>>; Jo Ann Lawrence, "Search for body of Cody Legebokoff's fourth alleged victim steps up with snow melt", *Calgary Beacon* (28 March 2012) online: Calgary Beacon <<http://beaconnews.ca/calgary>>.

⁵⁷ Exhibit 47, p. 98.

Part Three

⁵⁸ I include Laura Mah in this list, even though she was subsequently found to have died of natural causes because she figured so prominently in the police investigations.

⁵⁹ In addition to Elaine Allenbach, other US citizens among the missing and murdered women are Heather Chinnock, Cynthia Feliks and Leigh Miner.

⁶⁰ Excerpt from the diary of Sarah de Vries, December 1995, see Maggie de Vries, *Missing Sarah: A Memoir of Loss* (Toronto: Penguin Canada, 2003), p. 159 [Missing Sarah].

⁶¹ Exhibit 16, p. 3-4.

⁶² Exhibit 16, p. 7.

⁶³ Exhibit 120, p. 70-72.

⁶⁴ Exhibit 120, p. 26.

⁶⁵ Ms. Pineault's letter is reprinted in Volume III, Part 3B Assessment of Harm.

⁶⁶ Transcript, April 17, 2012, p. 84-85.

⁶⁷ Exhibit 120, p. 37.

⁶⁸ Exhibit 120, p. 38.

⁶⁹ Lori Culbert, "Ode to the missing but not forgotten," *Vancouver Sun* (5 June, 2006).

⁷⁰ Please note that Susan Musgrave's list of 62 women is different in some respects from the Commission's list. Proceeds from sales go to Haven Society, who provide a transition house for women and children who have suffered abuse, as well as a Victim Services/Women's Assault Programme on Vancouver Island.

Part Four

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⁷² See, for example, *Vienna Declaration and Programme of Action, Adopted by the World Conference on Human Rights in Vienna on 25 June 1993*, United Nations General Assembly Resolution 48/121 (1993), Part 1, para. 25, online: United Nations <<http://www2.ohchr.org>>. [Vienna Declaration]

⁷³ Vancouver Police Department, *Project Lockstep – A United Effort to Save Lives in the Downtown Eastside: Discussion Document, February 4, 2009* (Vancouver: Vancouver Police Department, 2009), p. 11-29 [Project Lockstep].

⁷⁴ *Project Lockstep*, p. 14-15.

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⁷⁶ David Hugill, *Missing Women, Missing News – Covering*

Crisis in Vancouver's Downtown Eastside (Halifax and Winnipeg: Fernwood Basics, 2010), p. 81 [Hugill 2010]; John Lowman, "Violence and the Outlaw Status of (Street) Prostitution in Canada" (2000) 6 (9) *Violence Against Women* 987.

⁷⁷ Hugill 2010, p. 81.

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⁷⁹ "Insite – Supervised Injection Site", online: Vancouver Coastal Health <<http://supervisedinjection.vch.ca>>; For a discussion of the role of community groups such as VANDU see: Susan Boyd, Donal MacPherson & Bud Osborn, *Raise Shit! Social Action Saving Lives* (Halifax: Fernwood Publishing, 2009).

⁸⁰ Feb 14th Annual Women's Memorial March, online: <<http://womensmemorialmarch.wordpress.com>>.

⁸¹ Transcript, October 19, 2011, p. 80-88.

⁸² Sheway is a Pregnancy Outreach Program providing health and social services to women and is situated in the DTES.

⁸³ Transcript, October 19, 2011, p. 16-17.

⁸⁴ Scott Graham, Jill Atkey, Crystal Reeves, and Michael Goldberg, Social Planning and Research Council of BC, *The Best Place on Earth?: Contemporary and Historical Perspectives on Poverty Reduction Policies and Programs in British Columbia* (Canadian Council on Social Development, 2009), p. 2.

⁸⁵ Marina Morrow, Olena Hankivsky & Colleen Varcoe, "Women and Violence: The Effects of Dismantling the Welfare State" (2004) 24 (3) *Critical Social Policy* 358.

⁸⁶ Hugill 2010, p. 28.

⁸⁷ Transcript, October 19, 2011, p. 43-44.

⁸⁸ Transcript, November 2, 2011, p. 70.

⁸⁹ Transcript, November 2, 2011, p. 71.

⁹⁰ Transcript, October 19, 2011, p. 44.

⁹¹ Transcript, October 31, 2011, p. 15-16.

⁹² Transcript, October 18, 2011, p. 2.

⁹³ Transcript, October 17, 2011, p. 137.

⁹⁴ Transcript October 17, 2011, p. 136.

⁹⁵ Transcript October 18, 2011, p. 3-4.

⁹⁶ Transcript, October 17, 2011, p. 153-154.

⁹⁷ Jana L. Jasinski et al., *Hard Lives, Mean Streets – Violence in the Lives of Homeless Women* (Northwest University Press, 2010); Susan Lenon, *Living on the Edge – Women, Poverty and Homelessness in Canada*, (2000) 20 *Canadian Women Studies* 123-126.

⁹⁸ *Victoria (City) v Adams*, 2008 BCSC 1363; *Victoria (City) v Adams*, 2009 BCCA 563.

⁹⁹ Transcript, October 19, 2011, p.11-12.

¹⁰⁰ Transcript, October 19, 2011, p. 36-41.

¹⁰¹ Transcript, October 19, 2011, p. 35-37.

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¹⁰³ Transcript, October 19, 2011, p. 33-34.

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- ¹⁰⁹ Transcript, October 18, 2011, p. 142.
- ¹¹⁰ Transcript, October 18, 2011, p. 134-138.
- ¹¹¹ Transcript, October 18, 2011, p. 153-154.
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- ¹¹⁴ Transcript, October 17, 2011, p. 155.
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- ¹¹⁶ Transcript, October 17, 2011, p. 128-131.
- ¹¹⁷ Transcript, October 19, 2011, p. 134-136.
- ¹¹⁸ Transcript, October 19, 2011, p. 146-147.
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- ¹²⁰ Transcript, October 19, 2011, p. 145-146.
- ¹²¹ Transcript, October 19, 2011, p. 45-48.
- ¹²² Missing Sarah, p. 134-136.
- ¹²³ Transcript, October 19, 2011, p. 48.
- ¹²⁴ Transcript, October 13, 2011, p. 32.
- ¹²⁵ Transcript, October 19, 2011, p. 135-136.
- ¹²⁶ Transcript, October 19, 2011, p. 48.
- ¹²⁷ Transcript, October 12, 2011, p. 72-73.
- ¹²⁸ Transcript, October 17, 2011, p. 136-137.
- ¹²⁹ Transcript October 17, 2011, p. 136-137.
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- ¹³² Transcript, October 31, 2011, p. 141-142.
- ¹³³ Transcript, January 30, 2012, p. 86; Transcript, November 8, 2011, p. 115-116.
- ¹³⁴ Transcript, October 19, 2011, p. 21-23.
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- ¹³⁶ See for example, the evidence of Bonnie Fournier, Transcript, May 17, 2012; Jamie Lee Hamilton, Transcript, February 28, 2012.
- ¹³⁷ Transcript, October 19, 2011, p. 49-53.
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- ¹⁴³ NWAC 2009; NWAC 2010.
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- ¹⁵⁴ Transcript, April 2, 2012, p. 92.
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- ¹⁶³ *Healing Ways* 1999, p. 8.
- ¹⁶⁴ *Healing Ways* 1999, p. 7-8.
- ¹⁶⁵ *Healing Ways* 1999, p. 8.
- ¹⁶⁶ *Healing Ways* 1999, p. 8.
- ¹⁶⁷ Former auditor general Sheila Fraser estimated First Nations children were eight times more likely to be in care than other Canadian kids. She pointed out that in British Columbia, of all the children in care, about half are aboriginal – even though aboriginals are only about eight per cent of the population.
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- ¹⁷¹ *Healing Ways* 1999, p. 8.
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- ¹⁷³ Annette Sikka, *Trafficking of Aboriginal Women and Girls in Canada* (Ottawa: Institute on Governance, 2009).
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- ¹⁸¹ Transcript, October 17, 2011, p. 101-102.

- ¹⁸² Living in Community, *Balancing Perspectives on Vancouver's Sex Industry - Action Plan* (Vancouver: Living in Community, 2007), p. 3 [LIC 2007].
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- ¹⁸⁶ *Criminal Code*, s. 213.
- ¹⁸⁷ *Criminal Code*, s. 210.
- ¹⁸⁸ *Criminal Code*, s. 212.
- ¹⁸⁹ *Criminal Code*, s. 212.
- ¹⁹⁰ *Bedford v Canada*, 2010 ONSC 4264; *Canada (Attorney General) v. Bedford*, 2012 ONCA 186. Leave has been sought to the Supreme Court of Canada and that decision was pending at the time this report was written.
- ¹⁹¹ In September 2012, the Supreme Court of Canada confirmed that the parties challenging the constitutionality of the prostitution laws had public interest standing to do so. *Canada (Attorney General) v. Downtown Eastside Sex Workers United Against Violence Society*, 2012 SCC 45. The case can now proceed in the BC Supreme Court.
- ¹⁹² *Criminal Code*, s. 212(4).
- ¹⁹³ *Criminal Code*, s. 212.
- ¹⁹⁴ Hugill 2010, p. 44.
- ¹⁹⁵ Transcript, October 13, 2011, p. 21-22 (Dr. Lowman); Exhibit 3, p. 10-11.
- ¹⁹⁶ LIC 2007, p. 15.
- ¹⁹⁷ LIC 2007, p. 4.
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- ¹⁹⁹ Transcript, October 13, 2011, p. 15-19.
- ²⁰⁰ Transcript, October 13, 2011, p. 15-19.
- ²⁰¹ Exhibit 6, p. 35-36.
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- ²⁰³ Transcript, October 19, 2011, p. 39-41.
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²⁸⁴ *Miron v. Trudel*, [1995] 2 S.C.R. 418, para. 132.

²⁸⁵ *Action travail des femmes*, p. 1134.

²⁸⁶ *Action travail des femmes*, p. 1135. See also: Andrews; Eaton; Eldridge v. British Columbia (Attorney General), [1997] 3 S.C.R. 624; Law; Meiorin; Grismer.

²⁸⁷ Closing Submissions of the Families, p. 128-129.

²⁸⁸ Closing Submissions of Independent Counsel for Aboriginal Interests, p. 4. Counsel proposed a definition of "institutional racism" developed by Professor James M. Jones, which includes "personally-mediated racism", "internalized racism" and "institutionalized racism" as well as "unconscious and conscious systemic bias."

²⁸⁹ Closing Submissions of Independent Counsel for DTES Interests, p. 32.

²⁹⁰ Closing Submissions of VPD and VPB, p. 86.

²⁹¹ Closing Submissions of VPD and VPB, p. 87.

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²⁹³ United States Department of Justice, Civil Rights Division, *Investigation of the New Orleans Police Department* (Washington: Department of Justice, 2011), p. 31-2 [USDOJ].

²⁹⁴ USDOJ, p. 43-50.

²⁹⁵ See, for example: United Nations General Assembly, *Accelerating Efforts to Eliminate All Forms of Violence Against Women: Ensuring Due Diligence in Prevention, Resolution of the United Nations Human Rights Council*, 16 June 2010, A/HRC/14/L.9/Rev.1. online: United Nations <<http://www.ohchr.org>>. [Accelerating Efforts]

²⁹⁶ USDOJ, p. 43-50.

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²⁹⁸ IPS Guidebook, p. 12.

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³⁰⁰ Byrne 2011, p. 3; See also, Call Into the Night 2011, p. 29-30.

³⁰¹ *Jane Doe v. Board of Commissioners of Police for the Municipality of Metropolitan Toronto et al*, (1997) 39 O.R. (3d) 487 (Ontario Court of Justice, General Division).

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³⁰⁴ United Nations, Committee on the Elimination of Discrimination against Women (CEDAW), *General Recommendation No.19: Violence Against Women*, para 6, online: United Nations <<http://www.ohchr.org>>.

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³¹¹ Organization of the African Union, *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa* (Adopted by the African Union on 11 July 2003, entry into force 2005).

³¹² Council of Europe, *Convention on Preventing and Combating Violence Against Women and Domestic Violence*, CETS No. 210 (2011), online: Council of Europe <www.coe.int>.

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³¹⁵ United Nations, Permanent Forum on Indigenous Issues (UNPFII), Division for Social Policy and Development, *Concept Note, International Expert Group Meeting on Combating Violence Against Indigenous Women and Girls: Article 22 of the United Nations Declaration on the Rights of Indigenous Peoples* (20 January 2012), para. 8, online: United Nations <<http://www.social.un.org>>.

³¹⁶ The Poverty and Human Rights Centre, *The Role of International Social and Economic Rights in the Interpretation of Domestic Law in Canada – Law Sheet*, (1 February 2008), online: The Poverty and Human Rights Centre <<http://povertyandhumanrights.org>>.

³¹⁷ Article 4 (c) and (d) of the UN Declaration on Elimination of Violence against Women require States to “exercise due diligence to prevent, investigate and in accordance with national legislation punish acts of violence against women whether those actions are perpetrated by the State or private persons.”

³¹⁸ Rights of Women, p. 20.

³¹⁹ *Case of Velásquez-Rodríguez v Honduras*, Judgment of July 29, 1988 (Merits), (1988) Inter-Am Ct H R, (Ser. C) No. 4, Inter-American Court of Human Rights (IACrHR), online: Inter-American Court of Human Rights <<http://www.corteidh.or.cr>>. [Velásquez]

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