



# **FORSAKEN**

The Report of the Missing Women Commission of Inquiry

## **EXECUTIVE SUMMARY**

The Honourable Wally T. Oppal, QC  
Commissioner

British Columbia  
November 19, 2012

Library and Archives Canada Cataloguing in Publication

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

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

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

HV6762 B75 B75 2012

363.25'9523209711

C2012-980202-6

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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.





# VOLUME I

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THE WOMEN, THEIR LIVES AND THE  
FRAMEWORK OF INQUIRY:  
Setting the Context for Understanding and Change

## **VOLUME I – THE WOMEN, THEIR LIVES AND THE FRAMEWORK OF INQUIRY: SETTING THE CONTEXT FOR UNDERSTANDING AND CHANGE**

### **PART 1: INTRODUCTION**

Most of us will never have to worry about where we will get our next meal, what we will do to get the money we need to live or where we will sleep. We don't understand what it feels like to be consumed by fears about our physical safety and yet afraid to contact the police. On your own, easily forsaken.

Forsaken. That is the story of the missing and murdered women.

The missing and murdered women were forsaken 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 murder victim Sarah de Vries, there should have been mayhem, searches, media interest and rewards; but these responses only trickled in over the course of many years.

In September 2010, the Lieutenant Governor in Council issued an Order in Council establishing the Missing Women Commission of Inquiry. I was appointed as the Commissioner.

The Commission had a fourfold 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.

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.

## Report Overview

The Commission Report consists of four volumes:

**Volume I: *The Women, Their Lives and the Framework of Inquiry: Setting the Context for Understanding and Change.*** It 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 of 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: *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, including a timeline of key events to assist the reader;
- An analysis of the seven main critical police failures; and
- An analysis of the underlying causes of these critical police failures.

Due to its size, Volume II is printed in two volumes: Volume IIA and Volume IIB.

A summary of my findings of facts and conclusions is included at the end of Volume IIB.

**Volume III: *Gone, but not Forgotten: Building the Women's Legacy of Safety Together.*** This volume summarizes the information gathered through the

study commission process 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.

A summary of my recommendations is included at the end of Volume III and at the end of this Executive Summary.

**Volume IV: *The Commission's Process.*** It 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, and a list of Commission studies and reports. The Commission studies and reports are reproduced on the CD version of this report, but not in the printed copy due to length.

As Volume IV relates to the Inquiry process and not on the Inquiry itself, it is not included in this Executive Summary.

(Endnote references have not been reproduced in the Executive Summary; please consult the full report for this information.)

## **PART 2: THE CRISIS OF MISSING AND MURDERED WOMEN**

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. Putting Robert Pickton behind bars is not the end of the story; he was one serial predator who wreaked extensive devastation, but is not alone – there are many unsolved cases of missing and murdered women.

Violence against women continues to be a serious and pervasive social problem despite years of concerted effort. 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. 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.” 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, play an important role in providing victims for serial killers.

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

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 an 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 missing persons database.

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

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 in this regard.

Missing and murdered women have been a phenomenon in British Columbia for several years. 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 to sexually assaulting others, including Janet Henry, one of the missing women. Several other men 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 the 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 engaged in the sex trade. The conference concluded that a single killer was not responsible for 26 homicides, but that several of the murders were linked. There was sufficient concern among police that a number of police agencies met on two occasions in 1991 to discuss the 26 unsolved homicides. 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 were found murdered in the mountains near Agassiz or Mission, BC; these became known as "The Valley 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. As a result of the disappearances, the highway has been nicknamed the "Highway of Tears." Many cases are unsolved and in some, the bodies of the victims have not been found.

The NWAC data illustrates that the crisis of missing and murdered women is not limited to British Columbia. The report briefly sets out statistics and information concerning serial predators of vulnerable women across Canada and abroad. The dimensions of this crisis are startling and assist in framing an understanding of the police investigations into the women who disappeared from the Downtown Eastside of Vancouver during the reference period.

### **PART 3: THE WOMEN**

While the provincial, national and global dimensions of the phenomenon of missing and murdered women are important, it is crucial that we remember the individual women who are the specific focus of this Inquiry. They are at the heart of this Commission.

Each of these women was a valued member of her community. Each had hopes and dreams. 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.” As a group, they have been subjected to negative commentary and denigration on the basis of their “high-risk lifestyles.” In some cases the women are vilified and blamed for their own disappearances or murders. During my consultation with family members, I was shocked to learn that strangers would tell them that their loved one “deserved” what happened to them. An important part of this Commission’s mandate is to reverse this unacceptable trend and to acknowledge the terrible loss of these women, as individuals.

The report attempts to counterbalance the negative storyline about the missing and murdered women from the choice of the cover design, which is a composite of positive words about the women in English and the language of the Sto:lo Nation, to a focus on the individual women, to recommendations that seek to honour their memory through collective action to increase the safety of vulnerable women and save lives.

There is some confusion and controversy surrounding which women should be considered among the missing and murdered women. For the purpose of this report, the Commission identified the women included within the categorization established in the Terms of Reference: “missing women investigations.” This may seem like a straightforward task given the time and place restrictions set out in that definition; however, there are a number of possible interpretations in this area.

Having considered various options, 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 whose death has not been attributed to natural causes. This list includes 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

In Volume I, the Commission has attempted, in some small way, to memorialize each of the missing and murdered women by composing a brief profile of each woman's life. I have also included short profiles of the three 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 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 in Volume III.

The brief insights into the women's lives, their many talents and hopes and dreams, and their relationships with their children and other family members are an important departure point. The report asks us to keep the humanity and unique personhood of each woman in mind in considering the findings and recommendations.

## **PART 4: THE WOMEN'S LIVES**

Each missing and murdered woman had a unique life and story. 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 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. While my focus is on the police, it is imperative to recognize that these broader forces of marginalization and societal dismissal were also at work.

### ***Marginalization and vulnerability***

Marginalization is the social process by which individuals and groups are relegated to the fringe of society. 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.

Marginalization is closely related to the condition 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.

In Volume 1, I examine the evidence and other information before this Commission concerning the four central aspects shaping the context of the women's lives at the time of their disappearance 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.

### **Part 4A: The Downtown Eastside Community**

The Downtown Eastside (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.

While the DTES has not always been as challenged as it is now, the fact is that this small area 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.”

The DTES is a vibrant, socially committed community. There are positive sides to this community which are, unfortunately, often overlooked or ignored. There are many services provided in the DTES. These services are often barrier-free to individuals with mental or physical health issues, including addictions. However, for the most part, these take the form of underfunded emergency services and provisions of the essentials of life. These are 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.

#### **Part 4B: 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 the survival sex trade by drug addiction and personal tragedies of violence and abuse. The full picture of the missing and murdered women is a more complex, multilayered one consisting of individual histories, broader patterns of social disadvantage and social exclusion, and wholly inadequate policy responses.

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. I have supplemented my understanding of these contextual issues through study commission processes, particularly through consultations in the DTES and the Policy Forums.

In Volume I, I go into more detail regarding:

- **Grossly Inadequate Housing** – Many witnesses emphasized 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.”
- **Food Insecurity** – Affording food is a real challenge for the women and going to one of the food outlets is not necessarily a safe place for women. Testimony underscored the potential for violence that the women face at every turn, even standing in a lineup for food.
- **Health Inequities** – It is difficult to overestimate the many health challenges that the women faced. They faced barriers in accessing services that many of us take for granted.
- **Extreme Poverty** – The women lived in extreme poverty. Poverty is directly connected to both drug addiction and participation in the sex trade.
- **Drug Dependency** – Many of the women were heavily dependent on drugs, including heroin, cocaine, and crack cocaine.
- **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.
- **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. The easiest way to avoid withdrawal symptoms is to take the drug again, and therefore a person is more likely to take greater risk in order to alleviate the pain.
- **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 a part of the community and many had circles of friends there.

This powerful evidence provides us with a glimpse of the material conditions of the women’s lives, their daily struggle to stay safe and well, and what it means to be forsaken. Their lives were for the most part shaped by an 8-12 block radius, although many maintained strong relationships with family members and friends outside of the DTES.

#### **Part 4C: The Disproportionate Number of Aboriginal Women**

A disproportionate number of the missing and murdered women were Aboriginal: while three per cent of BC’s population consists of Aboriginal women, they comprise approximately 33 per cent of the missing and murdered women. Of the 33 women whose DNA was found on Pickton’s farm, 12 were Aboriginal. Aboriginal women experience higher levels of

violence, both in terms of incidence and severity, and are disproportionately represented in the number of missing and murdered women across Canada.

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. I use the term colonialism as a global descriptor for the historically unjust relationship between Aboriginal peoples and successive governments in Canada. Under the policy of assimilation, government policies purposely targeted Aboriginal women. 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. 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.

#### **Part 4D: The Survival Sex Trade**

Survival sex trade work involves exchanging sex for money to meet basic substance needs. It is street-based sex work in which women solicit clients on the street. The women who went missing from the DTES were caught in a cycle of distress and were further marginalized by their involvement in the survival sex trade.

The Commission's mandate does not extend to an assessment of the validity of prostitution laws in Canada, which is the subject of 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.

In Volume I, Part 4, 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. The overview and evidence includes:

- Prostitution laws and law enforcement strategies;
- Characteristics of the survival sex trade; and
- Relationships between street involved women and the police.

Women engaged in the survival sex trade all fear violence and its pervasive influence on their lives. They experience violence at the hands of almost everyone with whom they come into contact with. The relationship between police and sex trade workers is generally marked by distrust, so they tend to

under-report crimes of violence. There is a clear correlation between law enforcement strategies of displacement and containment of the survival sex trade to under-populated and unsafe areas in the period leading up to and during the reference period and violence against the vulnerable women. This was an unintentional but foreseeable result.

#### **Part 4E: Social Marginalization and Individual Vulnerability**

The women's stories and how they lived demonstrates the interconnections between social marginalization and individual vulnerability.

One point that is absolutely clear 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 a sustained period of time. This attitude allows us, as a society, to simply accept that these women, and others like them, live in desperate and deadly situations.

It is not within the mandate of this Commission to 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 equally clear that my examination of the police response cannot be carried out in isolation from these broader social patterns. It is imperative to realize that these broader forces of marginalization and societal dismissal and abandonment contributed to the vulnerability of the women to become victims and shape the police response to the women's disappearance. After all, as Sir Robert Peel pointed out in the late 19<sup>th</sup> century: "the police are the public and the public are the police."

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

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 Part 5 of Volume I, I set out four of the overarching legal and policy frameworks that guide my findings of fact and recommendations. They are 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 Part 5, Volume I, I set out in general terms my approach to findings of individual and systemic misconduct and my jurisdiction vis-à-vis the RCMP.

### **Part 5A: Policing Within an Equality Rights Framework**

The police have a threefold duty to enforce the law, maintain law and order, and prevent crime. In carrying out these duties, the police must provide an impartial service 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.

The report reviews various approaches to understanding discriminatory policing with a view to developing the Commission's approach to whether bias played a role in the missing women investigations. In reviewing police actions for bias, I am not making any legal findings of discrimination. These approaches include: cases under section 15 of the *Canadian Charter of Rights and Freedoms*, the U.S. Department of Justice's systemic reviews, and international human rights norms such as the specific duties to address violence against women and the due diligence standard under international law.

My synthesis of these legal concepts is that bias can operate in numerous ways and often through unintentional acts and failures to act. Government actors, and more specifically the police, have positive obligations to take measures to respond to violence against women, especially vulnerable groups of women. 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.

### **Part 5B: The 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, the South Coast BC Transportation Authority Police Service, and the Stl'at'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, 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 in the Capital Region as a "patchwork." The Vancouver metropolitan region is said to be the only large metropolis in Canada without a regional police force. 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 do not bear upon my fact-finding mandate. I return to these recent changes in Volume III of this report as they related to my recommendations for reform.

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.

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 new approach places the emphasis on proactive rather than reactive policing. The goal is to address basic problems that create repeated demands for policing service.

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. 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.

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.

### **Part 5C: Missing Persons Investigations**

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.

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 missing after a year, and approximately 270 new cases of long-term missing persons are reported annually. 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. There is relative paucity of data on missing persons within Canada in comparison with the U.S., UK and Australia. The lack of statistics is partially explained by the fact that for an adult to be missing it's not a crime, and therefore data is not compiled by Statistics Canada.

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 twofold: 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 the 20 police agencies that responded to surveys.

In Part 5 of Volume I, I provide an overview of the VPD and RCMP missing persons policies and practices in 1997/1998 and compare 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 documents. This overview provides a reference point or standard for my inquiry to the actual investigations: how these policies

were operationalized in reference to specific missing and murdered women cases, and to the missing and murdered women investigation as a whole.

### **Part 5D: The Challenge of Stopping Serial Predators**

In Volume I, I review 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.

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 Olson 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 problem turns out to be the same, the mistakes the same, and the systemic failures the same.*

A review of 1,400 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 the police or from larger society that sets out priorities for the 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 now aware of how past serial murder investigations were successful.

Enhanced case management is a central theme of investigative reviews into how to improve serial killer investigations. Case management is the adaption 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.

My framework of analysis for the report is based on all of these elements: the context of the women's lives; an understanding of equality rights norms applicable in policing; the structure and organization of policing in British Columbia; and policing principles, general standards relating to missing person investigations and cumulative knowledge concerning the challenges of stopping serial predators.

### **Part 5E: The Commission's Definition of Misconduct and Approach to the Issue of Jurisdiction**

#### ***Definition of 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.

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 a minimum, facilitate effective investigations to minimize the deadly impact of serial killers.

Like Mr. Justice Braidwood, who recently served as Commissioner for the public inquiry into the death of Robert Dziekanski, 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. These findings fall short of my definition of misconduct and are not, in any case, the focus of my report.

Police organizations may 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.

***Jurisdiction***

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. There is extensive case law on the jurisdiction of provincial inquiries vis-à-vis the RCMP.

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. 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 findings of fact about the role of RCMP officers in the missing women investigations and 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.

# VOLUME II

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NOBODIES:  
How and Why We Failed the  
Missing and Murdered Women

## **VOLUME II - NOBODIES: HOW AND WHY WE FAILED THE MISSING AND MURDERED WOMEN**

### **Introduction and Overview**

In Volume II, I set out and discuss the factual evidence regarding the police investigations, make findings of fact and reach conclusions about how we, as a society, and through our police forces, failed the missing and murdered women.

I have made my findings and reached my conclusions following a balanced and professional consideration of all the factors involved. In doing so, I paid careful attention to the oral and written submissions of all participants.

The missing and murdered women were members of one of the most marginalized groups in Canadian society. As a group, these women shared 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. A disproportionate number of the women were Aboriginal; this is sadly consistent with the broader provincial and Canadian trend of Aboriginal women being vulnerable to all forms of violence, including a higher risk of going missing in circumstances likely involving foul play. The women's life stories, also profiled in Volume I, show that while not every woman had experienced each of these marginalizing conditions, most had experienced several of them.

Experts, community witnesses, and family members provided evidence about the conditions of the women's lives. Some of the police officers who testified also had a keen understanding of the dynamics in the DTES and the women's situations. I find as fact that the following conditions contributed to the women's vulnerability to violence: grossly inadequate housing, food insecurity, health issues and inadequate access to health care, extreme poverty, and drug dependency. I conclude that their lives were structured to a large extent by drug addiction and the horrible consequences of drug sickness, and that withdrawal in itself posed additional safety risks. I found that all of these conditions contributed to entrenching the women's lives in the DTES.

I also conclude, based on the evidence outlined in Volume I, that there are symbiotic relationships between poverty, drug addiction and the survival sex trade. There is no dispute that women engaged in the survival sex trade are at an extremely elevated risk for various forms of severe violence. In a study of 255 women with comparable life experiences to the missing and murdered women, all of the participants reported fearing violence and its pervasive influence on their lives and being victims to extreme forms of male domination.

The relationship between police and sex trade workers is generally marked by distrust. Many Aboriginal women, in particular, distrust the police based

on the historical antagonistic relationship between Aboriginal peoples and authorities and more recent unsatisfactory contact between the two. In addition, based on the evidence considered in Volume I, I conclude that in the period leading up to and during my Terms of Reference there is a clear correlation between law enforcement strategies of displacement and containment and increased violence against women engaged in the sex trade.

Despite the strains and struggles of addiction and poverty, many of the women had maintained strong relationships with family members and friends and were valued members of the DTES community. Their marginalized status, however, resulted in the women being seen as “nobodies” in the eyes of much of society. The term “nobodies” is a harsh one and I choose to use it deliberately given its everyday meaning: the women were persons of no importance or influence. Often they were treated not as persons at all, but as “sub-humans” diminished in the eyes of many by their “high-risk lifestyle.” Like poor women across Canada and around the world, their devalued social status made them the target of predators. Among the questions I have had to consider in the Inquiry is whether their status as nobodies also had an impact on the police investigations. It is a difficult question, but it has been placed squarely before the Commission.

### ***The Commission’s approach***

The Commission’s fact-finding mandate is a large and complex one. Under Term of Reference 4(a), I am required to inquire into the investigations of close to 70 missing and murdered women, involving the work of several policing agencies over a five-year period. In addition, Term of Reference 4(b) obliges me to inquire into the Criminal Justice Branch’s decision to stay proceedings against Robert Pickton in January 1998.

A number of steps have been taken to assist the reader in navigating the complex set of facts in Volume II. They include: an overview of the policing agencies, key VPD and RCMP personnel involved in the missing and murdered women investigations during the reference period, and a glossary of abbreviations. These are designed to serve as an introduction and guide to the organizational and individual actors, and police terminology and acronyms to which I refer throughout the Volume. There is a layered approach to setting out and discussing the facts: narrative, analytical and explanatory. While this approach adds to the length of my report, I anticipate that it will make this complex story more comprehensible to a broader range of readers, particularly those with little knowledge about the missing and murdered women cases. There is also a timeline of critical events as a summary guide that can be used as a reference by readers as they navigate through this report.

The Commission’s approach is focused on determining the reasonableness of police actions and omissions in light of the context of the marginalized living conditions and vulnerabilities of the victim group set out in Volume I,



as summarized in my findings of fact set out at the beginning of Volume II. The framework analysis is structured by human rights standards; the structure and organization of policing in British Columbia; missing persons policies and practices in place during the terms of reference; and lessons learned from serial predator investigations, particularly the *Bernardo Review*, in which Mr. Justice Campbell integrated knowledge derived from other challenging cases. Like Mr. Justice Campbell, I focus on systemic failures rather than individual failures. My perspective is foremost oriented toward the future: it is aimed at contributing to a safer future rather than attributing blame for past inadequacies and breakdowns. Nevertheless, improvements can only be made when failures are fully recognized, acknowledged, understood and rectified. To do so, one must include addressing underlying causes, not simply the manifestations or consequences.

I conclude that the initiation and conduct of the missing and murdered women investigations were a blatant failure. I hasten to add these systemic police failures were not all encompassing. In the middle of the gross systemic inadequacies and repeated patterns of error, there were hard-working individual police officers who acknowledged the crisis and strived valiantly to solve the disappearances of the missing women. I acknowledge, in particular, the diligent and passionate efforts made by Det. Cst. Lori Shenher, Cpl. Mike Connor, Det. Cst. Mark Chernoff, Det. Ron Lepine, Cst. Dave Dickson and Det. Insp. Kim Rossmo. They are a credit to policing and to our community.

### ***Steps taken to avoid hindsight bias***

It is easy to be wise in hindsight, and I have been mindful of this in identifying the limitations of the missing and murdered women investigations. The dangers of hindsight bias were highlighted by many of the Participants in submissions to the Commission.

Hindsight bias is a particular problem in reviews of serial killer investigations. As Mr. Justice Campbell wrote:

*It is easy with hindsight knowing now that Bernardo was the rapist and the killer to ask why he was not identified earlier for what he was, but the same question and the same problems have arisen in so many tragedies in other countries, because serial predators pose a unique challenge to all law enforcement agencies.*

For these reasons, Mr. Justice Campbell focuses on systemic problems and solutions and I follow suit.

My role is not to be an armchair quarterback, but at the same time it is my responsibility to determine if errors were made and make findings of fact concerning any examples of incompetence and failed decisions. On behalf of the Government of Canada, Cheryl Tobias submitted that the standard applied by the Commission should be: "So, how do you take the standard, what was, what would reasonable officers have done in comparable

circumstances, and translate it in concrete terms into these investigations? In concrete terms, what could we legitimately expect the police to have done?" In her submissions, reasonableness is defined by the policies and practices of the time and informed by the learning of the *Bernardo Review*. I accept this basic proposition and have applied it throughout my report.

Everything appears much more predictable in light of Pickton's arrest and subsequent conviction. I agree with numerous Participants' position that I cannot focus solely on the question of why the police didn't arrest Pickton sooner, which would itself "bring to wit a hindsight bias." To do so would be to oversimplify the situation, both as it existed during the terms of reference and today. This is not the Pickton inquiry, but rather an inquiry into a much broader investigation of missing and murdered women. I would add that it is essential not to focus on Pickton alone, even knowing his terrible crimes. We still do not know the fate of the other missing women; this is the ongoing work of the JFO initiated during the terms of reference. While Pickton is behind bars, other serial predators, or potential serial predators, are at large.

### ***Overview of Volume II***

In Volume IIA, Part 1, I set out my findings of fact and conclusions regarding the Coquitlam RCMP investigation of the March 23, 1997 assault on Ms. Anderson, the charging of Robert Pickton in connection with the Anderson Assault, the steps taken by the Crown prosecutors to prosecute the case, and the decision to stay the proceedings against Pickton in January 1998.

In Part 2, I set out a narrative chronological account of the four overlapping and intersecting series of investigations, which together comprise the missing women investigations. The four investigations are:

- The individual women investigations carried out by various police agencies;
- The overarching VPD's investigation into missing women from the DTES, focusing on the work of the Missing Women Review Team;
- The Coquitlam RCMP investigation into Robert Pickton; and
- Project Evenhanded, which is a Joint Forces Operation of the RCMP and VPD.

These investigations layer over one another; common events recur within these separate narratives in order to provide a fuller account of what took place. These sections contain an overview of my findings of fact to provide the reader with a clear account of the steps taken in the investigation. The findings of fact serve as the platform upon which I carry out my analyses and explanations of police failures. This section is then drawn together and summarized in a timeline of critical events.

In Part 3, I move beyond the narration of facts to analyze what went wrong in the police investigations and how these amounted to critical police

failures, or patterns of error, that had a detrimental impact on the outcomes of the missing and murdered women investigations:

- I. Poor report taking and follow up on reports of missing women;
- II. Faulty risk analysis and risk assessments;
- III. Inadequate proactive strategy to prevent further harm to women in the DTES;
- IV. Failure to follow Major Case Management practices and policies;
- V. Failure to consider and properly pursue all investigative strategies;
- VI. Failure to address cross-jurisdictional issues and ineffective coordination between police forces and agencies; and
- VII. Failure of internal review and external accountability mechanisms.

The Commission's work does not end with this description of what went wrong. Given that my mandate requires me to make recommendations for improvements in the initiation and conduct of investigations into missing women and suspected multiple homicides, I am bound to inquire into the underlying causes of the police failures: I must determine why these critical police failures occurred. In this section, I consider and make findings of fact concerning the seven potential overarching reasons for the failures proposed to the Commission:

- I. Discrimination, system institutional bias, and political and public indifference;
- II. A want of leadership;
- III. Poor systems, limited and outdated policing approaches and standards;
- IV. Fragmentation of policing;
- V. Inadequate resources and allocation issues;
- VI. Police force structure and culture, personnel issues and inadequate training; and
- VII. Allegations of conspiracy and cover-up.

In Part 5, the conclusion to Volume II, I summarize the main findings of fact and conclusions.

## **PART 1: THE INVESTIGATION OF THE ANDERSON ASSAULT AND THE CROWN DECISION TO STAY THE 1997 CHARGES AGAINST PICKTON**

On March 23, 1997, a violent altercation took place between Robert Pickton and a woman who, due to a publication ban, was referred to as Ms. Anderson throughout the hearings. I refer to her as Ms. Anderson and the incident as the “Anderson assault” in this report. Following an RCMP investigation of these events, Pickton was charged with attempted murder, assault with a weapon, unlawful confinement and aggravated assault. A trial was set for February 2-6, 1998. Crown Counsel stayed the prosecution of these charges on January 26, 1998 (“the Stay Decision”). The investigation into the Anderson assault, the charges, and the prosecution by the Criminal Justice Branch were the closest that authorities came to potentially convicting Pickton for a serious crime until his arrest in February 2002.

My Terms of Reference require me to inquire into and make findings of fact about the Stay Decision in a neutral and non-evaluative manner. Legal restrictions based on the constitutional principle of prosecutorial independence make it impermissible to ask Crown Counsel to justify or to in any way second-guess the Stay Decision.

The overarching purpose of this Inquiry is to inquire into and report on the missing women investigations from January 1997 to February 2002, and this is the context of my review of the investigation and prosecution of the Anderson assault. The primary focus is therefore on the RCMP’s investigation of the Anderson assault, the communications between the Crown and the RCMP regarding the investigation, the steps taken to further the investigation and prosecution, and the evidence available to the Crown in deciding whether to proceed with the prosecution. In an epilogue to Volume II, Part 1, I review evidence uncovered after the Stay Decision through subsequent VPD and RCMP investigations into the missing women. By rounding out the story of what could have been known in 1997/1998, this epilogue assists in providing the full framework for my analysis of this specific investigation and serves as a bridge into the remainder of the inquiry into the missing women investigations.

### **Ms. Anderson’s Courage**

Ms. Anderson courageously survived Pickton’s attack. Numerous times she came to the justice system to tell her story and, ultimately, her story and her courage helped to stop Pickton. For this we are all extremely grateful.

Ms. Anderson elected not to testify at the Commission because of strong privacy concerns, a need to protect herself and her family, and a well-founded desire to put these traumatic events behind her. I fully accept and respect Ms. Anderson’s decision in this regard. While her perspective would have undoubtedly been helpful to me, the focus of my inquiry is on the actions and decisions of the police and Crown Counsel; her decision

not to testify did not detract from my ability to inquire into these events in a substantive way.

### **The Commission's Mandate with Respect to the Stay Decision**

My mandate to inquire into the Stay Decision is circumscribed by the constitutional principle of prosecutorial independence, one of the fundamental tenets of our justice system. The Attorney General exercises authority delegated by the sovereign, and this delegation is recognized in s. 135 of the *Constitution Act, 1867*. The gravity of the power to bring, manage and terminate prosecutions, which lies at the heart of the Attorney General's role, has given rise to an expectation that he or she will be, in this respect, fully independent from the political pressures of government and others. It is a constitutional principle in this country that the Attorney General must act independently of partisan concerns when supervising prosecutorial decisions.

Society has a shared interest in safeguarding prosecutorial independence. It is this principle and practice that puts the prosecutor in a situation where he or she can make the right decision in a case without fear or being subjected to improper pressure from another source, whether it be the media, politicians, the police, a victim seeking revenge or even a misguided public opinion. Prosecutorial independence is essential to the ability of Crown Counsel to make the objective and often difficult decisions required by the law and our justice system.

Term of Reference 4(b) specifically requires me to follow the British Columbia Court of Appeal's decision in *British Columbia (Attorney General) v. Davies* 2009 BCCA 337 [Davies] in my inquiry into and fact-finding concerning the Stay Decision. I would be bound by this decision in any event, just as my powers are circumscribed by other court decisions relevant to a public inquiry's jurisdiction.

My mandate requires me to make neutral findings of fact in a non-evaluative manner. I must not express an opinion on the ultimate decision to stay proceedings nor substitute its decision since this would violate the principle of prosecutorial independence. According to *Davies*, my focus must be on getting the facts related to the decisions but not "challenge or debate" with Crown Counsel the propriety of their decisions.

While I cannot and will not question or second-guess the Crown's Stay Decision under my Terms of Reference, I am required to inquire into the missing women investigations. This means I need to make findings of fact including steps that were taken, and those that were not taken, which would include the RCMP investigation of the Anderson assault and subsequent involvement of the Crown. In this way, there is an overlap in Terms of Reference 4(a) and 4(b) in terms of setting out the narrative of what happened in the missing women investigations. Accordingly, where this part of the report inquires into the activities of the RCMP and CJB with

respect to the investigation and its impact on the prosecution, I do engage in a review of the reasonableness of the steps taken.

Counsel for the CJB, Counsel for Mr. Romano, and Counsel for the RCMP drew on evidence elicited after the Stay Decision to justify decisions that were made during the course of the investigation into the Anderson assault and subsequent prosecution. Similarly, where appropriate, I have considered evidence that was developed after the 1997/1998 investigation and prosecution in my analysis. Where I have relied on evidence known after the Stay Decision, the timing of evidence is clearly noted.

Finally, I understand my jurisdiction extends to examining the general policies and practices of the RCMP and the Crown with respect to investigations and prosecutions so as to understand the framework in which the parties were operating in 1997 and 1998. Investigations and prosecutions do not operate independently of the other. For our justice system to be successful, the Crown and policing agencies must work together; this requires comprehensive, clear, effective and respectful communications. Implicit within my mandate is the jurisdiction to make policy recommendations designed to enhance the relationship between the police and the prosecution, particularly with respect to the treatment of vulnerable witnesses.

### **Preliminary Issue: The Destruction of the Crown File**

The CJB informed the Commission that the Crown file on the Anderson assault had been inadvertently destroyed in 2001. There was no evidence of the specific date when the files were destroyed; confirmation was provided but it was not dated, and there was no actual receipt from the mobile shredding company.

I conclude that the evidence clearly shows that neither of the Crown Counsel directly involved in the prosecution of Pickton arising from the Anderson assault were in any way responsible for, or had any role in, the erroneous destruction of this Crown file.

The Commission was also able to reconstruct the Crown file in large measure. The situation is not ideal and there remain gaps in the record. Nevertheless, the Commission was ultimately able to carry out its fact-finding mandate.

### **The Assault and the Investigation**

On March 22, 1997 or in the early morning of March 23, Robert William Pickton was involved in a violent altercation with Ms. Anderson. Both Ms. Anderson and Pickton were hospitalized after the assault. Pickton was released from hospital on March 28, 1997, and was not arrested. The RCMP undertook an investigation of the Anderson assault and prepared a Report to the Crown Counsel (RTCC), which was delivered on April 1, 1997. On

April 1, 1997, Pickton was arrested and charged with attempted murder, assault with a weapon, forcible confinement and aggravated assault. The charges initiated a Crown prosecution. Pickton appeared at his bail hearing on April 8, 1997, and bail was granted. A trial was set for five days, from February 2-6, 1998. On January 26, 1998, the Criminal Justice Branch of the Minister of the Attorney General entered a stay of proceedings for the four charges.

### *The assault*

The main source of information concerning what transpired on March 23, 1997 was an interview of Ms. Anderson by two RCMP Officers, Cst. Casson and Cst. Strachan, on March 27, 1997. The interview took place four days after the incident and while Ms. Anderson was still in hospital. The interview began at 10 a.m. and lasted for an hour and 12 minutes. Several times Ms. Anderson expressed discomfort and pain; she had undergone surgery in the days before the interview. Prior to this interview with police, Ms. Anderson had spoken with a social worker at the hospital about the assault.

Ms. Anderson stated that she was hitchhiking her way to the Princeton Hotel, located at Victoria Drive and Powell Street in the DTES, at approximately 11:45 p.m. on March 22, 1997. Pickton picked her up at Cordova and Princess in a red pickup truck. Pickton offered her \$100 for a blow job if she agreed to go with him to his residence in Coquitlam. She resisted Pickton's request to go to Port Coquitlam, but eventually agreed when Pickton promised to bring her back to the DTES within a few hours, by 2 a.m. During the interview, Ms. Anderson expressed concern that she might be "at fault" because she agreed to go with him. She had never seen Pickton before. The real issue was whether she felt safe to refuse his request.

The drive from the DTES to 935 Dominion Avenue in Port Coquitlam took between 30 and 50 minutes. She noted that Pickton took a longer route, going to the end of the "freeway" (United Boulevard) and then backtracking to Port Coquitlam. He was driving slowly, not speeding. En route to his property, she wanted him to stop so she could use the washroom but Pickton would not stop. She told the investigators: "But now I know why he wouldn't pull in, he didn't want no one to see me. Cause I wasn't expected to get out of there, I'm sure I wasn't. I just, I just wanted to get that in." No further information was sought as a result of this interview.

When she arrived at Pickton's trailer on the property, he refused to pay her until after the act; Pickton put out a quilt on the carpet; there was no bed in the room. It is at this point in the interview that Ms. Anderson says, "I know it, I just know there's broads on that property," in an apparent reference to the missing women.

Pickton would not let Ms. Anderson use his phone after the act; he wouldn't let her near the phone. She went to the bathroom and when she came out she started looking in the phone book to get the number of the Cordova

Room where she had paid to stay that night with a friend. Pickton grabbed her hand and stroked it, as if to trick her, then put a handcuff on her left wrist. She had not seen Pickton get the cuffs. When asked about what Pickton said and whether his demeanour changed at that point, Ms. Anderson said that he might have said “you’re a little bitch” or something like that, and that his expression did not change.

Ms. Anderson told the investigators that her first thought after he handcuffed her was “...what’s this guy doing. Is he a psycho or what. And then I just, I went just like I seen red. I went ballistic;” she agreed that she was “fighting for her life.”

Ms. Anderson described how Pickton “slapped the hand cuffs on me” and how they continued to fight. She spotted a knife and slashed Pickton across his jugular. She said that he was still trying to handcuff her with the other side of the handcuff even though he had been cut.

Ms. Anderson kept trying to convince Pickton to let her go and eventually he agreed to let her out of the trailer. He appeared to be dizzy at this point. He opened the door and then went into the room at the very back of the trailer. Ms. Anderson told him to stay there while she went outside. When she tried to exit he put her in a headlock; she still had the knife at this time. There was some confusion about whether Pickton may have gotten the knife away from her inside; however if he did, she got it back and convinced him to back away.

Once they were outside and got to the truck, Ms. Anderson told the investigators that she thought “that’s it, I’m history. He’s got me now.” She apologized and begged: “please let me go;” she offered him “a thousand bucks.” He said: “yeah, okay” but she didn’t believe him, she thought “he would just say that to shut me up.” Pickton got the knife back and stabbed her in the stomach/abdomen. “He put the knife in me and then he lifted it up;” once she was stabbed she thought, “I’m done. I’m stabbed, I’m gonna die.” Then all of a sudden she felt him go limp. She got the knife back by grabbing it, which is how she cut her hand. At this point they were both too weak to do anything. Ms. Anderson could not recall if Pickton said anything during this part of the altercation.

Pickton collapsed, “like he had no more energy.” She told the investigators that she slid out from under him, ran around the truck and stood on the other side of the truck and just stared down at him for a couple of seconds and when she could see him going slowly down, she just bolted. Ms. Anderson made her escape by running through the property all the way to the end of the property. She had to stop and catch her breath along the way. She climbed the fence to get out. At the end of the road there were two houses; she chose the one with a light on, and when nobody answered she tried to pop out the windows to get in. She was yelling for help and went down a stairway, put her elbow through the living room window, and



tried to bang out other windows. A car that was driving by backed up and stopped.

Ms. Anderson walked toward the car, still clutching the knife, which she dropped when asked to do so by the driver. She begged the driver and companion to take her to the hospital. The couple helped her into the car, called 911 and drove her to meet an ambulance. On the way they flagged down Sgt. Buerk, who was responding to the call.

### *The investigation*

In Volume IIA, I set out the steps taken by the Coquitlam RCMP to investigate the Anderson assault in some detail. In brief, the events took place over slightly more than a week from the assault on March 23, 1997 to charges being laid on April 1, 1997. They include:

- Corporal Connor, then of the RCMP Serious Crime Section, Coquitlam Detachment, was the lead investigator of the 1997 Pickton incident.
- Police seized evidence from Ms. Anderson and Pickton. This includes clothes, bandages, handcuffs and handcuff key.
- Police undertook a search of Pickton's trailer and truck pursuant to a search warrant.
- Evidence is gathered and various items are seized including three hairbrushes, a sleeping bag, condoms, and various items with blood on them.
- Blood samples are taken from the wall in the trailer.
- Other forensic evidence, including photographs of blood transfer patterns and blood castoff patterns, is also taken.
- Evidence is also gathered from Pickton's truck including a woman's bra and numerous blood samples.
- Police interviewed Pickton shortly after the incident, but no formal interview was taken.
- Police undertook short interviews with Pickton's niece and brother.
- Ms. Anderson was interviewed while in hospital. It was the one and only time she was interviewed by police. No formal statement was taken.
- Corporal Connor, Constable Casson and Constable Strachan believed Ms. Anderson was being truthful about the events, although Corporal Connor never met Ms. Anderson.
- The transcript of this interview, upon which this summary is based, is the only interview the police took for Ms. Anderson. There is no evidence that she reviewed the transcript or signed her interview.
- On March 29, 1997, Corporal Connor sent out a CPIC message to all Lower Mainland RCMP detachments and municipal police departments to inform them of the offence and to advise that Pickton should be considered a danger to sex trade workers.
- On April 1, 1997, Corporal Connor completed the Request to Crown Council (RTCC) concerning the incident and recommended three charges against Pickton: attempted murder, assault with a weapon, and unlawful confinement.

- At this point, Corporal Connor had not met Ms. Anderson but includes a transcript of the RCMP interview with Ms. Anderson in the RTCC.
- In March 1997, police knew enough about Ms. Anderson to ascertain that she was a vulnerable witness: insecure living arrangements, had experienced violence, was concerned about her safety.

There were clear limitations to the investigation. They include the fact that Ms. Anderson was only interviewed once, while she was in the hospital and in pain; there was no follow-up done regarding Ms. Anderson's remarks during the interview, especially the comment about there being "... broods on that property" and that a formal statement was not taken from Ms. Anderson.

Pickton underwent one short interview while in hospital.

There were a number of additional reasonable steps that were not taken by the Coquitlam RCMP. For example, further inquiries into Pickton's activities would likely have led to information that Pickton engaged in other illegal or troubling activities. Furthermore, there is no evidence that the police took any steps to find out more about Pickton by, for example, interviewing neighbours and so on. The possibility and value of an additional and more thorough search of the trailer was not fully canvassed by the RCMP.

In addition, Cpl. Connor's CPIC message warning that Pickton was a potential danger to women, particularly women engaged in the sex trade, indicates that he did not consider this an isolated event.

I conclude that there were serious limitations on the initial investigation of the Anderson assault by the Coquitlam RCMP in 1997. From 1997 onward, a reasonable person would come to the conclusion that Ms. Anderson may have had important evidence about the missing women, or at least evidence worthy of further investigation. In fact, Ms. Anderson told the police that Pickton told her that he went to the DTES once a week to pickup prostitutes. The likelihood that the assault on Ms. Anderson was not a "one-off" was clear, and thus it was patently unreasonable that the investigation was not pursued more fully at that time. That evidence together with the earlier incident of sexual assault relating to Pickton were crucial facts that were completely ignored.

### **The Prosecution**

Volume IIA of this report sets out in some detail the steps taken to prosecute the charges against Pickton stemming from the Anderson assault.

In brief, in British Columbia, when a suspected criminal incident has occurred, the police conduct an investigation and then produce a Report to Crown Counsel (RTCC). The RTCC sets out the findings of the investigation and recommends the charges to be laid for the incident or that charges should not be laid.

Cpl. Mike Connor testified that when he prepared the RTCC he had “no misgivings” that Ms. Anderson would attend court when the trial was scheduled. He believed her interview; however, there were some limitations of the RTCC as it did not include pieces of important evidence.

The *Crown Policy Manual* contains “Charge Approval Guidelines” which guide prosecutorial discretion throughout the charge approval process. The charge approval standard requires Crown Counsel to review the available evidence and determine: (1) whether there is a substantial likelihood of conviction; and, if so, (2) whether a prosecution is required in the public interest. A substantial likelihood of conviction exists where Crown Counsel is satisfied there is a strong, solid case of substance to present to the Court. In determining whether this standard is satisfied, Crown Counsel must determine: (a) what material evidence is likely to be admissible; (b) the weight likely to be given to the admissible evidence; and (c) the likelihood that viable, not speculative, defences will succeed.

The “substantial likelihood of conviction” threshold is the highest standard in Canada.

Mr. Romano performed the charge assessment for the Anderson assault. He concluded that the Crown had sufficient evidence to meet the two-part test set out in the Charge Approval Policy, and approved the charges on April 1, 1997.

On review of the RTCC, including the three charges proposed by Cpl. Connor (attempted murder, assault with a weapon, and forcible confinement), Mr. Romano added a fourth count of aggravated assault.

Mr. Romano designated the case as a “Red File” based on the seriousness of the charges, the complexity of the charges, and the advance preparation that would be required, given the number of days scheduled for the trial time. A Red File designation means that the prosecution needs to be aware from the outset that this case needed advance preparation and that Crown Counsel would be given extra time to prepare for trial.

Pickton was granted bail. Peter Ritchie, QC was his counsel. Preparation of the case began with various members of Coquitlam Crown Counsel office taking steps. This includes disclosure and following up with forensic evidence.

Ms. Randi Connor was assigned as Trial Crown sometime after October 23, 1997. The trial date was set for February 2, 1998. (To avoid confusion with Cpl. Mike Connor of the RCMP, I identify Ms. Randi Connor by her full name.)

In her testimony, Ms. Randi Connor stated that she interviewed Ms. Anderson on either January 23, 1998 or January 26, 1998. Ms. Randi Connor also testified that she, Ms. Anderson, and Ms. Roxanna Smith from Crown Victim Services attended the meeting.

Ms. Randi Connor testified that the “meeting wouldn’t have been brief” and that she estimated the meeting lasted “possibly an hour, maybe longer, but [she couldn’t] be 100 percent certain.” After being shown Ms. Anderson’s statement in which she described the meeting as starting sometime in the early afternoon and continuing until dark, Ms. Randi Connor still had trouble identifying the length of the interview.

Regarding her interview of Ms. Anderson, Ms. Randi Connor testified that, “[t]o the best of my recollection, my impression was that she was under the influence of drugs.” Although she couldn’t recall details of the meeting without her notes, Ms. Randi Connor did recall the condition Ms. Anderson was in, “and it was bad.” Ms. Randi Connor agreed that she knew, prior to dealing with her, that Ms. Anderson was a vulnerable person. She also agreed that she knew, prior to dealing with her, that Ms. Anderson was suffering from a severe addiction problem.

Ms. Randi Connor explained that she “needed to get a sense of how [Ms. Anderson] was going to respond to cross-examination, and what (sic) was really important in this case because it really – the whole case as I saw it turned on that moment when the altercation began.”

The meeting ended. There is no evidence that Ms. Randi Connor spoke with Ms. Anderson about going home and getting some sleep, and coming back another day to prepare for trial. Ms. Randi Connor testified that she does not recall asking Ms. Anderson to come back for another interview because in her opinion, this;

...was not a new situation for her. I had been attempting to get a hold of her for a while. The file indicated that there was a drug problem with this person from way, way back. If I felt that it was a temporary condition and we could fix it by having her come back I would have done that. My opinion was based on what I saw and my review of the file was that it wasn’t a temporary condition.

In the absence of the Crown file I have been unable to fully assess the work Ms. Randi Connor conducted on the file. Based on the testimony and the evidentiary record available and with due consideration given to submissions made on behalf of all Participants, I make the following conclusions.

With respect to her circumstances as a prosecutor, Ms. Randi Connor had 16 witnesses left to prepare one week before a five-day trial. The evidence shows that LENSs were issued to the police witnesses as a routine matter. There is no evidence that Ms. Randi Connor contacted the other witnesses for the trial, therefore I find as fact that she had not contacted them.

The case posed many difficulties for Ms. Randi Connor: she was facing potential challenges to evidence seizure, a claim of self-defence by Pickton, Defence Counsel had previously challenged the Crown in this case with

respect to disclosure issues, and in the days before the trial, admissions had not been prepared and no legal research had been undertaken.

Crown Counsel did not take steps to establish and maintain communication with Ms. Anderson or otherwise manage that relationship to ensure that Ms. Anderson was prepared to serve as a trial witness. Ms. Randi Connor told the Commission that she had difficulties reaching Ms. Anderson and that she had one meeting. All of the other evidence, however, shows Ms. Anderson could be contacted through her mother and that she returned calls quickly.

Ms. Randi Connor knew from the RTCC that Ms. Anderson had almost died as a result of the injuries sustained in the assault, that the evidence was consistent with her statement, and that the police considered Ms. Anderson to be a credible witness. In her testimony, Ms. Randi Connor said that she knew at the time of her decision that Ms. Anderson was a vulnerable witness.

Ms. Randi Connor determined that Ms. Anderson could not articulate the evidence in a way that Ms. Connor considered necessary for the trial and that Ms. Anderson could not be prepared for trial in one week.

Ms. Randi Connor was of the view that she had no basis for requesting an adjournment. She did not have any information that Ms. Anderson was getting treatment for her addiction to support an adjournment submission. During the interview, Ms. Randi Connor did not inquire about Ms. Anderson's drug use. Ms. Connor was not aware of rehabilitation services to which she could refer Ms. Anderson, did not inquire about such services, and did not refer Ms. Anderson to any services.

Under the circumstances, Ms. Randi Connor decided that she could not prosecute the case and she entered a Stay Decision after conferring with Mr. Romano.

Once a decision has been made to stay charges, Crown Counsel has one year in which to re-open the proceedings. Crown Counsel may open a prosecution that has been stayed if there is significant new evidence or significant changes in the factual circumstances giving rise to the stay. Ms. Randi Connor and Mr. Romano both told the Commission that it is extremely rare to re-open a case that has been stayed.

Ms. Randi Connor did not discuss with Cpl. Mike Connor that she could re-open the case if Ms. Anderson was better prepared for trial; however, she "would have anticipated that because it was a stay and not a final determination that if he had information that she was doing well, we could have revived the case." Ms. Randi Connor testified that she did not put a note in the Anderson file to check if Ms. Anderson's situation had changed because she expected the police to come back to her if they wanted to re-open the case, since they are "the ones out there dealing with the people."

Under cross-examination Ms. Randi Connor would not agree that it would be unfair to expect the police to proactively monitor victims of stayed prosecutions.

Ms. Randi Connor testified that for her to consider re-opening the prosecution, Ms. Anderson would have had to demonstrate a significant and long-term change in her drug dependency.

Cpl. Mike Connor told the Commission that in August 1998, he received second-hand information that Pickton was inquiring about Ms. Anderson and that he intended to harm her. He told Ms. Anderson that only her first name was used, so Pickton didn't know her last name. This information was received well within the year period in which a Stay Decision can be lifted. However, Cpl. Mike Connor testified that this information did not provide any new evidence or change in circumstances regarding Ms. Anderson's ability to testify. Cpl. Mike Connor believed that because the threats were not directly to Ms. Anderson (they were "secondhand"), they didn't have enough to warrant a criminal charge; but he felt he had a duty to warn her.

In his testimony, VPD Deputy Chief Constable LePard testified that Crown Counsel's recommencement of the prosecution against Pickton for the 1997 Anderson incident would have been an appropriate strategy to consider in September 1998.

There is no evidence that Ms. Randi Connor considered re-opening the proceedings.

### **The Stay Decision**

I conclude that communication with Ms. Anderson was not well established or maintained by Crown Counsel or that the relationship was otherwise managed to ensure that Ms. Anderson was prepared to serve as a trial witness. I also conclude that Ms. Anderson's vulnerability, in particular her drug addiction, was not accommodated in the process of preparing her to be a trial witness for the prosecution and, in particular, that Crown Counsel did not adapt her interviewing technique.

I accept Crown Counsel's evidence that she could not proceed given that Ms. Anderson was unable to testify and that her testimony "was the case."

Due to the protections afforded to prosecutorial independence, both Commission Counsel and Participants' Counsel were not permitted to put questions to Crown Counsel that asked her to second-guess her decision to stay the proceedings or to consider different evidence in reflecting on the reasonableness of her decision. Similarly, I cannot second-guess the Stay Decision. Different decisions can be considered reasonable, and in these circumstances two reasonable people could make different decisions based on the same facts.

### **The Story of the Missing Women Begins with the Anderson Assault**

Buried within Ms. Anderson's statement regarding Pickton's assault on her are early indications of what happened to the women who went missing from the DTES and were murdered by Pickton. This information was not fully appreciated at the time and came into clearer focus in subsequent interviews with Ms. Anderson by VPD Det. Cst. Shenher in August 1998, and by Project Evenhanded in 2002 after Pickton's arrest. Cpl. Connor was in touch with Ms. Anderson on a couple of occasions after the Stay Decision, notably to advise her of a reported verbal threat on her life made by Pickton.

Det. Cst. Shenher's interview of Ms. Anderson took place within the one-year period during which the stay of proceedings could have been lifted. Additionally, this information could and should have been more fully pursued in the context of the missing women and Pickton investigations.

As far as is known, Ms. Anderson provides the only first-hand account from a target prey of Robert Pickton.

Had the RCMP or the Crown undertaken further interviews with Ms. Anderson, it is reasonable to expect that they could have obtained the additional evidence from Ms. Anderson that is set out for each of these post-stay interviews. This evidence could have changed the investigation in 1997-1998 and, perhaps, the Stay Decision.

Investigation and prosecution go hand in hand. The relationship between the investigator and the prosecutor is akin to the one between an architect and an engineer – they are parallel professions that interact, respect and engage each other in dialogue. For our justice system to work effectively, the Crown and policing agencies must work together; this requires comprehensive, clear, effective and respectful communications. This is particularly the case where the investigation and prosecution are centered on vulnerable victims and/or witnesses.

## PART 2: OVERVIEW OF THE INVESTIGATIONS

Volume II, Part 2 provides a narrative account of my findings of fact. It is designed to provide the reader with a clear account of the steps taken in what I describe as four overlapping but separate investigations during the terms of reference between January 23, 1997 and February 5, 2002. The narrative overview contained in Volume II, Part 2 provides the factual foundation for the more in-depth analysis in Part 3 and Part 4 that are aimed at explaining the investigations and their impact.

The four investigations are:

- The individual missing women investigations carried out by various police agencies;
- The comprehensive VPD investigation into missing women from the DTES, focusing on the work of the Missing Women Review Team;
- The Coquitlam RCMP investigation into Robert Pickton; and
- The Joint Forces Operation of the RCMP and VPD into missing women in the Province known as Project Evenhanded.

These investigations layer one over another; the common events that recur within these separate narratives provide a fuller account of what took place.

Fourteen of the individual missing women investigations are described in Volume IIA, Part 2A. They serve as representative case studies of the total number of missing women files.

The accounts of the 14 individual missing women investigations are set out in chronological order by the date of acceptance and each is touched upon to some degree in Part 3, where I review and analyze the critical police failures experienced in the investigations.

Throughout the report, I refer to individual missing women by their first name after they are introduced to the reader. I do so in order to set apart the women from relatives, and other individuals referenced in the report, and out of respect for their distinct status. My use of first names accords with how family members referred to the women during the hearings; other witnesses followed this practice.

Part 2B provides an account of the VPD's missing women investigation. It begins with the recognition that the missing and murdered women problem predates the Commission's Terms of Reference and points out that early signs of the problem are ignored or misinterpreted. An ad hoc working group was established as the pattern began to be recognized but was short-lived. For a period of time, the investigation was effectively a one-woman show with Det. Cst. Lori Shenher working more or less on her own. In May 1999, the VPD established the work of the Missing Women Review Team, also known as Project Amelia, and the work of this team is the focus of Part 2B.



Part 2C provides an account of the Coquitlam RCMP's investigation of Robert Pickton. This investigation was initially led by Cpl. Mike Connor who worked closely with Det. Cst. Shenher for approximately one year, from August 1998 to August 1999 when he was transferred. Members of the Coquitlam Detachment worked closely with the VPD's Missing Women Review Team, particularly in the summer of 1999. There was very little activity in the Pickton investigation from this time onward.

Part 2D provides an account of the initial phase of the joint VPD-RCMP operation known as Project Evenhanded. Although there were some collaborative efforts between the VPD and the RCMP throughout the terms of reference, the Joint Forces Operation was not formally proposed until 2000 and the Memorandum of Understanding between the forces was not signed until May/June 2001. The report sets out the steps taken to establish Project Evenhanded and describes the development and operationalization of its investigative approach. The independent VPD and Coquitlam Detachment investigations continued even as Project Evenhanded became fully operational.

The dates when women were reported missing are found throughout these three police investigation chronologies, attesting to the ongoing nature of the women's disappearances.

Part 2E is a timeline of critical events providing a frame of reference for actions taken regarding the women reported missing from the DTES between January 23, 1997 and February 5, 2002, as per the Commission's mandate. The events are set out under four sectors designed to impart to the reader the genesis of the action described and the divergence and convergence of actions taken by the various agencies involved in the investigations. The four sectors are: Community/Missing Women, VPD, Coquitlam RCMP, Joint Forces/Other Police Agencies.

## **PART 3: CRITICAL POLICE FAILURES**

Volume II, Part 3 sets out and explains the factual evidence that generated each of the seven identified critical police failures. I cannot and do not review every individual fact that supports or detracts from my factual findings. I have attempted to find the right balance between providing detailed examples of what I have found, without overwhelming the reader.

### **Part 3A: Poor Report Taking and Follow Up on Reports of Missing Women**

The investigations of the missing women and suspected multiple homicides were negatively affected by poor report taking and follow up of the individual women's disappearances. My factual findings follow the four main stages of a missing person investigation: reporting, initial investigation, follow-up investigation, and recording and reviewing of files. They also address the main overarching critiques of the way the missing women files were handled: lack of communication with family members or reportees, degrading or insensitive treatment of families, and lack of inter-jurisdictional cooperation. My findings are prefaced by a general comment on standards for missing person investigations.

#### **Reporting**

The missing person report is the foundation for the investigation that follows. The reporting process is the initial point of contact between a worried family member, friend, or other concerned individual and the police, and therefore sets the tone of the relationship between the police and the members of the community making the report. Not surprisingly, the experience and perceptions of the witnesses diverged significantly with respect to the reporting process. As a consequence, I heard highly contested evidence. While I do not accept all of the family members' critiques of the process of taking the missing person reports, I do conclude that significant barriers to reporting were experienced in some cases.

#### ***Time delays in reporting women missing***

The report contains several tables illustrating time delays in reporting the women missing which arguably affected the course of the investigations. The amount of time before each missing woman report was made widely varied: missing women were reported from as few as one day (Nancy Clark) to as many as 14 years (Laura Mah) after they were last seen. While there are a number of reports that were not received for a year or more, typically, missing women were reported to police within a few weeks or months after they were last seen; in several cases, the report was made within days of when the woman was last seen.

### ***Inconsistent intake procedures***

There was conflicting evidence about policies and practices relating to the acceptance of missing person reports at the VPD.

The VPD received missing person reports through 911 calls received by the Communications Centre, a part of the Vancouver Police Department until June 1999, and E-Comm thereafter.

Some witnesses told the Commission that persons could be reported missing either through 911 or to the public information counter. However, it is clear that reports were generally only accepted over the phone. Several of the missing women reports were actually taken by the Vancouver Police and Native Liaison Society (VPNLS) in contradiction to the stated policy.

Reports of missing persons were not taken directly by the VPD Missing Persons Unit (MPU), but were taken by the Communications Centre or E-Comm and passed to the MPU. Several family members testified that Ms. Sandra Cameron, a civilian employee who was the VPD MPU coordinator and clerk, refused to take their reports. The evidence is clear, however, that Ms. Cameron was not in the position of taking reports unless a file was being transferred from another jurisdiction, in which case she was still not taking a report from a member of the public.

The VPD policy in existence during the terms of reference placed two limitations on who could be reported missing: they had to be residents of Vancouver, and adults had to have been missing for 24 hours before a report would be taken “unless special circumstances indicate to do so earlier.” However, the definition of residence was broad: “missing persons **visiting** Vancouver **AND** staying within the Vancouver jurisdiction shall be treated as residents.” (Emphasis in original document.)

I heard testimony that these restrictions, as interpreted and applied by personnel at the Communications Centre, could have an impact on the acceptance of missing person reports concerning women from the DTES who had no fixed addresses.

I accept the evidence that it was the policy and general practice of the VPD to take a report if the person was last seen in Vancouver, whether or not they were a resident. At the same time it is clear to me that there was a lack of clarity on this issue and insufficient training about how the policy should be interpreted, which created confusion and inconsistencies in intake.

I also heard testimony that the Communications Centre understood that only family members could report a person as missing.

The DTES is a unique community and for women living in the DTES who were not in regular contact with their families – their friends and neighbours might have been the only ones aware of them going missing. If these friends

and neighbours were prevented/not allowed to report their disappearance, then effectively nobody could report them missing. Friends are community.

I conclude that there was differential application of the VPD missing person policy that contributed to frustrations and inconsistencies when individuals attempted to make reports. While there was no absolute bar on the taking of reports in the missing women cases during my Terms of Reference, many people experienced barriers in reporting. In some cases, these barriers were substantial and persisted over a number of years.

### ***Barriers to reporting***

Police accepted most reports of the missing women immediately. However, in some instances, police did not accept reports, or accepted and closed reports without locating the missing women. Families reported facing a number of barriers when trying to report a loved one missing. In her independent expert report prepared for the Commission, Deputy Chief Evans of Ontario's Peel Regional Police Force concluded that some family members or friends were denied the opportunity to file a missing person report and that these reports should have been accepted. In particular she noted, and I agree, that: "Jurisdictional issues, if any, should not be the responsibility of the complainant. Police should ensure there are no barriers to making a Missing Person report."

I have detailed some of the barriers faced by family members in reporting their loved ones missing in the overview of individual women's investigations in Volume IIA, Part 2. However, in four cases the barriers were so formidable as to warrant special examination. The cases of Elsie Sebastian, Cara Ellis, Ingrid Soet and Patricia Johnson are examined in detail in Volume II, Part 3.

### **Initial Investigation**

The initial investigation of a missing person report is a crucial one. It is at this stage that police gather the information necessary to confirm whether there is evidence to find a suspicion of foul play. My overall conclusion is that there was a significant lack of urgency in the police response to the reports of the women's disappearances. There was a general police failure to take the basic steps of dispatching patrol, attending the last known residence, and interviewing reportees. To a lesser extent, basic database entries and checks were not carried out on a timely and consistent basis. These failures resulted in delays in determining whether the disappearances were the result of homicide.

### ***Lack of urgency in immediate response***

What is most apparent from a review of the missing women's investigations is that these investigations were not treated as urgent. Little immediate investigation occurred and there was often a delay, typically a week to a month, in transferring files to investigators for follow-up investigation.

Once the investigator received the file, identifying and interviewing family, friends, associates and persons of interest and other investigative steps typically took place over a period of years. This was a clear systemic pattern of error with important consequences for the quality of the investigations.

In a number of cases, investigations proceeded at a glacial pace or stopped entirely; in some cases, after the report or initial investigation, no investigation appears to have been conducted for years. DC Evans agreed that there was a slow reaction to the initial missing women reports and that this was a common thread.

In some cases, basic investigative steps were not taken despite the fact that investigative avenues were available to police.

In some cases, missing persons files were opened and then closed without consultation with the families.

### ***Interviewing reportees***

Usually, police interviewed the reportee or a family member with knowledge of the missing woman's disappearance or circumstances, as a part of gathering information such as names of friends and associates, persons of interest, and other sources of information, for the police to begin follow-up. However, these initial interviews were conducted within varying time frames: in some cases, soon after the report, and in other cases, not for months or years after the report.

### ***Attendance at last known address***

The police rarely attended the last known address or residence of the missing women immediately to conduct a search of the premise or canvass the neighbours or neighbourhood. In some cases, the police attended within the week of receiving the report; in others they did not attend for weeks or months; in others they did not attend at all. They also rarely canvassed areas where the women were last seen.

In some instances, police phoned hotels, apparently in lieu of a search; in a couple of cases, reportees, rather than police, searched the missing women's residences. Visiting the last known address of a missing woman would have likely been less useful when women were not reported for many months or years after their disappearances; however, in cases where women were reported missing soon after disappearing, this step could have been critical.

### ***Database entry and checks***

Police generally performed the initial database entries and checks quickly. Typically, police entered reports onto CPIC promptly. Police searched a number of databases shortly after receiving the report, including some

police databases and welfare records. Welfare searches generally revealed that the missing woman had regularly received welfare benefits, but had suddenly ceased either picking up or cashing her cheques, a significant indicator that the woman was missing.

There are many examples of timely recording of a missing person report onto CPIC and quick checking of records. Conversely, there are also examples of delays in placing the missing women on CPIC and slow checking of records.

### ***Creating an additional delay: “Confirming the missing women as missing”***

The VPD approach to the missing person investigations included a step that involved confirming a person as “missing.” None of the missing person policies provide for a protracted preliminary investigation into whether a person is missing or not before triggering a full – real – investigation. The VPD’s investigative approach effectively added this initial phase and resulted in significant delays at this early, and arguably, most critical stage of the investigations. The approach also substantially affected the overall time required by the investigations.

The labour intensive work to determine whether the women were missing or, in fact, dead, was especially difficult given the lack of adequate support systems for police, such as forensic support, information technology, and Major Case Management.

The women were reported missing; there was no reason to treat these investigations differently by adding the step of determining if they were indeed missing. It was based on false assumptions that the women were transient, had run away, were evading the police and so on. The added step was a critical error: it precluded the quick risk assessment necessary, given the profile of the women. The VPD had it backwards.

These delays also contributed to the mistaken belief that women had stopped going missing. For much of the investigation, police believed that women had stopped going missing in 1999. Internal police memos state that although women continued to be reported missing after this point, those women were found soon after. This is the case for many missing person reports: most people are soon found. Tragically, women continued to go missing in 1999 and 2000, but police did not appear to accept this until 2001.

### ***Elevating the investigations to suspected homicide***

It is unclear in which circumstances or when missing women cases were considered to be suspicious and therefore elevated to suspected homicide status. Neither is it clear that suspicious files were consistently investigated to a higher standard than other missing women files.

While some files were noted to be suspicious, this assessment did not appear to change the investigation significantly. There is no indication that files deemed suspicious were investigated with more urgency than other missing women files.

### **Follow-Up Investigation**

Typically, police did not conduct rigorous follow-up investigations. Rather, investigations were limited and mainly consisted of what could be done by computer or telephone. Similar to the initial investigation phase, police made extensive use of databases but only infrequently interviewed witnesses or canvassed buildings or neighbourhoods where the women had resided.

Timeliness is equally as important with follow-up investigations as it is with the initial response. Evidence is easiest to access and confirm when it is fresh.

Both the VPD and RCMP made good use of record checks. In most respects, the police forces were diligent in obtaining dental and DNA samples.

### ***Unexplained gaps in investigation***

I have concluded that in some cases there were unexplained gaps in the investigations that lasted for long periods of time, in some instances extending many years.

### ***Interviews with family, friends and associates***

In the majority of cases, only a few interviews were conducted. In most cases, all identified family members, friends and associates were not interviewed. When the police interviewed persons beyond the initial family member or reportee, the interviews were often many months and, in some cases, years after the missing person report had been made. In some cases, no interviews were conducted and therefore the police neglected very important sources of information about the women's disappearances.

While the RCMP is critical of the VPD in this regard, it is not clear to me that the RCMP itself consistently took these steps in its investigations of the missing women. That said, within the missing women investigations, there are examples, which I outline in Volume II, Part 3, of the police quickly identifying family members, friends and associates, and following up with them.

In many investigations, the police received tips identifying suspects or persons of interest but did limited follow-up. Police sometimes interviewed suspects or persons of interest, but rarely interviewed them more than once or employed polygraphs. I conclude that in the vast majority of cases, the police did not investigate tips to conclusion. While this is clearly true of

Robert Pickton, it is equally true of the many other persons of interest, many of whom had histories of violence identified in the missing women files.

### ***Posters and other media***

The community is an important source of information about a missing person, especially in circumstances where foul play cannot be ruled out but where there is no crime scene. Police can access these community resources by preparing and distributing missing person posters, the strategic use of media, and by directly tapping into community networks. There was an inconsistent approach to using posters and other media to generate information and leads about the whereabouts of the missing women.

### ***Use of community resources***

Other than distributing missing persons posters, the police rarely used resources in the DTES prior to 2001. Specifically, police rarely canvassed service agencies in the DTES or spoke to employees or residents of the last known residences of missing women. Typically, any communication with DTES agencies arose from an agency providing a tip as a result of a missing person poster or contact through a missing woman's family. The failure to more fully employ community resources in the investigations was one of the critical errors in the missing women investigations.

### ***Records and off-line CPIC searches***

During follow-up investigations, the police rechecked databases initially searched and searched additional databases. In most cases, the police searched a wide variety of sources, for example, welfare, Ministry of Children and Family, MSP and BC Medical, Vital Stats, Coroners' databases, ViCLAS, CNI, RMS and NCIC. The police also generally requested off-line CPIC queries for each missing woman. Typically, any information revealed in these searches was followed up with the appropriate agency. For example, police co-ordinated with other agencies or coroners to determine whether found human remains matched a given missing woman.

However, it should be noted that sometimes these searches were not conducted for a considerable amount of time after the woman was reported missing. In addition, there was a lack of consistency in the investigative avenues and enquiries utilized to locate the missing women.

Investigators faced challenges in carrying out these searches in some instances because of legal restrictions and privacy concerns, particularly because missing person investigations do not fall into the category of criminal investigations.

Addressing these barriers requires changes to legislation and policy that were beyond the control of the police forces.



Det. Cst. Clarke was tasked with conducting a review of all hospital deaths and indigent burials. A review of approximately 6300 files took several months to complete but did not reveal any connection to the missing women. I question the prioritization of this task given the scarcity of resources available to the MWRT. In my view, the decision to assign this task was misguided and amounts to an error.

### ***Collection of dental/DNA evidence***

Dental and DNA evidence is gathered in missing person cases to assist the police in identifying victims of crimes and unidentified human remains. Both the VPD and the RCMP were vigilant in gathering these samples, although the VPD encountered some difficulties in having the DNA samples analyzed. I heard evidence to the effect that the VPD should have pursued the analysis of these samples more aggressively and there were some issues with respect to the continuity of handling the samples. However, I do not conclude that these relatively minor problems amounted to a failure in the investigations.

### **Recording and File Reviews**

On the whole, the missing women investigations appear to have been adequately recorded. However, when missing women files were passed to Project Evenhanded for review, an electronic document was created summarizing the investigation to date. In a few cases, files were not properly documented and this contributed to ineffective investigations. Information was not always kept systematically and this, too, hindered progress. For the most part, file reviews were carried out effectively by the RCMP but not by the VPD. However, within both police agencies, the reviews did not consistently lead to follow-up on the actions noted in the files.

### ***Recording***

Most missing women reports were recorded on a formal missing person form. Investigative logs were kept in handwritten form. In some cases, it is difficult to determine which investigator was responsible for the entry or action, particularly in the VPD's logs, which were not consistently signed by the investigator.

Efforts to properly record the investigative steps were hindered by lack of information systems. When Det. Cst. Shenher came to the Missing Persons Unit, it did not have a computer; she did not get a computer until August 1998. She told the Commission that files were disorganized, and basically put into a "credenza of binders."

Documentation issues arose in a few cases and these hampered investigative efforts.

The lack of proper documentation caused delays in investigations after the transfer of the files from the Missing Women Review Team to Project Evenhanded.

### ***File reviews and bring forwards/diary dates and involvement of supervisors***

It appears that investigators regularly conducted file reviews, although the RCMP was more consistent in this practice than the VPD. Det. Cst. Shenher testified there was no due date system or bring forward system for the missing women investigations; this may have resulted in ad hoc reviews of the VPD investigations.

Often, a review precipitated a missing woman's file being added to the missing women list: members of Project Evenhanded were assigned to review files of the missing women and determine whether or not they should be added to the missing women list.

When reviews were conducted, they were typically recorded and the investigation summarized. Sometimes follow-up actions were listed. However, it is unclear that the file reviews resulted in follow-up actions on a consistent basis.

In some cases, it does not appear that file reviews were undertaken in a timely way.

Some cases were reviewed regularly and the involvement of supervisors assisted in moving the investigations forward. This appeared more often in RCMP cases.

I note that in some RCMP files, it appears that supervisors were involved in reviewing the missing person investigation. I did not come across this in the evidence of the investigations by the VPD; in particular, I am not aware that Sgt. Field, the Sergeant in charge of the MPU, was involved in reviewing the individual missing women investigations conducted by members of the VPD while the investigations were ongoing.

### **Communication with Family Members or Reportees**

Police contact with families and reportees can generally be described as minimal. Typically, police did not keep in regular and frequent contact with families beyond the initial investigation stage. While police communicated with families more regularly at an investigation's outset, family members or friends usually initiated this contact. As time elapsed, communication occurred less often and, in many cases, ceased for months or years at a time.

Many family members expressed serious frustrations and distress over this lack of communication. I accept Det. Cst. Shenher's evidence that some families did not want to be contacted unless there was a development in

the loved one's file. However, this was not always the case. For example, Patricia Johnson's mother, Marion Bryce, testified that the police had not told her about putting Patricia on the missing women list and did not contact her; she had to phone them. This lack of communication contributed to her belief that police treated her unfairly.

One of the issues arising in several of the missing women investigations is the request that multiple family members be kept informed by the police. Family members also cited concerns about the nature and degree of support and guidance police provided.

In addition to individual contact with family members, the police held only three family meetings during the course of the investigations.

I conclude that there was a general failure on the part of the VPD to maintain effective communication with family members. There is no specific standard against which I can measure the VPD and RCMP practices in this regard. However, I accept the preponderance of evidence from family members that communication fell far below a reasonable threshold.

### ***Degrading or insensitive treatment of families***

Several family members complained of degrading or insensitive treatment by members at the intake stage and in their initial contacts with the VPD Missing Persons Unit, particularly at the hands of Sandra Cameron. To a more limited extent, these concerns extended to other members of the MPU and resulted in the filing of formal complaints.

### ***Formal complaints***

Three formal complaints about the investigations of Angela Jardine, Tanya Holyk and Leigh Miner regarding degrading or insensitive treatment by VPD members or staff were made during the terms of reference. These complaints were often coupled with concerns over the competence of the investigations. I go into these complaints in detail in Volume II, Part 3.

### ***Conclusions on degrading and insensitive treatment***

I find that the VPD rebutted the evidence of Rae Lynn Dicks concerning the purported examples of degrading or insensitive treatment of reportees by the Communications Centre or E-Comm. I am not in a position to fully reconcile the divergent evidence and determine what Ms. Cameron said on any specific occasion. At the same time, it is absolutely clear to me that many family members *perceived* the statements and conduct of some 911 call takers and some VPD members and staff, particularly Ms. Cameron, to be insensitive and degrading.

Several of Ms. Cameron's colleagues share this view about her conduct. In his thorough review of the missing women investigations, DCC LePard

concluded that family members' complaints of Ms. Cameron's prejudice and ignoring of complaints from families of women from the DTES were corroborated, at least to some extent, by "every police officer interviewed for this review who had worked with Ms. Cameron in the MPU from 1995 until she left in late 2001." Under cross-examination, he confirmed that he had accepted the allegations that Ms. Cameron was rude, abrasive, made racist remarks, and was biased against women engaged in the sex trade and people with addictions. He also acknowledged that the VPD had been aware of these concerns but that attempts to deal with the situation were unsuccessful. I return to this larger management issue later in my report.

I conclude that Ms. Cameron's comments had a significant adverse impact on the ability of family members and friends to communicate with the VPD and thereby directly and detrimentally affected the investigations. The impact was a long-lasting one. I agree with DCC LePard's conclusion:

Even years after Ms. Cameron had any direct contact with the family members of the Missing Women, her alleged conduct was a significant issue for the JFO to deal with.

It is inappropriate to single Ms. Cameron out, however. The problems went beyond a single individual. The families' dissatisfaction centered on Ms. Cameron because her behaviour was blatant and she was an easy target. The family members' perception of prejudice was based on an accumulation of factors, including frustration over unclear intake procedures, barriers experienced in reporting due to inconsistencies, lack of communication about the status of investigations and the widespread perception that not enough was being done to find out what happened to the missing women. The evidence shows that both the VPD and the RCMP detachments were taking more investigative steps than what they were communicating to family members, but also that in most cases the missing women investigations fell short of the norm.

### **Inter-Jurisdictional Cooperation**

The level of inter-jurisdictional cooperation between police agencies varied widely from case to case. In some cases, inter-jurisdictional cooperation was not an issue, as there was only one police agency involved in the individual missing woman investigation. In other cases, multiple police agencies were involved in the investigation. Many of those cases show cooperation between different police jurisdictions.

In some inter-jurisdictional cases, however, problems or delays occurred. In some cases, there was a lack of clarity between police agencies about which one was responsible for a given investigation. In some cases, reports were made in two jurisdictions but only one jurisdiction accepted or investigated the report, without assistance from the other. In a couple of instances, there was a delay in transferring a report between jurisdictions, during which time no investigation of the missing woman was conducted.

Three barriers to effective investigation of individual missing women can be attributed to inter-jurisdictional issues. First, some reportees found it difficult to make a report because it was unclear which police agency they should go to. Second, there was reluctance or hesitancy to take over the investigations because it was difficult to determine in some of the missing women investigations where they were last seen because no one had observed them going missing. Third, in some cases there was no meaningful investigation undertaken because one police force deferred to the other or thought the other was taking the lead.

I conclude that the absence of a consistent policy and practice for dealing with the transfer of missing person files from one jurisdiction to another compounded the other delays and gaps in the investigation of a number of the missing women investigations.

There were also serious delays in Project Evenhanded taking over investigations from the VPD MPU and other agencies. This was due in part to the long time-consuming process of “confirming” the latest women as missing before adding them to the missing women list.

### **Overall Assessment and Conclusion**

I have also concluded that more comprehensive and systematic follow up on the individual missing women files had the strong potential to generate further links and evidence about Pickton.

Several of the women’s files contain references to Pickton’s associates Dinah Taylor and Gina Houston. I adopt DC Evans’ conclusion that the further investigation of Andrea Joesbury’s disappearance, and specifically Cst. Van Overbeek’s attempts to locate Dinah Taylor in late 2001, would likely have led to Pickton. Much earlier on, in 1997, a link was made between Kellie (Richard) Little and Gina Houston, who was the last person to see Kellie alive. Other than the link to Gina Houston, there is no evidence that Kellie was a Pickton victim; however, follow up may have assisted in resolving other missing women cases.

There were also other tips or investigative avenues that, if assiduously followed up, could have led to Pickton. Off-line CPIC searches could have connected Pickton to some of the women if they had been more fully employed in these investigations. In addition, the Pickton investigation conducted after 2002 also contains numerous references to many of the missing women having been seen on Pickton’s property.

I summarize some of these facts not to say that better investigations would necessarily have led the police to Pickton sooner, rather to make the point that treating the individual women’s disappearances more seriously and with greater urgency would have been the best route to Pickton. This was the starting point for the work carried out by the MWRT, Coquitlam RCMP

and Project Evenhanded. The shortcuts made in these investigations came at a very high cost.

The themes introduced here concerning the lack of urgency, the failure to interview family members and use community resources, the failure to investigate tips to conclusion, and ineffective inter-jurisdictional cooperation are examined in greater detail in Volume II, Part 3.

### **Internal Audit of VPD Missing Persons Unit**

In 2004, DCC LePard, in his capacity of Commander, Investigation Division, requested an internal review of the VPD MPU. This audit was carried out by Retired Insp. Schouten and completed in October 2004. The VPD reported that it implemented all of the *Schouten Report* recommendations without delay and has made a number of additional reforms to VPD missing person policies and practices. These are discussed in Volume III.

### **Part 3B: Faulty Risk Analysis and Risk Assessment**

Faulty risk analysis and risk assessment was a major contributing factor to the police failures in the missing women and Pickton investigations. Police actions depended upon an accurate assessment of three related risks: the risk that the women had been murdered, the risk that a serial killer was responsible, and the ongoing risk to public safety in terms of future potential victims.

Two erroneous assumptions held enormous sway on decision-makers: the “no body, no crime” thesis and the mistaken belief that the women were transient. The two mistaken assumptions were intertwined.

These erroneous assumptions continued to hinder decision-making and resource allocation over several years despite mounting evidence of the likelihood of foul play. The three consequences were the refusal to accept that the women were likely murdered; the refusal to accept the serial killer theory; and the decision that Project Evenhanded should focus on a historical review. These faulty risk assessments detracted from the sense of urgency required to drive the investigations forward as speedily as demanded by the threat and actuality that more women were going missing and being murdered. As DC Evans underscores: “It is almost impossible to deal with a situation if you do not first recognize it for what it truly is.”

#### ***Refusal to accept women likely murdered***

Police forces in large urban areas receive a large number of missing person reports on a daily, weekly and annual basis. The VPD took in, approximately, over 3000 reports per year from 1997 to 2002, a number that is comparable to other major Canadian cities. The majority of people who are reported missing are found or return home safe and sound. Furthermore, every adult has the right to relocate: it is not a crime to go missing. The greatest

challenge for police forces is to distinguish between reports that trigger a search to locate versus reports that trigger a full investigation because the person is considered to be endangered or foul play is suspected. This decision involves a risk assessment of the situation: what is the likelihood that foul play is involved?

A number of factors influenced the risk assessments carried out by both the VPD and the RCMP: belief in the women's transience, views about the women's "high-risk lifestyles," delays in reporting women missing, and the lack of crime scenes. These factors were not properly assessed at the outset. More importantly, they were not re-evaluated as new information came to light that challenged the premises upon which the initial assessments were based, and did not result in the much needed recalculation of the risks as the investigations proceeded.

### ***The mistaken belief that the women were transient***

There was a widespread belief within the police forces that women working in the sex trade were transient. This belief was founded in part on historical patterns in the sex trade in which some women would work a circuit that could include time in Alberta and Washington state. The transience explanation for the women's disappearances was also premised on the belief that some of the women from the DTES who had been reported missing were subsequently located in other jurisdictions.

This outdated premise was borne out of a few situations where women fitting the profile of the victims were reported missing but then found; however, it is highly problematic that this belief persisted in the face of strong evidence to the contrary. While some women working in certain sectors of the sex trade may have been highly mobile, this was not true of this particular group of missing women.

The missing women's lives were highly entwined with life in the DTES. The nature of their addiction (particularly to crack and heroin) meant that many of the women needed to use on a very frequent basis and therefore faced barriers to travel. Several of the women were in drug treatment programs that required them to pick up and take their methadone on a daily basis. The expensive nature of these addictions combined with the poverty in which most of the missing women lived contributed to the fact that these women did not have the resources to travel.

Furthermore the idea that the women had simply moved on was inconsistent with the information provided by the family members, friends, social workers and health care professionals who were in contact with the police.

### ***Impact of the women's "high-risk lifestyles"***

Women engaged in the survival sex trade are considered by the police to have "high-risk lifestyles." The vulnerability of this group to violence at the

hands of men, as well as increased risk of premature death due to diseases such as HIV and drug overdoses, also had an impact on the risk assessment undertaken by police. This theory disregards the fact that there was not a corresponding increase in men missing from the DTES, and the fact that there was no trace of the women's bodies.

There is an aspect of victim blaming to the police approach on these issues: the emphasis is on personal problems and personal failures rather than the social and systemic limitations on the women's lives due to their situations of disadvantage. A better understanding of the women's lives should have resulted in an assessment of even higher risk that these women had been murdered, given that their contact with strangers made them vulnerable to predators and to a potential serial killer. In fact, as DCC LePard noted in the investigation review, the murder risk of sex trade workers is approximately 60 to 120 times that of the general female population and some research indicates that sex trade workers are the most likely victims of a serial killer. These factors should have indicated to police that a serial killer was a likely explanation.

### ***Delays in reporting women missing***

The delays in reporting women missing contributed to the difficulties in making accurate risk assessments to a limited extent. The testimony of senior managers is consistent on this point: a number of factors contributed to the delay in accepting that the women were not simply missing, and one was the lack of accurate, reliable information about when they were last seen. Many of the women were reported within a relatively short period after they were last seen. Senior managers overplayed the lag in reporting time based on the few cases where long months or years had gone by. This belief perpetuated the notion that investigating the women's disappearances was difficult and there was "nowhere to start." Closer attention should have been paid to the actual statistics on reporting delays.

Furthermore, the fact that the women had last been seen some time ago can just as easily be used to support the hypothesis that foul play was involved, since most missing persons are located within a short period of time.

### ***Prior recognition of increasing numbers of missing and possibly murdered women***

Both the VPD and the RCMP were aware of the trend that high numbers of women engaged in the sex trade were murdered or missing well before 1997. This early period provides important contextual information to understand the risk analyses undertaken by police from 1997-2002.

Evidence before the Commission highlighted the large number of murders of women engaged in the sex trade in the late 1980s and early 1990s in Vancouver. This understanding of the risks to women engaged in the sex trade and the possibility of a serial killer led to the short-lived Project Eclipse.



Project Eclipse looked into 25 homicides from Vancouver to Victoria; 23 of these female victims were women engaged in the survival sex trade. It was one of the first experiences of British Columbia police forces in applying profiling techniques to investigations in a concerted manner. The particular vulnerability of marginalized women to predators was well understood at this time.

Police awareness of the risks to women engaged in the sex trade based on these investigations in the early 1990s supported an assessment that the missing women were likely murdered. The fact that police did not form this conclusion amounted to a type of short-term memory loss, as no connection was made between these murders and the fact that women began to go missing in greater numbers in 1997 and 1998.

***Compounding the error: misrepresenting the location of women from the First Nations Summit List***

The mistaken belief in the women's transience was reinforced by the police failure to properly understand the outcome of the investigation into the list of missing Aboriginal women and unsolved homicides of Aboriginal women prepared by the First Nations Summit in 1997. Senior managers were told that all but two of the women had been located, and this reinforced their erroneous presumption about the women's transience. More problematically, it resulted in the discounting of future expressions of concern from members of the DTES community, service providers to this community, and First Nations organizations. Senior managers maintained the view that the women would be found, as they had before. A close examination of the details shows that errors were made in the 1997 response and that these errors were compounded over time because they reinforced the stereotype about the women's transience.

This was a singularly important missed opportunity to identify the trend in the increase of women going missing from the DTES. Instead, it had the reverse effect of reassuring police that women who the community was concerned about could be accounted for. This outcome had long-lasting consequences for the missing women investigations and supported the erroneous assessment that the risks that the women had met foul play were low and shored up the view that they would return or be found safe in another jurisdiction.

***Alerts from Missing Persons Unit do not raise alarm bells***

In the spring of 1998, Ms. Cameron informed Insp. Biddlecombe that she had recognized a sudden increase in the number of missing women from the DTES. He responded by assigning Det. Cst. Shenher to the MPU, in recognition of the need for increased assistance in finding the women. However, this increase did not raise alarm bells. As Det. Cst. Shenher testified, her understanding when assigned to the MPU was that her role

was to “figure out what was happening” but no one clearly communicated what her mandate was.

### ***Confirmation of trend by knowledgeable patrol officer is disputed***

As Community Liaison Officer, Cst. Dickson spent all of his time within the DTES. He was highly knowledgeable about this neighbourhood and respected by its residents. Cst. Dickson had conducted follow-ups on the First Nations Summit list of women in February and March 1997, and at that time he did not discern a broad problem. By early 1998, however, Cst. Dickson recognized that the increasing number of women reported missing within the DTES was a worrisome trend. In an August 27, 1998 memo, Cst. Dickson compiled a list of 35 missing women and 18 unsolved homicides from the Vancouver area.

In a November 5, 1998 follow-up memo sent to Insp. Greer and Staff Sgt. Mackay-Dunn, Cst. Dickson wrote:

*I know or am familiar with probably 75% of the Women on the attached list and I feel very strongly that a large percentage of the women have met with foul play. I feel this way for the following reasons:*

- 1. The majority of women are on social assistance and have stopped picking up their cheques.*
- 2. There has been no family contact.*
- 3. Street friends or associates have not seen them.*
- 4. They are among the most vulnerable group that exists.*

Cst. Dickson provided a list of the missing women’s names and stated that he was not aware of anyone working on this issue and requested a task force be created. Nine of the women on the list were later identified as among Pickton’s victims: Diane Melnick, Tanya Holyk, Stephanie Lane, Janet Henry, Sarah de Vries, Marnie Frey, Kerry Koski, Helen Hallmark and Jacqueline Murdock.

This information should have caused senior managers within the VPD to recalculate the risk assessment and acknowledge that there was a strong likelihood that the women had met with foul play. However, VPD managers again failed to change their assessment.

### ***Expressions of community concern are ignored or minimized***

Even before the First Nations Summit asked for an update on the investigation of missing and murdered Aboriginal women in early 1997, members of the DTES communicated their concerns that there was foul play involved in the increased number of missing women. Former sex trade worker and community activist Jamie Lee Hamilton was one of many DTES activists at the forefront of drawing attention to the missing and possibly murdered women through various actions such as planting white crosses on the lawn of City Hall and delivering 67 pairs of stilettos there and by going

to the media. Organizations such as BC Civil Liberties Association and concerned community members wrote letters to the VPD Chief Constable and municipal and provincial politicians.

On her own initiative, Det. Cst. Shenher responded to community concerns by attending a DTES/Strathcona Police Liaison Committee meeting. Here, she reported that the total number of missing women was considered to be 30 at this stage: six from 1978 to 1992, and 24 from 1995 to the present (eleven in 1998, eight in 1997, two in 1996, and three in 1995).

The mounting community pressure, along with a nascent appreciation of the startling statistics presented by Det. Cst. Shenher at the February community meeting, led to the VPD increasing the resources dedicated to the missing women investigation.

### ***Lack of crime scenes***

The lack of hard evidence of a crime scene also contributed to the difficulties in the risk analysis. Police officers start from the premise that a homicide always begins with a “body” and “no bodies, no crime” was an oft-repeated mantra in the evidence before the Commission. However, the lack of crime scenes had an alternative explanation, a successful killer.

It did not take long for Det. Insp. Rossmo to perform an analysis on the statistics that had been compiled by Det. Cst. Shenher and to conclude that the most likely explanation was that a serial killer was responsible for the disappearances. However, police obtusely maintained this view of “no body, no crime,” even in the face of strong statistical evidence and mounting evidence from other sources of foul play, and that a serial killer was the likely cause of the women’s disappearances.

The absence of a body or a crime scene also resulted in limited participation of the Provincial Unsolved Homicide Unit (PUHU).

### ***Concerns are discounted by senior managers***

In contrast to the views expressed about “no body, no crime,” the officers closest to the investigation quickly accepted that they were dealing with potential homicides. In her first update to management on August 27, 1998, after having investigated the missing women for several months, Det. Cst. Shenher stated in a memo to Acting Insp. Dureau:

*At this point, it seems none of the cases I am investigating would fall into these categories [in jail, detox, etc.] and the victims have gone missing under suspicious circumstances. A large percentage of these women have children either living under the care of the Ministry or with extended family and they have not lost contact with these children or with family for more than very brief periods of time until they went missing. None have contacted family.*

In DC Evans' opinion, "[i]t was clear to her [Shenher] and anyone reading this document that the women had disappeared under suspicious circumstances." Det. Cst. Shenher's views were sometimes expressed in equivocal terms; however, on occasion she downplayed the information she had, for example, when she said there were no suspects.

At various points, senior managers appeared to register the concern that the women were murdered, but failed to fully accept this theory and reassess the risk accordingly.

### ***Delay in accepting and denial of serial killer theory***

The serial killer theory was considered by some of the police officers involved in these investigations right from the outset, but its adoption as part of the operational plan was discounted. Investigations are fluid and different theories and approaches are discussed, debated, and considered over time. However, the serial killer theory was repeatedly dismissed and discounted in the face of a mounting assessment that it was a viable theory. On several occasions, there was an outright public denial of the serial killer theory.

### ***Early recognition of linkages between cases***

The investigating officers were quick to recognize the linkages between the cases, and operated on the basis that one or more serial killers could be responsible for the women's disappearances.

### ***Initiation of Coquitlam Pickton investigation***

Obviously, the initiation of the Coquitlam investigation of Pickton was premised on the acceptance that he was a suspect for at least one murder. There is conflicting evidence as to whether he was under investigation for his potential involvement in one or more murders. The Coquitlam investigation was initiated on the basis of information from Bill Hiscox to the effect that Pickton was responsible for the murder of more than one of the missing women and was therefore considered to be a potential serial killer at the outset. Nevertheless Coquitlam RCMP investigators' overall stance is that their investigation was separate from VPD's "serial killer investigation" and it was their view that they were only looking into a single homicide. However, Coquitlam RCMP did not receive information about a possible single homicide until almost a year after the Hiscox information, when they received information from a second source, Ross Caldwell.

Several of the steps taken by Cpl. Connor and his colleagues are consistent with the acceptance of Pickton as a potential serial predator. However, this awareness does not appear to have translated into a risk assessment that was consistently applied.

***Det. Insp. Rossmo's analysis is dismissed***

Det. Insp. Rossmo recognized from the outset that the increasing number of missing women from the DTES was statistically significant. His analysis discredited the *no body, no evidence, no crime* analysis and supported the serial killer theory. However, his work was discredited in turn. Det. Insp. Rossmo's analysis should have been accorded significant weight in the decision-making process given that he had an unusual and highly relevant combination of skills and experience.

In his report dated September 4, 1998, Det. Insp. Rossmo presented his initial analysis of the missing women investigations. His report included a strategic blueprint outlining the objective of the Downtown Eastside Missing Persons Working Group: "To determine if a serial murderer(s) is preying upon females in Vancouver's Downtown Eastside and, if so, what murders and disappearances are linked together." September 1998 was the first time the words "serial murderer" were employed by a police officer serving in an official capacity in the context of the Missing Women Investigation.

Det. Insp. Rossmo's plan was rejected by Insp. Biddlecombe in particular. It is difficult to understand the lack of acceptance of this strategic blueprint: it wasn't saying there was a serial killer, rather it was saying that the serial killer theory should be part of the investigative strategy.

Following the September 22, 1998 meeting of the Working Group, Det. Insp. Rossmo requested statistics on the missing women from Insp. Biddlecombe. He did not receive the statistics until after he heard Det. Cst. Shenher's presentation to the DTES Community in February 1999. This presentation confirmed his initial views. Det. Insp. Rossmo finally received the requested statistics and set out his analysis in a case assessment in May 1999.

Det. Insp. Rossmo set out a highly compelling analysis that the most likely scenario was that a serial killer was responsible for the disappearances of the majority of the missing women. His persuasive analysis did not lead to change in the assessment of risk that a serial killer was likely responsible or the fundamental change in the investigative approach that this recalculation would have called for.

It is difficult to understand the continued currency of nonsensical theories, such as extended vacations or a sudden rise in deaths due to overdoses without leaving a trace. Senior police officers appeared to consider Det. Insp. Rossmo's analysis to be "speculative" despite the fact that it was grounded in solid empirical evidence and factual analysis.

***Community concern about possible serial killer***

Many members of the DTES community were quicker to adopt the view that a serial killer was in their midst. The media played a large role in bringing attention to this scenario. Between 1997 and 2000, at least 56 newspaper

articles were published on the missing women, as well as letters to the editors by Wayne Leng and others. The articles of reporter Lindsay Kines in *The Vancouver Sun* deserve mention because of the immense impact they had on public consciousness regarding the missing women and the possibility of a serial killer.

Expressions of community concern did elicit some further action from the VPD. However, I find that the police response was insufficient to address the express community concern.

### ***Public statements downplay or deny serial killer risk***

The police made a number of public statements that downplayed or denied the risk that there was a serial killer in the community. Even as the serial killer theory gained increasing acceptance within the VPD, their external communications emphasized that there was no evidence of a serial killer.

The VPD appeared to be walking a fine line in its communications, particularly during the time of the posting of a reward for information about the missing women, which was being hotly contested in the spring of 1999.

The VPD continued to downplay the risk that foul play was involved and/or that a serial killer was at work as late as 2000.

### ***Currency of serial killer theory waxes and wanes***

The currency of the serial killer theory waxed and waned throughout the course of the investigations. It is clear some individual members of the VPD and RCMP accepted and acted upon the serial killer theory at different times during the investigations. However, there was not a full institutional recognition nor commitment to this theory until the formal move to a Joint Forces Operation (JFO) was initiated in November 2000.

Evidence shows that many members of the VPD were committed to the serial killer theory in the fall of 2000, as the MWRT wound down and Project Evenhanded was being created. However, it was not until May 2001 that we saw the words “generally suspected” the actions of a serial killer connected to the missing women.

### ***When did Pickton become a viable suspect of multiple homicides?***

Pickton was brought to the attention of the VPD in connection with the missing women in July 1998 and was first referred to as a serial killer in September 1998. The New West Police Service (NWPS) accepted Pickton as a serious suspect for serial assaults in June 1999.

He was on the VPD’s list of persons of interest in the missing women investigations from October 1999. By late October 1999, 13 persons of

interest were under investigation and Pickton was specifically mentioned in reports to senior managers.

Pickton continued to be in the top ten on the VPD lists of suspects for the remainder of the investigation. Much of the evidence before the Commission supports the view that Pickton was always a priority suspect in the minds of the main investigators. Police actions did not marry with this prioritization, as at no time was Pickton pursued to the point of being confirmed or ruled out as the suspect. Furthermore, the unwillingness to commit to the serial killer theory in a consistent manner resulted in a disconnect between seeing Pickton as a top suspect and seeing Pickton as a potential serial killer.

### ***Project Evenhanded's focus on historic review***

When Project Evenhanded commenced in January 2001, the serial killer theory had been accepted. This acceptance was the basis for the establishment of the JFO. The Memorandum of Understanding between the VPD and the RCMP signed in May/June 2001 stated: "During the course of this investigation, a review of the missing women's files, and homicides of women fitting the victim profile during the same time period, revealed evidence of one or more serial killers possibly responsible for their disappearance."

However, Project Evenhanded was premised on an incorrect risk analysis that the serial killing of women from the DTES had stopped. It took several months to recognize that women were still going missing and several more months for this realization to be properly assessed and the investigation shifted from a historic review to an active serial killer investigation.

This belief appeared to start at the VPD. They believed that women had stopped going missing in 1999. This mistaken belief was partly due to the investigative approach of "confirming" women as missing. In addition, some missing women reports were simply missed, not accounted for, or lost. The police were wrong: women continued to disappear throughout 1999 and 2000. Reports of additional missing women fitting the victim profile started coming to the attention of members of Project Evenhanded in January 2001.

On August 23, 2001, 22-year-old summer student Brian Oger finalized his essay entitled: "The Serial Killer Theory: A Report on the Downtown East-side Missing Prostitutes." In this essay, he concluded:

*Prior to the beginning of August 2001, it was assumed or hoped that the killings had stopped after December of 2000, and that the women were no longer going missing. However, this can no longer be said with confidence. There is a possibility that between January and July, 2001, seven more sex-trade workers have gone missing.*

In his essay, Mr. Oger asked an important question: “What if the serial killer who we thought was dormant, dead, or in jail, is still out and about, killing at will?” He believed more resources were needed for the investigation: “A serial killer – one cunning enough to kill and fully dispose of as many as 40 or 50 women without getting caught – is on the loose.”

Mr. Oger’s work should have resulted in an immediate recalculation of the risk to public safety and hence the reorientation of Project Evenhanded. I find that it did not and that this is another example of the critical police failure to correctly analyze risk and adapt to this updated assessment.

By October 2001, it was suggested that all new missing women engaged in the sex trade should be considered potential homicides. However, evidence showed that members of Project Evenhanded were still unsure if women were going missing at that time.

It was not until November 2001 that a file review led to the addition of 18 more women to Project Evenhanded’s list of missing women.

Project Evenhanded made two further incorrect risk assessments. First, it failed to initiate a suspect-based investigation in a timely manner. In his evidence, Sgt. Adam vigorously denied that Project Evenhanded should have initiated a suspect-based investigation any earlier because to do so would have been a classic mistake of tunnel vision. I reject this evidence as being inconsistent with the known risk to public safety. Second, the decision taken to undertake a very broad review beyond the missing women from the DTES was erroneous in light of the repercussions on time and resources. If two separate JFOs were required to manage the large-scale investigations, then that is what should have been formed. If resources only allowed for one, then a correct risk analysis would have meant prioritizing the safety of women in the “here and now.”

### ***Consequences of faulty risk assessment***

I conclude that there were three overarching faulty risk assessments that were not corrected over time as more evidence of heightened danger was uncovered: the risk that the women had been murdered, the risk that a serial killer was responsible, and the ongoing risk to public safety in terms of future potential victims.

The three main flawed risk assessments were at the epicenter of the police failures in these overlapping investigations. The consequences included:

- Establishing working groups with mandates to review rather than investigate;
- Failure to fully investigate Pickton;
- Failure to incorporate proactive measures to address the situation given the risk that a serial killer was operating; and
- Failure to provide sufficient resources to the investigations in line with the potential threat posed by a serial killer.



Decisions were made on the basis of faulty assessments that minimized the risks faced by women in the DTES throughout the course of the investigations. These faulty assessments led to the creation of review teams rather than investigative task forces, and the impact of these errors cannot be overestimated.

### **Part 3C: Inadequate Proactive Strategy to Prevent Further Harm to Women in the DTES**

A proactive strategy has a dual meaning in the police lexicon: protecting potential victims from a suspected or known risk and actively seeking out information for an investigation. In Volume II, Part 3, I focus on the inadequate steps taken by the police to prevent further harm to women in the DTES. I critically review the restricted extent of the police work with the community both here and in the next section dealing with inadequate investigative strategies. I recognize that the two types of police-community involvement, one focused on crime prevention and the other on solving crimes, are interrelated but I have chosen to deal with them separately in order to emphasize both aspects equally. I conclude that there was a near complete failure of the police to take steps to protect women engaged in the survival sex trade in the DTES until early 2002.

My analysis begins with an assessment of the particular risks to violence faced by women in the DTES. I consider three issues here: whether there was a general police failure to develop and implement a proactive strategy to protect the women, the obligation to warn women in the DTES, and the responsibility to protect Ms. Anderson.

#### ***Prostitution law enforcement strategies put women at risk***

I heard unequivocal testimony that the VPD's prostitution law enforcement strategies put women engaged in the survival sex trade at increased risk of violence, including serial predation. I reviewed and made findings of fact pertaining to this evidence in Volume I. Responding to pressure from residents, business owners and municipal politicians who could not tolerate the nuisances created by the street-level sex trade, the VPD pursued a strategy of containing the women into more remote and unsafe parts of downtown Vancouver. Through this strategy, the sex trade was displaced but not eliminated. One can understand the concerns of the residents, but the women became the unwitting victims of this law enforcement strategy. The unintended consequence was that police created a space for the survival sex trade to exist where the women were violated, often with impunity.

The DTES strolls became a space where justice did not prevail, where violence against women was rendered invisible. Men were able to enter the zone, commit violent crimes and not be held accountable. Clearly this was not the intention; the police were enforcing the prostitution laws and responding to concerns by some community members; they cannot

be faulted at that level. However, the VPD was systemically blind to the impact this enforcement strategy had upon the women.

The VPD refers to this law enforcement strategy as creating a “tolerance zone.” However, tolerance has a double meaning in this context. The strategy meant that women’s engagement in the sex trade was tolerated by the police and society; so too did we all tolerate the women’s increased insecurity and vulnerability to violence as the zone was moved further and further away from basic safety features provided by busy and well-lit areas. Expert witness Dr. Kate Shannon explained the ways in which geographic containment, forcing women to work at night, creates a working environment lacking in third parties who are able to witness a sex worker getting into a perpetrator’s vehicle, and where there is no one to hear a cry for help.

By 1997, Lower Mainland police were fully aware of the fact that women engaged in the sex trade were particularly vulnerable to all forms of male violence. However, this knowledge of the heightened risks to women did not result in the implementation of crime prevention strategies.

The law enforcement strategy, while initiated prior to the terms of reference, continued alongside the missing women investigations. The two police strategies worked in diametric opposition to each other: one further endangered the women, while the other sought to find the missing women and, if crimes were uncovered, apprehend the perpetrator. At the same time that police were searching for missing women, they had insufficient regard for the fact that violence routinely occurred on the strolls and did not take sufficient steps in response. The VPD have argued strenuously against this finding: they assert that the VPD took violence against women engaged in the sex trade seriously and sexual assaults and homicides were thoroughly investigated. I do not, in any way, dispute that the VPD took steps to solve crimes of violence against this group of women. My focus here is on whether they took proactive strategies to protect the women from known risks.

I accept the VPD’s submission that police are in a very difficult position when it comes to the street sex trade: “they are mandated to enforce laws that seek to address the nuisance aspects of the trade but do not resolve any of the underlying issues, and on the other side are concerns about the safety of street sex workers.” I also accept that there was general support for this enforcement strategy, including from some women engaged in the sex trade, relative to other strategies such as increased police presence and arrests. However, it is not clear that this support extended to the location zone in the deserted, dark, industrial part of the DTES. Furthermore, senior managers appeared to be shockingly out of touch with how dangerous this situation was for women in the DTES.

I reject the VPD submission that the “real issue” is that women put themselves at risk by getting into cars with potentially violent men. This position is a

thinly disguised attempt to blame the victim for her “risky” behaviour and lifestyle; a strategy employed to absolve those responsible by shifting the onus to the victim. This approach must be condemned. Women who are driven by addiction and engaged in the survival sex trade did not choose to work in the “tolerance zone” – they were actively displaced there by police, at the request of the community. Although the VPD acknowledges that the police may have increased the women’s vulnerability, I find that the enforcement strategy compounded the women’s vulnerability to a significant extent.

I entirely reject the position that women put themselves at risk. The view that women engaged in survival sex work do not “deserve” “extra” protection because they choose this way of life is reprehensible.

### ***General failure to pursue preventive strategies***

As the missing women investigations progressed, police became more and more aware of the dangers facing women in the DTES. The police record is replete with references to “bad dates” and “bad men” who were assaulting and violating women engaged in the survival sex trade on a regular basis. While they were focused on getting the “bad guy” in a generic sense, they didn’t pay attention to the ongoing threat posed in the DTES. There are no indications that the VPD treated the fact that women were disappearing from the DTES in statistically significant numbers as a public safety issue. Nor did this situation improve under Project Evenhanded.

I agree with the VPD that it is very difficult for the police to proactively increase the safety of street-involved women, and that the best strategy is for women to have real alternatives to the dangers of the survival sex trade. But these difficulties do not excuse the failure to act.

There were measures available to the VPD that could have increased the women’s safety. First, they could have been more forthright in sharing information with women and other community members about the investigation. Investigators need to hold back some information in order to advance the investigation, but there was no consideration of the appropriate balance between the twin goals of catching the perpetrator and preventing another woman from going missing or being murdered. Second, they could have shared the information with officers working on the street, whose roles lent themselves more to the community policing function of protecting the women.

There was clear evidence that women were continuing to go missing from the DTES in early 2001 at the latest. Yet, it was not until January 15, 2002, that proactive teams of police officers were placed in the DTES to liaise with women in the area. This was almost five months after Project Evenhanded specifically recognized that the serial killer was active and more than 18 months after the police began to realize that women were going missing again, or more accurately, had continued to go missing.

In DC Evans' opinion, the deployment of the proactive teams "was far too long." I conclude that this delay is simply unfathomable and reflected the fundamental error of failing to place any real emphasis on prevention, which plagued the entirety of the missing women investigations from the beginning to almost the end of the terms of reference.

### ***Failure to warn***

I find that both the VPD and Project Evenhanded committed serious errors in failing to provide a specific warning to women in the DTES. My finding in this regard is shaped, in part, by the fact that in 1997 an Ontario Court had found that there is a legal obligation on police to warn a particular victim group in some circumstances, in a case known as *Jane Doe v. Metro Toronto Police*. While the duty to warn should have been known in any case, the fact that this timely case would have been discussed in senior police management circles at that time only underscores the fact that a warning should have been carefully considered and issued.

Warnings could and should have been issued to two communities: to women in the DTES and to Aboriginal communities across British Columbia where a number of the victims originated. There is no evidence that this second type of warning was considered at all by either the VPD or the RCMP.

In September 1998, Det. Insp. Rossmo had proposed that a warning to the community, in the form of a press release, be issued at the first meeting of the short-lived Missing Women Working Group. It was important, in his view, to counteract any denials that there was a serial killer at work in the DTES. Insp. Biddlecombe was not at all in favour of a media release or a public warning, as he felt that it was premature. However, many police witnesses agreed that the press release should have been issued at that time.

VPD managers gave several explanations for why the decision was taken not to issue a warning in the DTES:

- There was no proof that there was a serial killer;
- There was insufficient information to provide a targeted and effective warning; and
- A warning would not have been effective as women were incapable of changing their behaviour due to drug addiction.

I reject each of these explanations. The first explanation is easily disposed: there were good reasons to believe that many women had met with foul play given the fact that they did not "reappear" as the vast majority of missing persons do, and that no traces of them were found over months, and eventually years, of investigation.

I agree with the testimony that specific warnings are more effective than general warnings because potential victims can more effectively tailor their behaviour to minimize risks. For example, information about a suspect's

car or appearance would be more likely to have an impact. However, there was sufficient information to provide a basis for a warning and the warning could have been updated over time as the investigations progressed. Furthermore, the warning did not have to be a stand-alone measure: it could have been part of a larger proactive strategy. After issuing a warning, police could have met with women in the DTES to discuss the risks and potential safety measures. There is no evidence that this option was considered.

The most problematic rationale provided by various police officers for not issuing a warning is that it wouldn't have changed the women's behaviour. At a superficial level, this explanation has some attraction as it denotes sensitivity to the situation of disadvantage in which the women lived. Under closer scrutiny, it reeks of a paternalistic attitude that the police knew better than the women about how they would react to a warning. I endorse the Families' submission that "these preconceived notions were based on ignorance, paternalism and prejudice."

There is no doubt that a warning would have provided potential victims with knowledge that they could have acted upon to make themselves safer. The VPD was under an obligation to warn women in the DTES and they utterly failed to do so. There is no sound evidence of investigative reasons not to issue a warning. In fact, the opposite is true: both DC Evans and DCC LePard acknowledged that such a warning could have elicited tips.

Not only did the police not warn the women but they took pains to publicly downplay the "rumour" that a serial killer was responsible for the disappearances of the missing women. The closing submissions of the Families emphasizes this point and sets out a number of examples.

While the VPD was clearly in error in not issuing a warning in 1998, there is no evidence that this issue was revisited over the course of the investigations, even as the police gave more and more credence to the serial killer theory. There is no evidence that Project Evenhanded considered issuing a warning, even when they issued a media release containing the names of additional women who had disappeared and were being added to the missing women list, or planned a proactive team on the basis that the killer was active.

#### ***Failure to take steps to protect Ms. Anderson despite specific threats***

Both Det. Cst. Shenher and Cpl. Connor were aware of reports that Pickton was threatening to harm or kill Ms. Anderson. Cpl. Connor relayed this threat to Ms. Anderson over the phone; however, no further steps were taken to protect Ms. Anderson. I find the fact that no consideration was given to protection measures was an error that was indicative of the general failure to consider that this investigation was a public safety issue requiring proactive steps on the part of the police.

I conclude that the police did not turn their minds to their responsibility to protect Ms. Anderson and that they had steps available to them to do

that. Protecting Ms. Anderson would have, at the same time, potentially advanced the investigation into identifying Pickton as a suspect in the missing women cases.

### **Part 3D: Failure to Consider and Properly Pursue All Investigative Strategies**

The failure to consider and properly pursue all investigative strategies is one of the main overarching critical police failures that affected the outcome of the missing and murdered women investigations. I identify and discuss the major errors related to investigative strategies over the course of the investigations grouped into five main points:

- Failure to employ an Aboriginal-specific investigation strategy;
- Restricted involvement of family members, the community and media in the investigations;
- Lack of follow up on tips and mismanagement of informants and information sources;
- Delays in pursuing a suspect-based strategy and failure to confirm or rule out suspects; and
- Limited use of other investigative avenues: surveillance, undercover operations, search warrants and forensic evidence.

Perhaps the most egregious investigative errors relate to the Anderson assault. It bears repeating. In March 1997, Pickton picked up Ms. Anderson from the DTES and attacked her on his property, thereby providing a link between Pickton and the DTES. Ms. Anderson provided crucial evidence about what she saw, both in the truck and at the residence. All indications are that both her role and what she told the police were ignored. Those facts together with the earlier police dealings with Pickton should have made him a strong suspect and therefore the focus on investigative strategies.

#### **Failure to Employ an Aboriginal-Specific Investigation Strategy**

I am particularly troubled by the failure of the police to employ an Aboriginal-specific investigation strategy given the disproportionate number of Aboriginal women among the missing women from the DTES. The First Nations Summit had brought their concerns about the large number of murdered Aboriginal women to the attention of the VPD, RCMP and Provincial Unsolved Homicide Unit through its requests for action in February 1997. Independent Counsel for Aboriginal Interests repeatedly asked police witnesses about their consideration of tailored investigative strategies involving the Aboriginal community: the responses were woefully deficient.

The comments I make regarding the police failures to develop investigative strategies in consultation with the DTES apply with equal or even greater force to the need to work with Aboriginal people and organizations. In Volume I, I highlighted the important context of the history of colonialism and antagonism between Canadian institutions and Aboriginal peoples that has resulted in situations where many Aboriginal persons have a well-

founded distrust of authorities, particularly the police. Given this well-known dynamic, I find that the inadequacy of the response to the First Nations Summit's serious concerns in 1997 and the complete lack of consideration given to an Aboriginal-specific strategy in the missing women investigations amounts to a critical police failure.

Not only did police fail to proactively seek information from the Aboriginal community, specific sources of information were not followed up.

The police completely overlooked the Aboriginal dimensions of the missing women crisis throughout the investigations. This systemic blindness to the distinctiveness and specificity of the Aboriginal communities is staggering in light of the number of Aboriginal victims. I accept the submission of Independent Counsel for Aboriginal Interests that police "have a minimal knowledge of and know nothing substantive about the Aboriginal People and their Communities." I am persuaded by submissions made on behalf of Independent Counsel for DTES Interests that the police in Vancouver were estranged from urban Aboriginal women.

Neither the VPD nor the RCMP took advantage of the fact that Aboriginal communities tend to be very close-knit to assist in the investigations.

I do not underestimate the difficulties facing the police in overcoming the barriers to open communication with Aboriginal communities and the time such an endeavour entails. However, obstacles and difficulties do not excuse total ignorance of the need to accommodate Aboriginal realities and the failure to take even initial steps in this direction in order to mount an effective investigation.

### **Restricted Involvement of Family Members, Community and Media**

Overall, the police failed to work effectively with family members, the community and media in the missing women investigations. Police cannot carry out successful investigations of missing women and suspected multiple homicides on their own. Family members and other reporters, the community and the media also have an important role to play, and therefore strategies for proactively involving these external sources of information are key. Many individuals assisted in the missing women investigations in a wide variety of ways, but police used inconsistent and ineffective approaches to garner assistance, did not prioritize this involvement, and in some cases were hostile to it.

Standard investigative practices emphasize the importance of external communications by police investigators, which allows for an exchange of information from multiple sources. Det. Insp. Rossmo highlighted this. He informed the Commission that most investigative breakthroughs come as a result of information from the community. He noted that RAND (Research and Development), a global non-profit organization that seeks to improve policy and decision-making through research and analysis, undertook a

national study of criminal investigation practices with the purpose of assessing police effectiveness. The study found the public community is the number one group for solving crimes. The number two group is patrol officers, and the number three group is detectives. This is particularly true in situations with little physical evidence, like the missing and murdered women investigations. Det. Cst. Shenher also testified that without community involvement, “we were going to be operating with one arm behind our back, for sure.”

### ***Restricted involvement of family members and reportees***

In my review of the individual missing women investigations, I outlined the VPD and the RCMP errors in not consistently interviewing family, friends and associates in the individual investigations of the missing women and their general lack of contact with most of the families.

Given the acknowledgement by the police about how important community/family involvement can be in an investigation (also reflected in Det. Insp. Rossmo’s initial blueprint), it is surprising how little coordination occurred with the families as a group. The difficulties appeared to be partly attitudinal.

However, the main problem was the lack of a clear, consistent and thorough approach to the missing women investigations and a lack of appreciation of the investigative value of family members, friends and other people who had an important role in the women’s lives. In the absence of the women themselves, these groups were one of the best sources of potential information, yet the police rarely employed them. If anyone could have assisted the police in developing the right set of assumptions on which to base an investigative strategy, it was the families.

### ***Restricted involvement of community members***

The VPD put in place a limited strategy for obtaining more information and assistance from the community. Essentially, the strategy was to deploy Cst. Dickson and build on his community network. However, it is unclear how well Cst. Dickson’s contacts in the DTES were used in the missing and murdered women investigations. Aside from any efforts by Cst. Dickson, the VPD community engagement efforts consisted of three main investigative activities (each one is discussed in more detail in the report): one formal meeting at the Carnegie Community Centre in February 1999, before VPD’s Missing Women Review Team (MWRT) was established, at which Det. Cst. Shenher made a presentation on the missing women; a questionnaire administered to women engaged in the sex trade; and three photo canvasses in the DTES. This strategy was highly restricted and, in some respects, poorly executed. This list of community-based investigative steps is unreasonably short and is far off the mark of the community engagement strategy that should have been deployed in the missing women investigations.



The MWRT's strategy to garner assistance from the community was ineffective because the team failed to take adequate steps to learn more about the dynamics of the DTES community and did not actively involve assistance from community leaders who knew how to build the trust necessary to overcome barriers to police-community communication. While this type of consultation and relationship building is time-consuming, it is essential to effective police investigations in communities where there is a history of police-community conflict and distrust, as there is in the DTES.

I completely support the position taken by the Families in their closing submissions that the police routinely failed to canvass local service providers and community organizations. I also accept Independent Counsel for the DTES Interests' submission that there was a general failure to adequately approach and interview women engaged in the sex trade.

I was particularly struck by Jamie Lee Hamilton's evidence that it was unusual that police didn't reach out to the people having daily contact with sex trade workers, and that the only conclusion she could draw from that was there was a lack of interest. I agree with her that the community had a lot of valuable information. They could have told police about the women's lives and their entrenchment in their circumstances, humanized the women, and provided a more holistic view to the individuals' lives. This information and perspective would have assisted the police to see the women as individuals, not simply as a group of women who "lived criminal lifestyles" and were lost to the street.

#### ***Efforts of families, friends and community members to aid the investigation***

The police failure to more fully involve family members, friends and other community members in the investigations is especially difficult to comprehend, given the fact that many of these individuals were actively taking steps to assist in the investigation and keenly wanted to be involved. While Det. Cst. Shenher welcomed and facilitated this involvement, other members of the police forces were hostile to some of these efforts.

In the overview of individual missing women's investigations, I highlighted the many ways that family members were involved in searching for their loved ones and in bringing attention to the disappearances. Some family members were instrumental in drawing public and political attention to their loved one's case and the missing women in general. In the report, I provide some examples of the efforts made by Sandra Gagnon, Ernie Crey, Maggie de Vries, and by Wayne Leng, a friend of Sarah de Vries.

Over the course of the investigation many family and community members wrote to the City and Police Board, raising four primary concerns: 1) that the women have been met with foul play and a serial killer is responsible; 2) that the police believe the women will be found alive and their disappearances are not suspicious; 3) that the police are not taking enough action in the

missing women investigations; and 4) that the investigations would be taken more seriously if the women were not from the DTES.

### ***Ineffective media strategies***

One important strategy to engage the public in assisting in a criminal investigation is through the media. Media can be engaged in missing person cases to assist in locating and in advancing investigations over disappearances. The MWRT did not have a media strategy and Project Evenhanded was very slow in developing its communications plan. If anything, it appears to me that the VPD and the RCMP wanted to minimize media exposure. VPD senior management was particularly wary of promoting the serial killer theory.

### **Lack of Follow Up on Tips and Mismanagement of Informants and Information Sources**

The missing women investigations are characterized by the lack of follow up on tips and mismanagement of informants and information sources. Police officers are not perfect and they are often placed in positions of juggling many responsibilities: individual errors are excusable on this basis. When the missing women investigations are viewed as a whole, however, the pattern of mismanagement of informants amounts to a critical police failure with systemic implications.

One dimension of this failure was the inability to properly assess the credibility of and reliability of informants, particularly those who were drug users and/or had mental health issues. I accept the submission of Independent Counsel for Aboriginal Interests that the inability to work with these important witnesses contributed significantly to the investigative failures. Conflict over the credibility of key informants played a large role in derailing the Coquitlam RCMP Pickton investigation and contributed to the demise of the VPD/RCMP cooperative efforts in this regard. A second dimension was the inability to make the best use of both the information that was being provided and the informants themselves.

In this section, I focus on the information that was gathered about Pickton, although I appreciate that police investigated other persons of interest as part of the missing and murdered women investigations. I provide an account of the interactions of the VPD, MWRT and Coquitlam RCMP's most active phase of pursuing Pickton as a suspect through an overview of their strategies for dealing with the informants and by setting out the key information provided during this active period, focusing for the most part on what transpired in 1999.

There were several key people who provided information. They were:

- Ms. Anderson
- Bill Hiscox
- Ross Caldwell

The information provided by these individuals is set out in more detail along with relevant dates in Volume II, Part 3D. These three informants had compelling information that was not fully exploited by the police. While the VPD and Coquitlam RCMP worked together to some extent to develop these investigative avenues, conflicting views regarding how to proceed contributed to an overall failure. The incomprehensible transfer of Cpl. Connor out of the investigation in August 1999 effectively marked the end of a concerted investigation into Pickton.

***Confirming the Caldwell tip: Bev Hyacinthe, Lisa Yelds, Leah Best and Ron Menard***

Members of the Coquitlam RCMP Detachment took a number of steps to advance the investigation of Pickton by trying to corroborate the information Mr. Caldwell provided; however, disagreement again arose among the police over the credibility of informants, which effectively shut down this line of inquiry. I do not accept witnesses' evidence that the investigation was not affected by any disagreement and that no further steps were taken because there were no viable investigative steps to take.

Several individuals were interviewed over an extensive period in order to confirm the information provided by Mr. Caldwell regarding Pickton and/or Lynn Ellingsen.

- Bev Hyacinthe
- Lisa Yelds
- Leah Best
- Ron Menard

The information provided by these individuals is set out in more detail along with relevant dates in Volume II, Part 3D. I find that Ms. Yelds, Ms. Best and Mr. Menard had important information that should have been more fully pursued and that the approaches taken to develop source information does not appear to have been connected to an overall strategy. I find that Ms. Hyacinthe had a very limited role in the investigation.

***Lynn Ellingsen***

The Caldwell, Menard and Best tips had centered on information from Lynn Ellingsen concerning Pickton's activities, and in particular that she had seen Pickton skinning a woman that he had hung in his barn. In the summer of 1999, members of the VPD Missing Women Review Team and Coquitlam RCMP agreed that Ms. Ellingsen should be interviewed. I conclude that this interview was poorly handled and had a devastating impact on the investigation due in large part to differences of opinion between the officers involved on how Ms. Ellingsen should be handled. While some follow-up steps were taken, including a second interview, the investigation never regained momentum.

The ineffective interviews of Ms. Ellingsen and the lack of follow up with her contributed to investigative failures. The much more troubling finding is that Ms. Ellingsen was never treated by Coquitlam RCMP as a suspect given the information that she had some role in a murder. The strategies undertaken in the summer of 1999 were a colossal failure that derailed the Pickton investigation. It is shocking that the investigators did not properly analyze the information and rely on key principles for assessing credibility and conducting interviews/interrogations. I also conclude that there was a failure at the management level to address the conflicts that were arising between investigators on these issues.

### **Limited Use of Other Investigative Avenues: Surveillance, Undercover Operations, Search Warrants and Forensic Evidence**

Police have a number of investigative tools available to assist them in solving crimes. Primary tools include surveillance, undercover operations, search warrants and use of forensic evidence. These potential avenues were never fully exploited in the missing women investigations. While I find that the fundamental problems in the investigations are at the strategic level, there were also numerous operational errors that contributed to the overall ineffectiveness of the investigation in this case. In this section, I highlight a few of the ways that the police failed to live up to established standards. I rely on the comprehensive evaluation of the limited use of other investigative avenues in the reports prepared by DCC LePard and DC Evans.

#### ***Limited use of surveillance***

After other investigative leads brought Pickton forward as a viable suspect in the disappearance of the missing women from the DTES, the RCMP and the VPD both used covert surveillance at various times during the Pickton investigation.

The unusual nature of the Pickton property made it difficult to monitor; for example, it proved impossible to set up effective surveillance cameras. Nothing of value was gleaned during the surveillances and given the resources involved in carrying out surveillance activities, this strategy was employed only sporadically and discontinued quite quickly.

The primary failure of the surveillance efforts was the sporadic nature in which it was employed. However, surveillance also failed because police did not follow up when surveillance followed Pickton to the West Coast Reduction Plant (a rendering plant) where he delivered 45-gallon drums.

This evidence was crucial: it corroborated Mr. Caldwell's information that Pickton was disposing of body parts into 45 gallon drums that are taken away to a recycling plant. It is astonishing to know that police who followed Pickton to the site did not get out of their vehicles to investigate the contents of the drum. Furthermore, this information was never communicated to

Cpl. Connor and was a serious communication breakdown within the RCMP.

Surveillance is very expensive and specialized police work, but the intermittent manner in which it was deployed through the years of the Pickton investigation was unlikely to lead to any fruitful investigative results. Unfortunately when results were obtained, communication breakdowns within RCMP prevented Cpl. Connor from ever learning about them. Pickton eventually needed to be either confirmed or rejected as a suspect for the missing and murdered women regardless of the cost. A dedicated surveillance strategy over a six to nine-month period would likely have brought the Pickton investigation to a conclusion.

Surveillance could have been used in a more strategic manner as police gathered information about Pickton. There is no evidence to suggest that consideration was given to setting up surveillance on the strolls in the DTES – a relatively small area where the women were disappearing from about every six weeks. Police could have followed up on Pickton’s link to West Coast Reduction through surveillance or by asking employees to notify them when Pickton came by so they could check the vats that he had deposited.

#### ***Failure to pursue search warrants***

Judicial authorizations, which are commonly referred to as “search warrants,” are regularly used by police in the investigation of serious crimes. Search warrants provide police with the legal authority to conduct searches and seizures, as well as the authority to intercept private communications (wiretaps), or to observe areas in which persons would normally have an expectation of privacy. There are numerous types of warrants and police must comply with the requirements set out in the *Criminal Code* as interpreted in court decisions. A concise and helpful analysis of the law is set out in *R. v. Debot* [1989] 2 SCR 1140.

I agree with Mr. Roberts, counsel for Marion Bryce, mother of Patricia Johnson, that the Hiscox information was unique, contained specific and detailed information, and confirmed knowledge about Pickton from other sources. DC Evans highlighted, for example, the fact Det. Cst. Shenher had been able to link Mr. Hiscox’s information about seeing a “Native girl’s ID” in Pickton’s trailer to the disappearance of Janet Henry. This information was the foundation for the development of an affidavit in support of a search warrant.

In the summer of 1999, after the Hiscox information had been received and when the Caldwell information was coming in, Cpl. Connor started to prepare a draft affidavit with a view to use it in support of an application for a potential search warrant; this was the same draft that was used as an appendix to the search warrant that Cst. Cater obtained when he attended the Pickton farm in 2002. Cpl. Connor consulted with Crown Counsel about the possibility of installing camera surveillance, who advised a

warrant would be required, and that this could be sought at the same time as a warrant for a wiretap.

I am not prepared to find a search warrant could have been obtained from the Hiscox information alone; however, consideration should have been given to developing the information base required to obtain a search warrant, beginning in the fall of 1998. It is also clear that by the summer of 1999, the Coquitlam RCMP investigators should have put more time and effort into obtaining a search warrant. Of course, I cannot conclude whether any search warrant would have been issued. However, it is clear that this important investigative tool was not pursued to the extent warranted in the circumstances.

### ***Rejection of undercover operations***

Scant attention was given to the potential of undercover operations as an investigative strategy for the missing women investigations. Recommendations for this type of approach were made at various points in the investigations, but they were never carried out.

### ***Ineffective use of forensic evidence***

Very limited forensic evidence was available to the police in the missing women investigations. This was one aspect of the investigation that was highly restricted by the “no bodies, no crime scenes” feature of the investigation. In Volume II, Part 3A, I reviewed the steps taken by the VPD and the RCMP to obtain dental records and familial DNA which, on the whole, I find to have met with missing person standards. Police met a number of barriers to analyzing the DNA samples and therefore to using them effectively in the investigations. One barrier was the lack of mechanisms for the families of any given missing person to submit familial DNA for identification of found human remains or unknown DNA at a crime scene.

One area of deficiency was the delay in considering how and whether to use Pickton’s DNA in relation to unsolved homicides, or to test items seized in the Anderson assault investigation for DNA of other victims. Police practice had not caught up with developments in DNA technology that had occurred during the course of the long investigation. What is absolutely clear is that given the paucity of forensic evidence, both the VPD and the RCMP should have pursued this investigative avenue to a greater extent than they did.

### **Delays in Pursuing a Suspect-Based Strategy and Failure to Confirm Or Rule Out Suspects**

The initial approach taken by the MPU was to focus on finding the missing women. While this starting point was inevitable and sensible, the inability of all the police forces involved to move to a suspect-based strategy in a

timely way amounted to a critical police failure. Both the MWRT and Project Evenhanded were given the primary mandate of review teams, despite the mounting evidence that the women had been murdered. Investigative strategies reflected this initial focus and there were incomprehensible delays in pursuing a suspect-based strategy.

This overarching error was compounded by a complete failure to pursue suspects to a conclusion: to determine whether the police could eliminate them as suspects or make an arrest. The police failure to confirm or rule out Pickton as a suspect stands out, given what DC Evans calls the “specific, unique and incredible” evidence against him known to various police officers. It should have been vigorously and steadily pursued. It is no excuse to say that Pickton was only one of many suspects: none of the major suspects were pursued to a conclusion and confirmed or ruled out, save the person of interest that was doggedly investigated and eventually arrested by Det. Cst. Fell and Det. Cst. Wolthers. I saw no evidence that police employed the simplest strategy of learning more about Pickton through, for example, gathering information from his associates and speaking with people at places that he frequented. The police failed to consider the information that was clearly available after the March 23, 1997 Anderson assault. As outlined in this report, the Anderson assault provided a clear nexus between Pickton and sex trade workers of the DTES. He was the logical suspect.

### ***Belated emphasis on suspects***

The emphasis on a suspect-based strategy came much too late. On February 10, 1999, the VPD approached PUHU regarding the Pickton investigation with a view to getting PUHU to take over, or support, the investigation. PUHU members advised that while the Pickton information was interesting, they would not be in a position to assist until there was no doubt that this individual was involved in a specific or group of homicides. This is an odd position for a homicide investigator to take given if there was *no doubt* Pickton was involved in a homicide, there would be no need to carry out an investigation; an arrest could be made.

In May 1999, Det. Cst. Shenher recommended moving the Missing Women Investigation from an individual file focus to a suspect-based one. She was supported in this position by Sgt. Field and up the chain of command. However, when the MWRT was established, it was not mandated to fully pursue a suspect-based strategy.

Project Evenhanded suffered from a similar lack of focus on suspects. Decisions made early on to carry out a comprehensive review and to put off the investigation of suspects was a serious error. I agree with Sgt. Adam that it was important to avoid “tunnel vision” by creating a comprehensive list of suspects. However, pursuing some of the top suspects should have begun at the same time. If the sheer number of potential suspects overwhelmed

the investigation, then too much time had been spent building up the list of potential suspects and not enough on their prioritization.

### ***Pickton interview: delayed and failed***

One of the strategies open to police to assist them to confirm or rule out Pickton as a suspect was to interview or interrogate him. A decision was made to do so in August 1999, as a result of the mounting sources of information about Pickton's involvement in the missing women's disappearances. Coquitlam RCMP interviewed Pickton in January 2000 and a PUHU member spoke with him in March 2001. Neither interview was a well-planned step within an overall strategy to investigate the leads on Pickton.

The Pickton interview did not meet even the most basic police standards. It appeared to be completely unplanned, despite the fact that months had gone by since the first effort to interview him, the seriousness of the suspected crime, and the compelling evidence available to the police at that time. I adopt DCC LePard's thorough analysis of the errors and poor judgments made in the Pickton interview. I conclude that the failed interview had a devastating impact on the Coquitlam Pickton investigations, which entered a period of hibernation. Despite still being considered a priority case, police took very little or no action.

### **Overall Conclusion on Investigative Strategies**

I conclude that the police failed to consider and properly pursue all investigative strategies. I found five main failings in this regard. First, the police failed to employ an Aboriginal-specific investigation strategy. Second, the strategies adopted by police unreasonably restricted the involvement of family members, the community and media in the investigations. Third, the police strategies were wholly inadequate with respect to the follow up on tips and mismanagement of informants and information sources. Fourth, the investigations were plagued by unacceptable delays in the pursuit of a suspect-based strategy and the failure to confirm or rule out suspects. Fifth, police approaches were wholly inadequate regarding the use of other investigative avenues such as surveillance, undercover operations, search warrants and forensic evidence.

### **Part 3E: Failure to Follow Major Case Management Practices and Policies**

The investigation of a large number of missing women and suspected multiple homicides was a complex task; it involved gathering and processing large amounts of information and collaboration and information sharing between agencies. Many police officers were involved in the investigations over a long period of time. Complex police investigations must be properly managed to be effective. This was not a run-of-the-mill case; the missing women investigations clearly fell outside the normal parameters of day-to-day policing: it was a multi-victim, multi-jurisdiction and potentially



multi-offender case. This case cried out for the application of Major Case Management (MCM) techniques.

As I set out in Volume I, formal MCM systems and training were available in Canada by 1994. MCM was not an entirely new creation and was built upon existing police skills, knowledge and experience. This development was given additional impetus by the publication of Mr. Justice Campbell's investigative review of serial rapist and killer Paul Bernardo. In his 1996 report, Mr. Justice Campbell found that a Major Case Management system is required for major and inter-jurisdictional serial predator investigations. The major benefits of MCM identified in the context of investigating a serial predator are the early recognition of linked offences and simple mechanisms to ensure management, accountability and co-ordination between police forces and law enforcement agencies.

My starting position is that provincial authorities were remiss in not moving quickly to implement Mr. Justice Campbell's recommendations concerning MCM standards on a province-wide basis. In addition to establishing and mandating MCM standards, funding should have been provided to implement the systems required and for training within an accelerated time frame. I acknowledge that the VPD and RCMP had not formally adopted MCM standards during most of the terms of reference; nevertheless, general MCM principles were broadly understood and were being applied on an ad hoc basis.

The police failure to develop and follow basic management principles and practices, implement effective team structures, an efficient system for planning and file administration, and ensure that personnel had the requisite managerial skills were critical oversights. This contributed to the ineffectiveness of the investigations of the women who disappeared from the DTES and Pickton. The principles and practices were not consistently applied throughout E Division from 1997-2002 but "these principles were generally applied in case-specific serious criminal investigations." However, the Government of Canada submits that Project Evenhanded was specifically based upon MCM principles, despite the lack of a formal standard.

It is astounding to me that the lessons of the *Bernardo Review* were not more systematically reviewed and applied in the missing women investigations, given the common factors of serial predation and the killing of women.

In Volume II, Part 3E, I review the ways in which MCM principles were ignored and the negative repercussions of this failure on the investigations. I begin by analyzing the investigations in light of the three major components of MCM: investigative team structure and organization, information management and documentation, and accountability through team leadership and supervision. I identify three other aspects of the MCM approach that were also lacking: assignment of specific responsibility for family, media liaison functions, and the effective utilization and integration

of specialized police resources and general duty/patrol teams. Finally, I focus on the specific question of whether Project Evenhanded had applied MCM in the early stages before Pickton's arrest.

I conclude that provincial authorities were remiss in not moving quickly to implement Mr. Justice Campbell's 1996 recommendations concerning Major Case Management (MCM) standards on a province-wide basis.

I conclude that MCM was in its infancy and that formal MCM standards were not yet in place in British Columbia; yet basic MCM principles were well understood by senior police officers and, in any case, are nothing more than a consolidation and refinement of good management practices.

I find that MCM principles were not followed in numerous respects and directly contributed to the inexcusable gaps and delays in the missing women and Pickton investigations. I make five main findings in this respect as outlined in the following paragraphs.

#### ***Poor investigative team structure and organization***

MCM principles were not adequately reflected in the structure and organization of the investigative teams. While the VPD Missing Women Working Group showed promise along these lines, that promise was belied by the group's rapid creation and dissolution. Poor structure and organization plagued the MWRT, the Coquitlam RCMP Pickton investigation and, to a lesser extent, Project Evenhanded.

#### ***Poor information management and documentation systems***

One of the defining aspects of a major case is the large amount of information that has to be gathered, analyzed, managed and stored. These investigations also generate a large amount of documentation, which is essential to the investigation process and facilitates regular reviews of the status of the case. Effective systems must be established and kept up to date. A standardized, common ECM model was not employed by all police forces in British Columbia during the terms of reference and still is not to this day.

The missing women investigations, and particularly the MWRT, had poor information management systems. These failings are reflected in the MWRT's lack of a documentation and file system, problematic experience with its ECM system, and lack of information sharing within the team. Project Evenhanded was also deeply affected by the ECM system it inherited from the MWRT.

The failure to properly follow MCM principles is also evident in the failures of communication and reporting within an investigative team. The MWRT did not have a proper reporting structure and communication practices, and these inadequacies had a detrimental impact on the investigations.

### ***Inadequate accountability structures***

One of the primary advantages of an MCM approach to an investigation is assuring overall management through a clear accountability and reporting structure. This structure is particularly important because members of the investigative team are usually drawn from different sections of a police agency and can therefore stand outside of normal reporting channels. The need for clear reporting and supervisory relationships is particularly important in multi-jurisdictional investigations. Under the classic MCM structure, accountability lies foremost with the Team Commander.

I find inadequacies in the accountability structures of the MWRT, the Coquitlam RCMP Pickton investigation, and Project Evenhanded.

The JFO structure of Project Evenhanded ensured that there was a formal Team Commander, thereby avoiding some of the fundamental MCM errors that limited the MWRT and the Coquitlam RCMP Pickton investigation. However, the Team Commander was not always sufficiently engaged in the investigations, contrary to MCM principles, although he recognized, in hindsight, that he should have been more engaged in the day-to-day running of Project Evenhanded.

### ***Other aspects of MCM also inadequate***

The investigations were also ineffective, in part, due to the failure to assign specific tasks such as a family liaison officer and a media officer, as well as inadequate use of specialized police services, including patrol.

### ***MCM in Project Evenhanded***

Finally, I conclude that during the reference period, Project Evenhanded was not conducted in accordance with MCM principles, despite the fact that it was established in full recognition of the likelihood that one or more serial killers were at large in the Lower Mainland. MCM should have been employed from day one.

## **Part 3F: Failure to Address Cross-Jurisdictional Issues and Ineffective Coordination Between Police Forces and Agencies**

Criminals do not respect the territorial jurisdiction of individual police forces; to the contrary, they can purposefully evade detection by carrying out their activities across boundaries and exploiting gaps in traditional law enforcement investigative processes. There is no question that this was true in the missing women investigations, and the challenge to apprehend was exacerbated by poor communication and co-ordination between police forces and agencies involved in the investigations. I have found that there were some good examples of cooperation between the agencies, and between particular police officers from different forces, throughout the terms of reference. Not surprisingly, I also find that collaboration improved

substantially with the formation of the Joint Forces Operation (JFO), Project Evenhanded. Nevertheless, I conclude that the inability to fully address cross-jurisdictional issues was a critical police failure, substantially limiting the effectiveness of the investigations and that these failures continued throughout the entire five-year period of the Commission's Terms of Reference.

The *Bernardo Review* emphasized the facility with which a serial predator can confound investigations by exploiting the challenges inherent in multi-jurisdictional investigations. Mobility is often key to a serial killer's success. One of the major lessons of the *Bernardo Review* is the importance of planning and preparation for multi-jurisdictional investigations before an incident develops. Policies, memoranda of understanding, and other mechanisms to build relationships should all be in place so that a multi-jurisdictional approach can be implemented quickly and smoothly when the need arises. The model championed in the *Bernardo Review* is based on police cooperation rather than rivalry, a free flow of information and open communication among agencies, and reporting to a multi-disciplinary board of directors or governing authority. He emphasized the need for a senior manager to be in charge of all of the individual investigations connected in a serial predation case, each of which would have a clear lead investigator.

Multi-jurisdictional investigations can falter, even when police forces have overarching cooperative relationships and general lines of communication. I accept the characterization of the VPD's working relationship with the RCMP as one of excellent cooperation and co-ordination. There were instances of good communication and collaboration, but it was erratic and dependent upon the initiative of individual officers and senior managers. Police can always pick up the phone to call a counterpart in another force to request information or assistance, but this ad hoc approach is insufficient in a multi-jurisdictional investigation. In the report, I set out several examples of how ineffective co-ordination affected the investigations.

From the start of the investigation into the missing women from the DTES, there was recognition among some members of the VPD that an inter- and intra-jurisdictional approach was necessary. This early recognition was inconsistently applied, which contributed to the unacceptable delay in the creation of a JFO.

The fundamental standard underlying a successful multi-jurisdictional case is absolute clarity over who has overarching responsibility and authority for the investigation, coupled with cooperative relationships among all of the policing agencies involved in the investigation. The missing women investigations failed, in large part, because the approach was always one of multiple investigations. No one was in charge of the case as a whole. Even after Project Evenhanded was fully up and running, it did not assert authority or even effectively coordinate with the Coquitlam RCMP's investigation of Pickton.

The police forces' differing opinions regarding who had authority and responsibility for aspects of the missing women investigations and the Pickton investigation affected almost every aspect of the case. These differences continue today, as is made clear in the conflicting submissions made by the RCMP and the VPD on many central points related to the sufficiency of and responsibility for ensuring inter-jurisdictional cooperation.

Furthermore, it is important to keep in mind that the RCMP is a large national organization that carries out multiple policing functions in British Columbia. Several RCMP detachments were involved in the missing women investigations, including the Coquitlam RCMP which took the lead in the Pickton investigation, and the E Division Major Crime Section, which was involved at various points in time. The Provincial Unsolved Homicide Unit (PUHU), an integrated unit comprised of RCMP and VPD, also played a role. I find that there is evidence of ineffective co-ordination among these entities and between these entities and the VPD.

#### ***Inconsistent or erratic communication and co-ordination***

The majority of missing women cases were reported to the VPD, and it was difficult to link reports that were made to the various RCMP detachments unless the RCMP officer contacted the VPD Missing Persons Unit (MPU).

As I noted in Volume II, Part 3A, the system relied upon the investigating officer to make the connection to the DTES, to make inquiries with the VPD, or to request the VPD to investigate. These communication failures contributed to delays in properly assessing the linkages between the cases. This type of linkage blindness is common in multi-jurisdictional cases.

There was good day-to-day cooperation between the policing agencies at some periods of the investigations, particularly between Det. Cst. Shenher and Cpl. Connor from August 1998 to July 1999. The two officers shared information about their respective investigations, but this information was not always shared more broadly between the investigative teams or at more senior levels. In August 1999, during the short period of active investigation of Pickton, VPD officers travelled to Coquitlam several times and joint strategies were pursued. This communication broke down when disagreements surfaced between investigators about the credibility of the informants.

Both the VPD and Coquitlam RCMP failed to communicate with each other after the interviews of critical witnesses in August of 1999. More devastatingly, virtually all communications between the VPD and Coquitlam RCMP came to an abrupt halt after Cpl. Connor's transfer from the Pickton investigation.

The lack of co-ordination was particularly acute in late 1999 and early 2000 when the VPD and Coquitlam RCMP were having isolated meetings about Pickton, separate and apart from each other. The communications

breakdown was such that the VPD continued to document that Coquitlam RCMP was investigating Pickton, but, in fact, no active steps were being taken.

These communication and co-ordination failures had a hugely negative impact on the investigations. DC Evans concludes: “This resulted in Pickton remaining free to continue to prey upon the women of the DTES.”

I agree with DCC LePard’s conclusion that there was sufficient information in late summer of 1999 to justify implementing a “co-ordinated investigative team” to manage the Pickton investigation. I reject the Government of Canada’s submission that a “joint investigative team” was in place. There was no team, only a short-lived ad hoc collaboration between two separate investigations.

### ***Irregular joint meetings of negligible benefit***

Seventeen notable joint meetings involving representatives of the VPD and the RCMP, as well as PUHU and other municipal forces, were held between September 1998 and October 2001. I have chronologically outlined these meetings in Volume IIB. There, I provide a brief overview of the participation in the meetings and meeting outcomes.

For the most part, the meetings were brainstorming sessions on potential strategies. In some cases, specific assignments were agreed upon; more rarely, follow-up meetings ensued. The irregular character of the meetings, both in terms of participation and temporal regularity, was clearly insufficient.

Joint meetings were a poor substitute for a properly co-ordinated multi-jurisdictional investigation. While investigators derived some benefits from the strategizing and information sharing, the lack of regularity and consistency in the meetings and the absence of effective follow-up mechanisms drastically detracted from their contribution to the missing women investigations.

### ***Lack of clarity over case ownership***

The evidence demonstrates considerable differences of opinion over jurisdiction in the missing women investigations, particularly with respect to which agency had lead responsibility to investigate Pickton. At many points during the terms of reference, the situation can best be characterized as one agency thinking the other agency was investigating; the result was that no one took appropriate action.

The VPD takes the position that there were two separate investigations: the Missing Women Investigation, which was being run by the VPD; and the Pickton investigation, which was under the control of the Coquitlam RCMP. In the VPD’s view, “there is no serious dispute... that the Coquitlam RCMP

had jurisdiction over the Pickton investigation in the summer of 1999 and thereafter.” However, the Government of Canada submits that it was a “joint investigative team.”

In his evidence, Cpl. Connor highlighted the fact that there were two investigations going on, even though there was clearly some overlap. He told the Commission that he was directing the investigation as it related to Coquitlam, given the fact that Pickton was a resident of Port Coquitlam, and the VPD was continuing with their own independent investigation of the missing women. If the informant, Mr. Hiscox, had provided information relating to someone residing elsewhere, he (Cpl. Connor) would not have been involved. He is of the view that the RCMP detachment was involved and “would lead the investigative team” only to the extent that the information related to someone within the territorial jurisdiction.

There is conflicting evidence concerning whether the Coquitlam Detachment was investigating Pickton for the murder of one woman or for serial murders. The VPD submits that it was clear in the summer of 1999 that Pickton was a suspect in multiple homicides based on the information coming forward from the various sources. Cpl. Connor appeared to be aware that it was possible Pickton was responsible for more than one murder. This is evident, for example, in his 1998 surveillance request, which stated Pickton was “hiring prostitutes from Vancouver, Burnaby and New Westminster, and bringing them out to his farm where they are killed and buried on his property.” Similarly, his 1999 surveillance request stated that “intelligence of questionable reliability has surfaced that Pickton may be responsible for the disappearance and murder of a number(?) of local prostitutes.” [“?” found in original document.]

Despite two separate investigations being conducted, there was overlap and cooperation. Despite the overlap, when questioned about the missing women and a possible investigation during the hearings, members of the Coquitlam RCMP Detachment (Cst. Yurkiw, Cst. Pollock, and Insp. Moulton) and PUHU (Cpl. Henley) confirmed they were not investigating the missing women. This perspective is misleading: they were investigating Pickton as a homicide suspect, they did not have any other victims in mind and it was impossible to ignore the glaringly similar fact pattern of the Anderson assault.

DC Evans agreed there “was no doubt” that VPD investigators and senior management believed the VPD could not pursue Pickton for a criminal offence committed outside their geographic boundaries. However, DC Evans thought that the offence began in Vancouver.

On this point, there is a significant disagreement between DC Evans and DCC LePard. DCC LePard came to the conclusion that Pickton committed the crimes against the missing women on his property in Port Coquitlam; therefore, the Coquitlam RCMP had jurisdiction over the investigation. In his opinion, where the crime occurred was determinative; that the missing

women lived or worked, or both, in the DTES had no bearing on the jurisdiction of the investigation.

Mr. Roberts, Counsel for Marion Bryce, mother of Patricia Johnson, was forceful and unrelenting in putting forward the thesis, evidence and argument that the VPD could have, and should have, taken the lead on the Pickton investigation by focusing on the crime of kidnapping by fraud. I review Mr. Roberts' approach in some detail in Volume IIB, Part F as it provides a very helpful lens through which to examine the issue of jurisdiction.

From DCC LePard's perspective, there had to be a lead agency and Coquitlam RCMP was clearly the lead.

I conclude that the VPD and the RCMP had shared jurisdiction to investigate Pickton. However, as the policing agency with overall responsibility for investigating the missing women, the VPD is ultimately accountable for the failed multi-jurisdictional investigation.

I agree with Mr. Roberts that the VPD should have fully considered the crime of kidnapping by fraud as a means to overcome the jurisdictional hurdles it faced in investigating Pickton. I do not agree that this strategy was the one and only solution to the jurisdictional dilemma: in my view, this takes second-guessing police action too far. While Mr. Roberts' analysis of kidnapping by fraud in the context of violence against women engaged in sex work is generally compelling and perhaps helpful in another case, it would have had limited practical application in the circumstances present here. However, the failure to consider it *at all* is another example of the failure to properly pursue all investigative strategies. I conclude the VPD's oversight of the offence of kidnapping is another example of the failure to properly pursue all investigative strategies.

### ***Delay in establishing a Joint Forces Operation***

The evidence is clear that the VPD made attempts at various levels to formally include the RCMP, and specifically PUHU, into the investigation. I agree with DCC LePard's conclusion that the VPD "consulted frequently" with the RCMP, and that the necessity of the RCMP's assistance, both in terms of resources and sharing information, was constantly brought up during these consultations. However, it is also clear that there was an unacceptable delay in formally moving toward a JFO when informal co-ordination was shown to be ineffective.

The VPD takes the position that the RCMP resisted involvement in a JFO. DCC LePard concluded that despite "extensive efforts" by the VPD to get the RCMP involved, the RCMP was reluctant. He stated that while it was outside of the scope of his review to understand the RCMP's reluctance, he noted that the RCMP's expert, Staff Sgt. Davidson, believed the RCMP needed to become involved because it was likely that victims' bodies would be found in rural RCMP jurisdictions.



The Government of Canada submits that it was the failure of senior VPD management to recognize the possibility of a serial killer that delayed its approaching the RCMP to discuss the need for a joint response to the missing women. While Chief Supt. Bass did not receive a proposal for a JFO from the VPD, he did receive an internal one that highlighted the “strong probability” that more than three serial killers were responsible for the outstanding murders of sex trade workers in BC, including the missing women. This step should have resulted in action by the RCMP at the senior levels, but it did not; no proposal or business case was put forward by the RCMP for a JFO with the VPD

I conclude that the delay in establishing a JFO is jointly attributable to systemic failings of the VPD and the RCMP.

#### ***Lack of communication between the JFO and VPD and RCMP***

Project Evenhanded supplemented, but did not fully replace, the investigative roles of the VPD and Coquitlam RCMP. However, there was an ongoing lack of communication and co-ordination between the JFO and investigations into the missing women (carried out by the VPD) and Pickton (carried out by Coquitlam RCMP). I have found that there was poor communication between the VPD members of Project Evenhanded and members of the VPD’s Missing Persons Unit. The poor communication contributed to the mistaken belief that the serial killer was no longer active, and thus enabled the JFO to focus on a historical review.

Project Evenhanded did not effectively co-ordinate with Coquitlam RCMP’s Pickton investigation. Project Evenhanded members had enough knowledge of Pickton to classify him as a high priority suspect, but this could have been more forcefully understood from more substantive communication with Coquitlam RMCP. This lack of information sharing contributed to the low priority placed on pursuing Pickton as a suspect. There seemed to be simple solutions that were never considered.

#### ***Provincial Unsolved Homicide Unit’s contribution to the investigations***

I conclude that PUHU played a limited and generally unhelpful role in the missing women investigations. The unsatisfactory nature of this involvement is the result of the lack of clarity over an appropriate and consistent role for PUHU. In the absence of a clear, co-ordinated approach, inter-agency collaboration is inherently limited.

#### ***Conclusions***

I conclude that there was a general systemic failure to address cross-jurisdictional issues and ineffective co-ordination between police forces and agencies. I have concluded that while the VPD and the RCMP attempted to overcome jurisdictional boundaries on an ad hoc basis, communication and co-ordination were inconsistent and erratic and the irregular meetings

were of negligible benefit. I found that jurisdictional issues led to lack of clarity regarding whose case it was, and so two police forces were investigating the same crime. I found that there was an unacceptable delay in establishing a JFO: it was clear by September 1998 that a multi-jurisdictional approach was required but a JFO was not formally established until February 2001, with an operational plan finalized in May/June 2001 and the Memorandum of Understanding signed in June 2001.

Systemic failings at both the VPD and the RCMP contributed to this wholly unacceptable delay. I also conclude that the creation of a JFO did not solve all the problems; significant barriers to inter-jurisdictional and inter-agency communication remained. Finally, I find that there was lack of clarity over the role of PUHU and that this further undermined an under-resourced investigation.

### **Part 3G: Failure of Internal Review and External Accountability Mechanisms**

The missing and murdered women investigations were hugely challenging; it would be highly unusual to review such an investigation and find no human errors and that all systems worked perfectly over its entire course. I conclude that failures of both internal review mechanisms and external accountability mechanisms resulted in errors and system failures persisted, thereby perpetuating these failings.

#### ***File reviews***

I conclude that the investigations were marked by the failure of internal file review systems and that the VPD and Coquitlam RCMP did not seek out assistance through external reviews in a timely or effective manner. Supervisors received briefings but were not generally engaged in critical assessments of the progress of the work and constructive discussion on how to achieve the desired outcomes. Information was often accepted unchallenged and difficult issues were left unaddressed. I identify a number of key points at which it would have been appropriate for senior management to engage in a more proactive strategy and request an assessment of the investigation.

#### ***Failure to review and correct personnel***

Within the VPD, some members of the VPD Missing Persons Unit and Missing Women Review Team disrupted the investigations without correction due to ineffective internal management practices. There was a failure to deal with situations head-on as required by properly functioning internal accountability mechanisms. Rather than intervening swiftly to correct situations, problematic employees were allowed to operate without adequate supervision and feedback. Rather than disciplining team members, there was a clear tendency to transfer people laterally. These failures meant that “teaching moments” for change were missed.

The missing and murdered women investigations were affected by these systemic failings.

### ***Limitations on the Vancouver Police Board's oversight role***

The Vancouver Police Board was ineffective in carrying out its oversight mandate. The general import of witness testimony is that the Board was set up to be responsive to community direction in terms of priorities; however, during the terms of reference, there was little support infrastructure and many things operated on an ad hoc basis. There is no indication that there were formal mechanisms in place to ensure the Board received community input.

There was an opportunity for the Board to receive considerable input from the community concerning the missing women investigations. By the spring of 1999, this community input coalesced into requests that the Board approve a reward for information leading to the arrest of persons responsible for the women's disappearances and take steps to ensure that the VPD gave greater priority to the issue of missing women. The Board did approve the reward but there is no evidence that it followed up on community concerns in a concerted manner.

There are very real limitations on the role of police boards in terms of oversight of police operations. The Board could not look into what was going wrong with the missing women investigations; it could only decide if the investigations should be given greater priority or more resources. Even in this capacity, the Board did not have access to independent evaluations; it depended on the VPD to provide it with information. There is evidence that individual Board members possibly did not receive all the information sent to the Board from the public. I find that these practical limitations were reinforced by a Board culture of deferring to the VPD, which still further limited the ability of the Board to act as an effective accountability mechanism with respect to the missing women investigations.

### ***Overall conclusion***

I conclude that the cumulative inadequacies of the accountability framework amount to a critical police failure. The missing and murdered women situation clearly constituted a public safety risk warranting effective oversight, but this effective oversight was wholly lacking due to systemic weaknesses.

## **PART 4: UNDERLYING CAUSES OF THE CRITICAL POLICE FAILURES**

In Volume II, Part 3, I analyzed the patterns of errors evident in the missing women investigations and concluded that these patterns resulted in seven critical and systemic police failures that contributed to the delay in resolving this case.

I conclude that serial killers will continue to win the day as long as we continue to ignore past lessons. In conducting this Inquiry, I have been struck time and again by the ways in which the errors in the missing and murdered women investigations mirror the errors in other serial killer cases. How do we stop making the same mistakes, stop re-enacting the same systemic failures? In my view, this can only be achieved if the underlying causes of the police failures are examined and solutions developed that can be fully implemented.

It is not enough to establish what went wrong in the investigations and how these overall failures were exhibited at various points in the investigations. It is equally crucial to ask the question why they occurred.

Participants and witnesses have proposed seven explanations for the failed missing women investigations:

- I. Discrimination in the form of systemic institutional bias and political/public indifference;
- II. A want of leadership in the supervision and management of the investigations;
- III. Limited and outdated policing systems, approaches and standards;
- IV. Fragmentation of policing in the Lower Mainland;
- V. Inadequate resources;
- VI. Police culture and people problems;
- VII. An alleged conspiracy.

I analyze each of these explanations and draw conclusions as to whether they contributed to the police failings. My conclusions in this section are particularly critical because they lay the foundation for the recommendations for change that I am mandated to make under my Terms of Reference.

### **Part 4A: Discrimination, Systemic Institutional Bias, and Political and Public Indifference**

That critical police failures in the missing women investigations resulted from discriminatory policing or systemic institutional bias is highly contested. It is an issue with an absolute division between the non-police participants and the police in this Inquiry. Counsel for the Families, Aboriginal Interests, and DTES Interests made systemic bias the central thrust of their cross-examinations and closing submissions. Counsel for the VPD, the RCMP and the Vancouver Police Union, as well as most of the individual police officers with independent counsel, utterly rejected these

arguments, emphasizing the lack of evidence necessary to substantiate these serious claims.

### ***The challenge***

It is essential to my mandate to pose and respond to the question: Did these women receive the same protection of the police and the law that all members of society would expect? The public deserves an answer to this question. I acknowledge that it is a difficult issue that defies straightforward analysis and simple conclusions.

The central issue I must resolve is whether, on the evidentiary record before the Commission, the police took adequate steps to carry out the missing women investigations and to prevent further victimization, taking into consideration the precarious situation of the victim group – street-involved women from the DTES community. I have taken open-minded, thoughtful and dispassionate consideration of this issue, as I have to all issues in this report.

In addressing this challenging issue, I apply the framework for understanding discrimination and systemic bias in policing developed in Volume I and I review the positions taken by the Participants.

I conclude that systemic bias against the women who went missing from the DTES contributed to the critical police failures in the missing women investigations. I am quick to distinguish my finding from a legal finding of discrimination, which exceeds my authority as Commissioner of a public inquiry. Bias is an unreasonable departure from the police commitment to providing equitable services to all members of the community. The systemic bias operating in the missing women investigations was a manifestation of the broader patterns of systemic discrimination within Canadian society and was reinforced by the political and public indifference to the plight of marginalized female victims.

### ***No finding of overt bias or widespread institutional bias***

The Commission process was not designed to inquire into individual discriminatory conduct or the existence of a general culture of sexism and racism within the police agencies. I accept, in principle, that both individual intentional discrimination by police officers and a culture of sexism and racism within a policing institution could have a detrimental impact on a particular investigation. However, I make no findings in this regard. My mandated focus is on the factors that contributed to the patterns of errors in the decision-making and conduct related directly to the investigations.

I find that, as a whole, the officers involved in the investigations were conscientious and fair-minded people who would not consciously disfavour the interests of a class of people in the investigation process.

I also conclude that there is no evidence of widespread institutional bias in the VPD or the RMCP.

### ***Use of demeaning or derogatory language***

The submissions made on behalf of the Families and DTES Interests cite numerous examples in the evidence of demeaning or derogatory language used by individual police officers in the course of their duties. Counsel for the VPD, the RCMP and the individual police officers went to great lengths to either challenge the reliability of this evidence and/or to question the extent to which use of language is proof of bias.

Debates about whether specific terms such as “hooker” are or were derogatory do not advance an understanding of these issues. The larger concern, in my view, is that it was and is wrong to refer to the missing women as a category, even the more neutral “sex trade worker” or “STW” that is found throughout the files. This undifferentiated and categorical thinking about people is a red flag; when categories are used to label victims, it is demeaning.

The missing and murdered women were not “hookers” or “STWs”: they were women, they were persons, they were human beings. They were complex individuals who, like everyone, had talents and problems, hopes and disappointments, aspirations and fears. They enjoyed a web of personal relationships and were members of their community.

While I would not make a finding of bias on the basis of use of demeaning language alone, it sets the foundation for an inquiry into whether stereotypes about women engaged in the sex trade influenced decision-making and conduct within the missing women investigations.

### ***A finding of systemic bias does not mean that the police did not care about the women***

It is important to underscore that a finding of systemic bias should not in any way be taken to mean that the police did not care about the women. They clearly cared, and many worked diligently over a long period of time to catch the perpetrator. Systemic bias means that some aspects of the policing decisions and strategies reflect pervasive stereotypes about this group within our community.

### ***Systemic bias is closely tied to public and political indifference***

Sir Robert Peel coined the phrase: “the police are the public and the public is the police.” I keep this phrase at the forefront of my analysis. The police failures in this case mirror the general public and political indifference to the missing women.

While the police have a legal duty to overcome systemic biases and ensure equal protection of the law, they cannot do it alone. The lack of prioritization of the missing women investigations never became a matter of public importance. At some level, we all share the responsibility for the unchecked tragedy of the failed missing women investigations.

### ***Conclusion***

The police did not consciously decide to under-investigate the missing women or to deny protection to women in the DTES, but the effect of the policing strategies employed resulted in exactly those outcomes. Ultimately, many assumptions made by the police worked against the interests of the women and allowed the violence to continue, despite the valiant efforts of the individual members of the investigative teams.

I conclude that there was systemic bias in the police response to the missing women investigations. In particular, I find that systemic bias:

- Allowed faulty stereotyping of street-involved women in the DTES to negatively impact missing women investigations;
- Resulted in the failure to take the lives of the women into account in the policing strategies, particularly in failing to recognize the duty to protect an endangered segment of our community; and
- Contributed to a failure to prioritize and effectively investigate the missing women cases.

### **Part 4B: A Want of Leadership: Supervision and Management Issues**

One of the pervasive underlying causes of the critical police failures in the missing women investigations was the lack of an institutional champion. I use the phrase a “want” of leadership, to emphasize the point: the investigations cried out for leadership; leadership was wanting. While I also employ the phrase “lack of leadership” because it flows more easily, it doesn’t have the same power. The problem was so pervasive it was not merely a question of adequacy; there was an *absence of leadership*.

No senior manager at the VPD, RCMP E Division Major Crime Section, Coquitlam RCMP, or Provincial Unsolved Homicide Unit [PUHU] took on this leadership role and asserted ongoing responsibility for the case. Various members of the investigative teams championed the case at different times to the best of their abilities, within the hierarchy of their policing agencies. I single out the dedication of Det. Cst. Shenher, Sgt. Field, Det. Insp. Rossmo, Cpl. Connor, Staff Sgt. Davidson, Det. Chernoff and Det. Lepine in this regard. Arguably, Sgt. Adam, in his position as Team Commander of Project Evenhanded was assigned the role of champion, but he was unable to fully assert leadership given that an important aspect of the investigation remained under the jurisdiction of the VPD and Coquitlam RCMP.

### ***Thematic analysis of evidence***

My analysis begins with definitions of senior management, responsibility and accountability in the police context and a summary of the evidence on perceptions of the role of senior managers within the missing women investigations. I then review the evidence concerning the want of leadership on this file under seven major findings:

- I. Failure to recognize and take ownership of the problem;
- II. Passive management style;
- III. Lack of communication between investigators and senior managers;
- IV. Failure on the part of management to keep informed;
- V. Absence of supervisors at critical times;
- VI. Lack of oversight and direction by senior managers;
- VII. Overall lack of engagement and commitment by VPD's Senior Management Team.

### ***Conclusions***

The missing women investigations suffered from a want of leadership. This lack of oversight resulted in investigations without sufficient direction, staffing or resources. Ineffective leadership affected all phases of the investigation: from the delays in confirming women missing, to the breakdown of the initial Pickton investigation, to the delay in setting up a JFO, to the misguided operational plan for Project Evenhanded.

Witnesses provided me with a range of explanations for the want of leadership. I conclude that the pattern of disengaged leadership was due to a combination of lack of interest and understanding. Early opinions that this was a low priority issue as the women were merely missing were stubbornly persistent, reinforced by the outdated belief of “no body, no crime.” This led to a disinterest in newer analytical approaches, such as Det. Insp. Rossmo’s statistical analysis. There was also a lack of political pressure. Leadership required someone in a senior position to go out on a limb, but everyone chose to play it safe. All of these things meant that there was no champion for the missing women when one was needed and richly deserved.

### **Part 4C: Limited and Outdated Policing Systems, Approaches and Standards**

The missing women investigations were severely hampered by limited and outdated policing systems and approaches, and by the lack of clear standards. Both the LePard and Evans reports discuss these issues in great detail, and the police participants see these problems as providing the central explanations for the failures in the missing women investigations.

In my view, five limitations in policing systems and approaches contributed to the failed missing women investigations:

- I. Inadequate missing person policies and practices;
- II. The unacceptably slow adoption of MCM systems;



- III. A parochial and silo-based approach to policing;
- IV. Failure to develop and apply policing standards;
- V. Poor or non-existent integration of community-based policing principles in the approaches taken to the investigations.

### ***Inadequate missing persons policy and practices***

There was no provincial standard for missing person investigations during the terms of reference, and this deficit has yet to be addressed by provincial authorities. Both the VPD and the Government of Canada accept the fact that their missing person policies were deficient in this regard from 1997 to 2002, although both agencies have taken major steps to clarify standards applicable within their agencies in the intervening decade.

Notwithstanding the lack of detailed standards, the Government of Canada's closing submissions highlight the uniformity in approach taken by RCMP detachments in missing person cases based on RCMP E Division policy. I accept that the RCMP missing person policies were reasonable; although, as I have concluded earlier, this policy was not followed systematically in all of the missing women cases reported to RCMP detachments.

The VPD fully admits that the systemic problems in the MPU caused many serious problems within the missing women investigations. As I noted at the end of Part 3A, the systemic problems within the VPD MPU were fully documented in an audit completed by Retired Insp. Schouten in 2004. The *Schouten Report* found that there was an overall lack of resources, lack of adequate training and oversight provided to the VPD MPU. It concluded that there was generally little active investigation on files not cleared within the first 48 hours and that the investigative steps taken were not consistently documented. The report also identified a need to develop clear guidelines to determine when a suspicious missing incident becomes a homicide investigation. All of these systemic deficiencies compromised the VPD MPU's ability to effectively carry out its mandate to investigate missing person reports and properly assess their level of risk. All of the recommendations from the *Schouten Report* were implemented by the VPD within two years.

I agree that the lack of established policies within the MPU on issues such as investigative steps to be taken, the threshold for determining foul play, and inter-agency cooperation and investigation enabled the exercise of unstructured discretion in investigative decision-making and enabled a level of inaction that was wholly unacceptable.

The systemic problems extended well beyond the VPD MPU. The investigations were also severely circumscribed by a lack of systematic means of sharing information about missing persons between policing agencies. There was no oversight mechanism to look for anomalous patterns of missing people, especially when they crossed jurisdictions. A provincial standard is required to address these systemic inadequacies.

### ***Unacceptably slow adoption of MCM systems***

It is trite to say that the police failure to follow MCM principles was caused by the fact that neither the VPD nor the RCMP had formally adopted and put into place MCM systems. I am mindful of the time required to fully implement such a major shift in policing practices, especially bearing in mind the training requirements and the need to develop the required support systems. At the same time, provincial authorities and senior management at the VPD and the RCMP were aware of the *Bernardo Review* and its implications for major cases that had multi-jurisdictional aspects, such as the missing women investigations. The police forces cannot use the unacceptable delay in developing MCM standards as an excuse for its failures. At a minimum, a full MCM system could have been implemented for the missing women and Pickton investigations, as it was by the VPD for the Home Invasion Task Force in 1999. My finding in this regard is especially important given that British Columbia still does not have provincial MCM standards or a common province-wide ECM system.

### ***Failure to develop and apply policing standards***

We have been slow, in British Columbia, to adopt formal provincial policing standards. There were no standards for MCM or missing persons during the terms of reference and they still do not exist today. I conclude that the lack of standards contributed to unacceptable disparities in the individual missing women investigations and to the lack of accountability that plagued the investigations in an overarching sense. Without standards, there is no barometer for measuring performance and lack thereof. For example, the lack of a standard for an automatic review of a stalled file contributed to the failure of internal accountability mechanisms.

### ***A parochial and silo-based approach to policing***

The VPD and RCMP made the classic mistake found in many serial murder investigations: being parochial and not involving all of the agencies that needed to be involved. The silo effect was also evident in the missing women investigations. A significant lack of communication between sections within the VPD and the RCMP caused compartmentalized thinking and a lack of flow of ideas, knowledge and strategies. This silo-based approach meant that the potential contribution of criminal profilers, geographic profilers and patrol officers were not effectively integrated into the investigations.

### ***Poor or non-existent integration of community-based policing principles***

In 1994, in my capacity as Commissioner of the Inquiry into Policing in British Columbia, I recommended the shift to community-based policing. Community-based policing means real community involvement by the police in a partnership with the community. I am extremely disappointed to find that community-basing policing principles were completely ignored

in the missing women investigations. The police utterly failed to take the problem-solving orientation and the proactive rather than reactive approach, which are both key to true community policing models. The missing women investigations demonstrate, yet again, the inherent limitations of the traditional model of policing focused on “catching the bad guy.” I saw no attempts at any stage of the missing women investigations, the Coquitlam RCMP Pickton investigation, or in Project Evenhanded, to develop collaborative partnerships between the police and the public.

Integrating a community-based approach into the missing women investigations was the best, and perhaps the only, strategy available to the police to protect potential victims and to catch Pickton. In my view, the Vancouver Police Board could have played a more active role in correcting the VPD’s failure to integrate a community-based policing approach. This role is very much in keeping with the Board’s responsibility to set broad policy direction rather than influence actions at the operational level.

#### **Part 4D: Fragmentation of Policing**

The critical police failure to address cross-jurisdictional issues and ineffective co-ordination between police forces and agencies is directly attributable to the fragmentation of policing in the Lower Mainland and the inadequacy of structures to overcome this fragmentation. The failure to take all necessary measures required by multi-jurisdictional crime resulted in serious communication failures, linkage blindness, uncoordinated parallel investigations, and lack of sharing of key evidence. These failures also contributed to the low prioritization of the missing women and Pickton investigations, and the investigations’ inadequate resources allocation.

The VPD frames the systemic policing issues related to inter-jurisdictional problems in this way:

- The patchwork policing in the Metro Vancouver area, which can inhibit communication regarding important investigations and prevent the appropriate setting of priorities;
- The absence of a structural trigger for JFOs; and
- The lack of formal communication forums to discuss investigations that bear upon multiple jurisdictions.

I adopt this three-pronged characterization as a helpful description of the three main causal factors that inhibited an effective multi-jurisdictional approach to the missing women investigations.

#### ***Patchwork policing***

Criminal activity will always operate across jurisdictional boundaries; the more jurisdictional boundaries there are in a geographically contained area, the more complex the policing structure will be due to an increase in the number of separate police forces. The greater the complexity, the more the map of the police force resembles a patchwork. This is directly

related to the greater challenge of cooperation, and concomitant increased chances of inter-jurisdictional failures. Greater Vancouver has the most complex policing structure of any metropolitan area in Canada.

I conclude that the fragmentation of policing was one of the primary reasons why the police failed to prioritize the investigation of Pickton and to pursue that investigation until he was either ruled out or confirmed as a suspect in the murder of one or more of the missing women. In a more rational, less fragmented police structure, priority setting would have been carried out across the whole of Greater Vancouver.

### ***Absence of a structural trigger for a JFO***

In Part 3F, I concluded that a JFO should have been established by the summer of 1999, at the latest, with an awareness of the need for some level of cooperation crystallizing by September 1998. I attribute the delay in forming the JFO to the absence of a formal mechanism or established protocols to assist in the formation of an operation like the JFO for the missing women or other major cross-jurisdictional investigations. The long delay in establishing the JFO was caused because it required the consent of both the VPD and the RCMP. I found no evidence that the RCMP came to the table willingly.

### ***Lack of formal inter-jurisdictional communication forums***

It would be natural to assume that the patchwork of policing in Greater Vancouver would have led to the development of strong forums for inter-jurisdictional communication, but this was not the case during the terms of reference. The lack of institutionalized mechanisms meant that informal channels of communication had to be created and maintained, which in turn relied upon the predisposition and temperament of individual senior managers. This ad hoc approach proved to be woefully inadequate, leading to inconsistent and erratic communication and a lack of co-ordination in the investigations.

## **Part 4E: Inadequate Resources**

Most of the Participants addressed the issues of inadequate resources as an underlying cause of the critical police failures in the missing women investigations. I distinguish between the two main perspectives on this issue. One perspective is that policing resources are finite and the availability of resources was particularly constrained during the terms of reference. This scarcity of resources was a direct and leading cause of the problems in the investigations. The other perspective is that under-resourcing of the investigations was not due to a lack of resources, but rather the failure of the responsible police officers to ensure that an appropriate share of scarce resources was devoted to the missing women investigations.

I agree that there was a critical lack of resourcing for the missing women investigations, but I do not see this as an independent causal factor for the failures. I conclude that under-resourcing is a concrete visible manifestation of the under-prioritization of the missing women cases. This under-prioritization was the result of three other main explanatory factors already discussed: institutional bias, a want of leadership, and fragmentation of policing in Greater Vancouver.

### ***Resources were tight***

There is no doubt that policing resources were tight during the terms of reference. I was inundated by evidence on this point and highlight some of the main points regarding the resources available to RCMP E Division, the Coquitlam Detachment and VPD at that time.

### ***Investigative steps not taken due to insufficient resources***

There is some evidence that specific requests for resources were denied and that, as a result, some identified investigative steps could not be taken. It is uncontested that the VPD MPU did not have anywhere close to adequate resources to deal with the huge increase in unresolved missing person reports (an unusual situation given that the majority of missing person reports are typically resolved quickly). The Missing Women Review Team's repeated requests for additional resources went unanswered for the most part. The Coquitlam RCMP investigation of Pickton was also constrained.

### ***Resources could be accessed***

The record also reflects how quickly resources could be made available in response to some demands. A number of examples show that some requests prompted resource allocation. Accessing funds was not impossible, but resources were not equitably or systematically awarded.

### ***Senior manager views that investigations were adequately resourced***

There is a wide chasm between the views of the investigators on their lack of access to resources and the perspective of senior management. Most of the senior managers told the Commission that despite the general context of tight resources, resources could be found when necessary. The erroneous view from the top was that there were no additional investigative steps to be taken.

### ***Under-prioritization was key***

Resources were not made available because of the lack of priority assigned to the missing women and Pickton investigations by the VPD and the RCMP. Requests from the most involved investigators and their supervisors were largely ignored or received only partially in response. The case was

simply not compelling enough to shift management's perception about its importance.

It was a vicious circle since the situation of inadequate resources encouraged the status quo. Investigators were unable to advance the missing women and Pickton investigations to the point of a needed breakthrough that would furnish a strong case for additional resources.

#### **Part 4F: Police Culture and 'People Problems'**

Police culture and people problems are also posited as negatively impacting the outcome of the missing women investigations. By "people problems," I mean interpersonal issues, lack of fit of an officer for a position, and other personnel level issues.

Submissions were made by various Participants concerning the impact of police rank structure and institutional culture and, more specifically, the issue of sexism and racism in police culture, personnel issues, and lack of training. There is no question that police culture and personnel issues shaped the missing women investigations to some degree. I conclude that while some of these factors contributed to critical police failures in the missing women investigations, they were less of a factor in comparison with the central factors identified earlier.

##### ***Police structure and culture***

Every institution has a unique organization culture comprised of the customs, rituals and values shared by the members of an organization that have to be accepted by new members. Organizational culture influences all aspects of an institutional life, particularly decision-making, and shapes the interactions of members and between members and outsiders.

##### ***Rank structure and hierarchy***

The rigid rank structure within the VPD resulted in blocked information channels in some circumstances: important information was not passed up the chain because one person decided that it was unnecessary or the message was diluted as it was passed up the chain. There was also a lack of communication from the top down. The decision-making culture was very much "top down" and not collaborative; consensus decision-making was not part of the structure. There were no opportunities for reconsideration of a decision.

There is some evidence that the rank-based chain of command issues also influenced the Coquitlam RCMP investigation of Pickton. Dissenting views were not brought forward. However, there is some evidence of a collaborative approach to decision-making at the Coquitlam Detachment.

One striking aspect of the RCMP culture was the strong reluctance to ask another police force for help.

***Discriminatory attitudes: sexism, misogyny and homophobia***

My Terms of Reference did not extend to a full consideration of whether sexism or racism was pervasive within the cultures of the VPD or the RCMP. I recognize that this is a live issue that we, as a community, cannot ignore. I also recognize that institutionalized bias, sexism and racism have an impact both on the individuals working within the organization, the work that they do, and the way in which they relate to others – which, in the case of the police, includes the victims, witnesses and accused. The Commission received contradictory evidence on these issues, which I briefly summarize in my report.

***Lack of training***

Evidence before the Commission shows there was a lack of training in MCM principles, information management systems, and missing person investigations for both officers and civilian members. There was little or no training available on missing person investigations and access to MCM training was highly restricted during the terms of reference. Lack of training clearly contributed to the critical police failures in these areas. There is some question as to the degree of specialized training required, given the similarities in the police skills required for different types of cases.

There was conflicting evidence concerning the availability and sufficiency of cultural sensitive training with respect to Aboriginal peoples. Earlier in this report, I came to the conclusion that one of the investigative failures was the disregard for developing and implementing an Aboriginal-specific strategy in the missing women investigations. Similarly, the lack of awareness about women in the DTES restricted the investigators', supervisors' and senior managers' understanding of the dynamics in the community and in the case. Inadequate and inconsistent cultural and social context training contributed to these patterns of errors.

***Personality conflicts and specific personnel issues***

Several personality conflicts and personnel issues affected the dynamics of the investigation. I am wary of directly linking police failures to these individual occurrences, but I cannot ignore the fact that they had some impact on investigative outcomes. As noted in the section on the failure of internal accountability systems, I am particularly concerned about the lack of effective systems for dealing with the problematic behaviour of Sandra Cameron, and the apparent failure of Det. Cst. Fell and Det. Cst. Wolthers to be team players. The fact that these issues were allowed to go unchecked for extended periods affected the team dynamics at the MPU and within the MWRT, which in turn distracted from the central work of the unit and the

team. Thus the underling cause of the failures is not the people problems per se, but lack of effective systems and leadership to deal with them.

#### **Part 4G: Unsupported Allegations of Conspiracy and Cover-up**

In his opening and closing statements and at numerous times during the course of the hearings, Mr. Ward, Counsel for the Families, made allegations of a conspiracy and a cover-up on the part of the police. Obviously the allegations are serious. Mr. Ward was repeatedly pressed to produce evidence of a police cover-up or whitewash, but was unable to do so.

I conclude that these allegations are completely unsupported and unsubstantiated by any evidence and there is no air of reality to them, even as a theory. I am not even clear on what theory Mr. Ward is purporting to advance. I am sympathetic with the VPD's submissions that Mr. Ward's position is ludicrous, flippant, unsupported by evidence and unprofessional. His comments are reckless. I do not entertain highly speculative and harmful allegations that are unsupported by evidence or a rational theory.





# VOLUME III

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GONE, BUT NOT FORGOTTEN:  
Building the Women's Legacy of Safety Together

## **VOLUME III – GONE, BUT NOT FORGOTTEN: BUILDING THE WOMEN’S LEGACY OF SAFETY TOGETHER**

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

#### **Introduction and Overview**

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

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

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

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

#### ***Approach to framing recommendations***

The Commission has received a huge volume of input on potential recommendations from a wide variety of individuals and organizations through both its hearings and study commission processes.

The Study Commission was specifically designed to assist me in my policy-making function. It consisted of three main initiatives: consultations, publication of policy discussion reports to solicit and facilitate public

submissions, and research and interviews. Sixteen reports were prepared and published on the Commission's website over the course of our mandate to enable further dialogue about these critical issues.

I received approximately 100 written submissions and heard from over 385 individuals during the Commission's consultations – this input amounted to over 800 recommendations, from general guidance to very concrete actions. I wish to thank everyone who took the time to provide thoughtful and often thought-provoking ideas and suggestions. All of this input has been reviewed and considered. Given the large volume of input, this report cannot summarize and analyze each recommendation. Instead, I focus on the main directions for reform; and the specific recommendations, I conclude, must form the basis upon which to build the missing women's legacy of increased safety and security.

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

#### ***Four principles to guide reforms and implementation processes***

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

Only one of the underlying causes, poor policing systems approaches and standards, is about ensuring that police have the right tools to do their job. Addressing the other causal factors requires a more fundamental reorientation in policies, practices and organizational structures both within and across policing structures and the broader relationship between

the community and the police. Based on my findings concerning how and why the missing women were failed, I conclude that this reorientation should be guided by four principles: equality, community engagement, collaboration and accountability. These principles both describe the objectives of my recommendations for reform and the process by which the recommendations should be implemented.

### ***Overview of Volume III***

More than a decade has passed since the arrest of Robert Pickton on February 22, 2002. This date marks the close of the Commission's period of reference but not the end of the missing women investigations, which are ongoing to this day. Both the VPD and the RCMP have implemented many reforms over the course of the past decade, some of them in direct response to this tragedy. Governments at the municipal, provincial and federal levels have undertaken initiatives to address the issue of missing and murdered women, as have international bodies. Community groups, service providers, and non-governmental organizations in the DTES have taken action; so have various advocacy groups across Canada. My policy recommendations have to take into account the passage of time and recognize that significant progress is underway. Part 2 provides an overview of the progress and initiatives bridging the gap between 2002 and 2012.

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

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

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

and the unique challenges facing women, community members and police in urban and rural settings.

### **Taking Action to Directly Address Women's Vulnerability to Violence and Serial Predation**

A commission is only empowered to make recommendations on matters within its mandate; here the focus is clearly on policing and, more particularly, the initiation and conduct of investigations into missing women and suspected multiple homicides, whether by one or multiple investigating organizations. My mandate extends to ancillary matters such as police-community and police-prosecution relationships, but no further.

While I appreciate and accept the limitations on my mandate, I cannot completely ignore the broader social, political and legal context of this Inquiry. As I noted at the outset, the story of the missing women is shaped by their marginalization, which is synonymous with conditions of endangerment and vulnerability to predation. Three overarching social and economic trends contribute to the women's marginalization: retrenchment of social assistance programs, the ongoing effects of colonialism, and the criminal regulation of prostitution and related law enforcement strategies. The outcome of these combined marginalization processes was that the missing women, as a group, were abandoned by society as a whole. This tenuous status was reinforced by police failings that further discounted and discarded the women. As a result, they were forsaken.

It is not police's responsibility to address the conditions of marginalization. As a society, we must take action to directly address these underlying causes that contribute to women's vulnerability to violence and serial predation. All of the police resources, the best organizational structures, and the best policing practices cannot do that. Moreover, it is heartless, unfair and wrong-headed to ask the police to do better without concurrently ensuring that we, as a society, do better.

The Commission received submissions about the importance of addressing the underlying causes of marginalization from across the spectrum of witnesses and participants in the study commission processes. I provide a summary overview of these issues and recommendations. The main subjects are:

- Government provision of funding and services to promote the safety and health of women involved in the sex trade;
- The legacy of colonialism and ongoing discriminatory treatment and hardships suffered by Aboriginal people in Canada;
- Decriminalization of prostitution;
- Assistance to women to exit the survival sex trade as the most effective way of ensuring women's safety; and
- Recognition of the links between conditions of inequality for women and their vulnerability to violence requiring a renewed

commitment to economic security and equality for all women, particularly Aboriginal women.

This is not to say that there are easy short-term solutions or that there is a consensus on what needs to be done. What is absolutely clear is all three levels of government, including Aboriginal governments, must take concerted action with a focus on the Canadian urban community in which the conditions of marginalization are most prevalent and visible: the DTES.

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

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

I implore the immediate implementation of these two measures, based on this Commission's strong and disturbing findings concerning the many ways we have failed in our duty to protect vulnerable women from serial predation. These recommendations are closely connected to, but not clearly encompassed within, my Terms of Reference. Nevertheless, I anticipate that my findings offer sufficient moral suasion: the need to save women's lives should be sufficient to counter arguments based on fiscal limitations.

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

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

Both the VPD and the RCMP are working more closely with community groups and others to enhance the protection of vulnerable women and to improve the initiation and conduct of investigations of missing women and suspected multiple homicides. Many other governmental and community projects and programs have been initiated over the past ten years, as the issue of missing and murdered women has gained public attention. This section provides an overview of developments at the national, provincial, and municipal/neighbourhood levels.

A great deal of discussion at the Policy Forums focused on the lack of centralized, accessible services available to sex workers. The dearth of services is caused by the lack of operational funding, a result of provincial reorganization of funding for non-profit services. Because funding of services is patchwork, many existing services for sex workers were at risk of closing down during the Inquiry. It would not be an understatement to say that all community organizations providing assistance to those in the sex industry and, indeed, all women's organizations, face regular funding shortfalls. Over the last ten years, many of these organizations have had to withdraw services, even as demand grows.



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

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

#### **Assessment of Harm**

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

#### **Restorative Measures**

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

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

### ***Recognition and acknowledgement***

Relatives of the missing and murdered women and community members called for further recognition and acknowledgement of the harms caused by the inadequate police, government and public response to the missing and murdered women.

The VPD has been proactive in apologizing for its shortcomings in the missing and murdered women investigations; the RCMP has followed suit in a less fulsome manner. Taking responsibility for the failures is a crucial first step in the healing and reconciliation process and lays the foundation for reform. Additional steps may be required of the police forces in this regard.

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

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

### ***Redress and support***

Given the compelling evidence that I heard concerning the intergenerational impact of these crimes and the need to break the hold of violence on families, **I recommend that the Provincial Government establish a compensation fund for the children of the victims.**

### ***Healing***

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

There is an enormous need for services that promote healing including counselling, grief counselling, spiritual guidance and support from

other families experiencing similar situations. These services need to be “accessible, accommodating, timely and flexible” and they must be culturally appropriate, especially for First Nations persons.

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

### ***Reconciliation***

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

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

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

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

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

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

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

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

Part 4 of the report focuses on renewing our commitment to equality, particularly for marginalized and Aboriginal women, through practical measures. Consistent with my mandate and findings, I focus on actions to be taken by police and the prosecution to renew their commitment in this regard. I fully accept, however, that it is not only police forces or, more broadly, the justice system that needs to change. As I have noted

throughout this report, the missing women investigations were shaped, in part, by the political and public indifference to the women's plight.

### Equality in Policing Audits

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

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

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

### Establishment of Positive Duties

The evidence before the Commission makes it impossible to ignore that we have a two-tiered justice system resulting in unequal protection of the

law in specific circumstances. This Commission report adds another layer to the findings of earlier studies, reports and commissions. Recognition of the general duty of non-discrimination is one practical measure that police forces can take to ensure that this legal standard is fully integrated in police operations at both the individual and institutional levels.

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

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

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

### **Legislative Recognition of the Duty to Warn**

Earlier in this report, I concluded that the failure to take steps to warn women in the DTES of the potential threat of a serial predator was a serious systemic error. This error went uncorrected throughout the Terms of Reference, and for more than four years.

In Canada, police owe a duty to warn arising from the *Charter* protection of equality and life and security of the person. However, in my view, a specific statutory recognition of this duty is required. Given my findings, **I recommend that legislation be enacted to structure the police's discretion to issue a warning. Only a clear positive statement of this responsibility can ensure that police adhere to a structured and non-discriminatory policy when faced with the issue of whether a duty to warn exists in specific circumstances. I recommend that the Minister of Justice direct the Director of Police Services to consult with the BC Association of**

**Municipal Chiefs of Police, the RCMP, and community representatives, particularly women's advocacy groups and Aboriginal organizations, to develop the wording of a statutory provision on the legal duty to warn and a protocol on its interpretation and application.**

### **Specific Recognition of Duty to Aboriginal Peoples**

I was urged by Independent Counsel for Aboriginal Interests to recognize that the RCMP has a fiduciary relationship toward Aboriginal peoples. I am unable to do so under the current status of the law. However, the fact that there is no legal fiduciary duty on the RCMP towards Aboriginal people is not the end of the question. The RCMP has acknowledged its special relationship with Aboriginal peoples in various policies and practices. An equally important non-legal "trust" relationship between the police and Aboriginal people exists and should be further refined and developed. I am aware that the RCMP has entered into an agreement with the Assembly of First Nations on the issue of missing and murdered Aboriginal women. I am of the view that there is ample room for improvement and expansion of the RCMP obligations in this regard and that the specific recognition of the RCMP relationship with Aboriginal peoples is necessary.

### **Prosecution**

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

Successful prosecutions of crime against vulnerable people require prosecutorial and police practices that facilitate accommodation by the justice system and support for the individuals. The basic principle is that the exercise of prosecutorial discretion must be consistent with equality. Additional guidance is required to translate this general guarantee into concrete terms in the prosecutorial context.

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

**First, I recommend that the Provincial Government adopt an explicit inclusion of equality as a fundamental principle in the BC Crown Policy manual. The wording of this provision should be developed in consultation with the Crown Counsel Association and community representatives.**

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

One additional challenging problem arises in situations in which Crown Counsel anticipates an important witness may be at risk of discriminatory assessments of credibility by judges or juries. Some prosecution policy manuals address the concern that devalued witnesses are at risk of the non-prosecution of crimes against them. For example, the Public Prosecution Service of Canada's *Federal Prosecution Service Deskbook*, section 15.3.1, requires that an "[evaluation of how strong the case is likely to be when presented at trial] should be made on the assumption that the trier of fact will act impartially and according to law."

My last recommendation in this section is based more specifically on my finding of facts concerning the difficulties experienced with the appropriate valuation of witness testimony, and more particularly the credibility and reliability accorded Ms. Anderson as a witness. I am mindful of the difficulties faced by both police and prosecutors in making these credibility assessments, given the ways in which the judicial system can operate to devalue the evidence of some individuals because of their status, including people struggling with addictions. Crown Counsel may adapt their assessment of a witness's credibility in anticipation of whether a judge will believe her or his marginalized status. This is an example of how different components of the justice system can unconsciously compound societal bias against members of these vulnerable groups.

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

### **Measures to Facilitate the Participation of Vulnerable Witnesses**

The Commission record is replete with examples of challenges faced by the police and the prosecution in dealing with marginalized individuals as informants and witnesses. I have found that the institutional inability to overcome these challenges contributed to the failures in the missing



women cases. A whole range of potential measures has been developed through the Commission's research and consultations.

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

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

**I make three recommendations aimed at facilitating and supporting the full and equal participation of vulnerable and intimidated witnesses in all stages of the criminal justice process. First, the Commission's review of the existing state of knowledge confirms that more research is needed (1) to better understand the effects of drug and alcohol use on memory and how to support those experiencing dependency or addiction to provide testimony; and (2) on bias and perceptions of credibility among police, counsel and the judiciary. I recommend that the Provincial Government fund research studies on these topics and that the research teams should include academics, legal practitioners, and community representatives from organizations dedicated to advocating the rights of drug users such as VANDU.**

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

**Third, I recommend that the Provincial Government develop guidelines to facilitate and support vulnerable and intimidated witnesses based on the best practices identified by the Commission through its review of protocols and guidelines in existence in other jurisdictions. I anticipate that these guidelines would be helpful to both police and prosecutors and would contribute to the smooth and fair functioning of the criminal**

**justice process. It is critical that these guidelines be adopted through a collaborative process of all stakeholders to foster quick and effective implementation. While I fully recognize the importance of further research as recommended above, reform measures cannot wait until my first two recommendations are carried out. The guidelines can and should be refined and adopted over time as more is learned about best ways to ensure the equal participation of vulnerable and intimidated witnesses in the criminal justice process.**

I include a summary of elements that could be considered for inclusion in the guidelines as identified by the Commission in its review of international best practices in the treatment of vulnerable and intimidated witnesses.

### **Police Orientation, Training and Discipline**

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

#### ***Reorientation of policing***

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

I found that police culture within the VPD and the RCMP contributed to the police failures because it inhibited collaboration both within and across police agencies. In particular, I outlined some examples of how strict hierarchical decision-making and working within silos had negative impacts at various points in the investigations. **I recommend that the BC Association of Municipal Chiefs of Police and the RCMP establish a working group to develop a best practices guide for the establishment and implementation of formal discussion mechanisms to facilitate communication and collaboration that transcends the institutional hierarchy within a police agency.**

### ***Training***

The Commission received many submissions pertaining to additional training requirements for police officers. Framed by my findings of fact and conclusions, **I recommend that additional, mandatory training be carried out on the following topics:**

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

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

### ***Informal discipline***

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

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

In my 1994 report, I recommended that, where possible, police complaints ought to be resolved informally and the process ought to be remedial as opposed to punitive. Informal methods that afford greater opportunities for community feedback are the types of intervention that could have

assisted in reorienting the missing and murdered women investigations. These informal methods include education-based discipline, mediation, peer review, and early intervention. While some progress has been made, more could be done to make these informal discipline processes effective, including making public information about them more readily available. **I recommend that the Police Complaint Commissioner, working with police forces across the province, take steps to develop, promote and refine informal methods of police discipline, particularly in marginalized communities such as the DTES, and with Aboriginal communities.**

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

Police face challenges in providing protection to vulnerable and marginalized women. Sex trade worker organizations and other organizations that provide support services to vulnerable women have advocated for, and have been working toward, tailored police responses for many years.

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

Policing approaches that listen to, learn from, and respond to the safety needs of marginalized women will contribute to effective crime prevention. By actively engaging women in developing safety-enhancing measures, police can contribute to their empowerment. Every contact that vulnerable women have with the police and the justice system is an opportunity for empowerment through active offers of assistance and intervention. Positive interactions, even small ones, can assist in reversing the course of isolation, stigma and sense of helplessness.

### **Transforming the Police-Community Relationship in the DTES**

One of my central findings of fact is that the police failed to work with family members and the broader community to advance the missing and murdered women investigations. The police failures in these cases have had a further negative impact on the police-community relationship, although the VPD has taken many important and effective steps to remedy these errors and rebuild their relationship with the DTES community.

The VPD has taken many steps to overcome the “us versus them” dynamic that has traditionally shaped the police-community relationship in the DTES. The SisterWatch program, a collaborative program of the VPD, and a grassroots community organization, the Women's Memorial March Committee, are excellent examples of an initiative that has helped to transform the police-community relationship. During its consultations, the Commission heard some criticisms of SisterWatch. In general, it appears that information about this program is not widely available. Specific expressed concerns include that the program is not inclusive enough and

the tip line is not fully accessible. Nevertheless, SisterWatch is a meaningful partnership that has achieved clear successes in a short period of time. The key is that it is an ongoing, collaborative forum. **I recommend that the VPD SisterWatch initiative be evaluated to provide a basis for further refinements so that other police forces can learn from this community-based approach to policing.**

The RCMP has also learned many lessons about the need to transform the police-community relationship in the last decade. The RCMP provided information on its many community-policing programs around the province, programs which take on many forms depending on the community's size.

### **Measures to Foster and Support Community-Police Initiatives**

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

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

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

### **Elements of a Comprehensive Strategy to Protect Vulnerable Women**

In this section of the report, I identify and make recommendations for six elements of a comprehensive strategy to protect vulnerable women.

### *Community liaison function and positions*

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

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

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

**I recommend that the City of Vancouver create and fund two community-based liaison positions to be filled by individuals who have experience in the survival sex trade.**

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

### *Voluntary identification databases and warning systems*

Some communities have established voluntary proactive databases to specifically assist in the investigation of missing and murdered women.

People who are at a high risk of going missing may volunteer to be registered in the database, providing identifying information about themselves and their practices. This information is only used if they disappear or are killed. Once provided to the program, the information may be shared with consent or pursuant to a court order.

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

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

A voluntary registration/warning program and protocol should be developed through a transparent, collaborative consultation process as part of an overarching strategy of measures to enhance the safety and security of women engaged in the survival sex trade.

### ***Law enforcement strategies that prioritize harm reduction***

The Commission received a number of submissions calling on it to recommend the decriminalization and regulation of street-level prostitution. As I noted earlier in the report, it is outside the scope of my mandate to do so. I can, however, consider law enforcement strategies to be employed by police forces in the province as they relate to the initiation and conduct of investigations of missing women and suspected multiple homicides. Police forces are obligated to enforce the laws of Canada, although they also have considerable discretion in deciding when and how to enforce laws.

Based on the evidence heard, I conclude that the law enforcement strategies in place prior to and during the terms of reference contributed to



the endangerment of women in the survival sex trade. It is also clear that the current legal situation places police in a difficult position of having to negotiate the balancing of the interests of some members of the community affected by the nuisance of street-level prostitution and members of the community most directly affected by it, the women themselves.

In March 2012, the VPD submitted a policy document titled “Sex Work Enforcement Guidelines” for approval by the Vancouver Police Board. This document was prepared with the assistance of WISH, PIVOT, Susan Davis, PEERS and PACE. The Guidelines set out the VPD’s philosophy toward violence against sex workers and the enforcement of sex work related laws. In its policy submissions, the VPD states that the draft guidelines “make it clear to VPD members that they are required and expected to fulfill their duties and to exercise their powers in a respectful, sensitive and non-discriminatory manner.”

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

The guidelines approach is a model of community policing at its best. The adoption of these guidelines will contribute to standardization and consistency in response and will enhance accountability of individual officers, since the guidelines set the parameters for their interactions with women engaged in the sex trade. The guidelines also enhance accountability of the VPD as a whole as they provide a baseline against which to measure the Department’s actions. Crucially, the guidelines integrate equality-promoting norms: “Citizens of Vancouver involved in sex work are entitled to the same level of safety and protection under the law as are all residents of the City.”

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

### ***Structured discretion regarding enforcement of warrants***

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

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

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

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

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

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

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

The Commission learned that there is a growing consensus among community members and police that there be legislated structured discretion to allow officers to waive enforcement of bench warrants resulting from failures to appear and so on, in specific situations. However, police cannot mandate non-enforcement of a bench warrant or other order of the court, as this would be usurping the court's authority.

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

**I therefore recommend that the Minister of Justice consult with the judiciary, community representatives and the police to develop a protocol to structure the police discretion to enforce court warrants.**

### *Legislative protection for exploited women*

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

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

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

### *Monitoring high-risk offenders*

The VPD made extensive submissions on the need to increase the police capacity to monitor high-risk offenders as one important element of a strategy to enhance the safety of vulnerable women. As noted earlier, reporting by community members will expand in situations in which there are stronger relationships of trust between communities and police.

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

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

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

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

It is equally clear that different strategies are required to enhance the safety of women outside urban areas; the challenges to ensuring equal protection in each context are both shared and distinct. I fully recognize that Aboriginal women and girls are unsafe wherever they live: they comprise the vast majority of missing and murdered women along the Highway of Tears and a disproportionate number of the victims in the DTES. Aboriginal women experience higher levels of violence, both in terms of incidence and severity.

The missing and murdered girls and women along the Highway of Tears are the subject of an active investigation by the RCMP Project E-PANA. As I was completing my report, the RCMP announced that it had concluded that Bobby Jack Fowler was the man responsible for the murder of one of these women.

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

### **Missing and Murdered Girls and Women in Northern British Columbia**

The number of missing and murdered girls in Northern British Columbia is unknown; people have disappeared along the highway network of Highways 16, 97 and 5 for decades. The estimates range from 18 to over 40 victims. The vast spaces between communities acutely increase women's vulnerability to violence given the lack of public transportation, and create additional challenges to the initial search and investigation of

missing persons. Many of the victims were said to be hitchhiking when last seen. Community members state that abduction is a more apt description than disappearance.

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

### **Strong Community Commitment to Collaboration and Action**

Communities along the Highway of Tears have taken action to deal with the crisis of missing and murdered girls and women with a view to preventing future crimes. Aboriginal women and First Nations governments and organizations have taken the lead in change efforts, but over time they have been successful in building collaborative engagement with the police and other partners in the communities.

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

### **Contextual Factors**

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

### **Overview of Northern Consultations**

The Commission undertook three sets of consultations and received oral and/or written submissions from over 130 people who live in communities along Highway 16 from Prince Rupert to Prince George and who have been affected by the disappearances and deaths of women along the highway. An additional 300 people took part in these events without making a formal presentation. I heard about the importance of understanding the Northern context, a police-community relationship shaped by distrust and intercultural misunderstanding, and aspirations for a better future. Participants in these consultations were determined in their calls for commitment to

support already identified reform measures. I learned more about how members of these communities are standing together and moving forward on effective reform including restorative measures, preventive strategies, and strengthening the partnership between police and communities. I am very grateful for this overwhelming community response and for all the individuals and groups who generously gave their time to assist in planning and convening these events.

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

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

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

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

There appears to be an ongoing lack of community understanding and/or an unclear protocol about how to report a person as missing. My recommendations for improved missing person policies and practices are set out in Part 7. They are designed to apply throughout the province.

The Commission also heard that Northern communities recognize a need to develop programs to keep women safe and to protect them, and that this requires a more proactive role by the police. Progress on this front requires a stronger knowledge of what makes women vulnerable to violence and effective community involvement to keep them safe. The focus has to be not just on more and better policing, but also on breaking the cycle of violence. I heard many voices from different sectors within society express dissatisfaction at the failure to take action and, in particular, to fully implement the 33 very practical recommendations contained in *The Highway of Tears Symposium Report*. A renewal of limited funding for the implementation announced a few months ago is a positive step, but additional measures are required to ensure that progress does not stall again.

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

### **Transforming the Police-Community Relationship Along the Highway of Tears**

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

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

There was a noted lack of trust and respect between the RCMP and Aboriginal youth, which represents a fundamental barrier to effective relationships. One priority is to ensure that Aboriginal youth see police officers as community members, rather than only as authority figures.

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

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



The Commission received some submissions concerning the belief that systemic bias within the RCMP needs to be addressed if the police-community relationship is to be transformed into one that is consistent with non-discrimination and human rights norms. This was not an issue that the Commission was able to probe. I do note that the *Northwest Consultation Report* recommended “zero tolerance for racism; police candidates should be screened for attitudes and issues re: power and authority.” I refer back to the need to take the equality-promoting measures discussed and recommended in Part 4, which should be considered for implementation across British Columbia.

### **Components of a Comprehensive Strategy to Protect Aboriginal and Rural Women**

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

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

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

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

The action plan may need to be updated in light of developments over the past six years. While virtually all people consulted by the Commission supported this action plan, many also stated that they were unaware of the status of the recommendations. Concerns were also expressed that not all affected communities were sufficiently involved in the implementation and follow-up process. This perspective was most pronounced in the

Northwest; the vast distance and distinct communities have to be recognized through a consistent effort to ensure collaboration and engagement of all communities. The Commission also heard that broader-based involvement is needed; as one speaker put it, “this is not an Aboriginal problem; it is a societal problem.” **Hence my further recommendation is that steps be taken to ensure that the Highway of Tears Symposium action plan be updated and to ensure that the implementation process is inclusive and responsive to all of the affected communities along Highway 16.**

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

### **Ensuring Safety During the Rural-Urban Transition**

One issue that was raised over and over was the vulnerability of Aboriginal women and men, particularly youth, who move from a small community to an urban centre. This concern was expressed in *all* of the Commission’s consultation processes: in consultations and conversations with community members in the North and the DTES, from family members, from police officers, and in the Policy Forums. Community members told the Commission that many of these Aboriginal youth are very trusting; they trust everyone right away and this contributes to their risk of becoming victims.

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

There is no question that the transition from the North to an urban centre makes young women particularly vulnerable and, therefore, it needs to be managed to minimize the risks. The Commission’s research and consultations show that three specific dangers or risk factors for exposure to violence must be addressed. **I recommend that action be taken to address each of these risks in order to enhance the safety of Aboriginal and rural women. First, steps must be taken to enhance safety on reserves so that women are not driven to leave for potentially less secure environments. Aboriginal women’s organizations should be provided additional funding to provide**

**this programming so that fewer women are forced to escape to urban areas. Second, safe homes and transition shelters must be accessible and meet the cultural needs of Aboriginal women and Aboriginal youth when they do leave home. This is particularly challenging in the North because of geography and economic disparity; steps must be taken to overcome these barriers. Third, steps must be taken to address the vulnerability of Aboriginal women to sexual exploitation and entry into the survival sex trade during the transition from rural to urban centres and to facilitate and support exiting the survival sex trade. A collaborative action research project is required to better understand these dynamics and to develop a workable action plan. The MAKKA study project design and research principles should be considered in initiating and conducting this research project.**

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

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

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

In Volume III, Part 7, I discuss the need to foster both innovation and standardization in missing person investigations. I frame this discussion in four parts: components of the proposed provincial standards, best practices, enhanced communication with and support of families and other reportees, and weighing the merits of a civilian missing persons agency.

### **Overview of Current Trends**

I provide an overview of major developments in missing person policies and practices over the past decade based on the Commission's survey of Canadian police forces, updates from the VPD and the RCMP, and descriptions of the evolving mandate of the BC Police Missing Persons Centre and national initiatives.

### **Provincial Standards for Missing Person Investigations**

VPD and RCMP missing person policies and practices have improved dramatically since 2002; however, there are inconsistencies between the approaches taken by police forces in this province. Lack of clarity still exists over jurisdiction. Setting clear and detailed standards and providing training on those standards is an effective way of overcoming past inconsistent or problematic practices. Currently, no provincially mandated standards exist to ensure the appropriate police response is provided.

Without these, changes can occur with little or no public awareness. During the Commission's consultations, many members of the community, police and non-police alike, voiced their support for uniform missing person police practices and resources across the province. International trends also support greater standardization as illustrated by a brief overview of developments in the United Kingdom, the United States and Australia.

I have concluded that the provincial government should mandate the standards of care and practice required to ensure missing person investigations are given the priority needed and undertaken at a high and consistent standard relative to the risks involved. Without provincial standards, breakdowns in the acceptance of responsibility can be expected. Members of the public are entitled to comparable levels of service wherever they live and notwithstanding where a person who has gone missing was last seen. The proposed provincial standards will provide a basis upon which further refinements can be made over time.

**I recommend that the provincial standards be developed by the Director of Police Services with the assistance of a committee including representatives from the BC Association of Municipal Police Chiefs, the RCMP, community and Aboriginal groups, and the families of the missing and murdered women.** While some of the details need to be determined by experts, an inclusive, collaborative process will ensure that the provincial standards are responsive to public expectations. The principles of equality, community engagement, collaboration and accountability that shape all of my recommendations are particularly important here: effective participation by representatives of Aboriginal communities, the DTES and victims' family members is paramount. My recommendation is consistent with the previously noted practice of the Director of Police Services to consult with key stakeholders in developing provincial policing standards.

**I have identified 15 components recommended for inclusion in the proposed provincial missing persons standards based on all of the evidence and information available to the Commission:**

- **Definition of "missing person;"**
- **Criteria for the acceptance of reports;**
- **Jurisdiction;**
- **Missing Person Risk Assessment Tool;**
- **Provincial Missing Person Reporting Form;**
- **Standards related to interaction with family/reportees;**
- **Initial steps – background information;**
- **Supervisory responsibility/quality control;**
- **Forensic evidence standards;**
- **Coroners' Liaison;**
- **Monitoring outstanding missing person cases;**
- **Automatic annual review of unsolved cases;**
- **Closing missing person files;**
- **Prevention and intervention; and**
- **The role and authority of the BCPMPC.**

I set out a brief comment about each of these components in Volume III, but it is my expectation that the consultative body, established by the Director of Police Services, to develop the standards, will find the body of information collected by the Commission to be of further assistance.

### **Best Practices in Missing Person Investigations**

Provincial standards will promote uniformity and consistency in the acceptance of missing person reports and the initiation and conduct of missing person investigations. Standardization must be coupled with continual efforts to foster innovation. The recommendations that I have made for the monitoring and review of missing person cases will assist by creating feedback loops; evidence-based evaluation creates opportunities for individual learning and institutional improvements. Another approach to fostering innovation is through the development of best practice guides and protocols, which can provide much more detailed guidance and be updated much more frequently than provincial standards.

Five gaps in missing person investigative practices stood out in the Commission's findings and need to be addressed on a priority basis. **I recommend that best practice protocols be established for (1) enhanced victimology analysis of missing persons, (2) investigative steps in missing person cases, (3) collection, storage and analysis of missing persons data, (4) collaborative missing person investigations, and (5) training specific to missing person investigations.**

### **Fostering Innovation**

Institutional support is required to update policies and procedures related to missing persons on an ongoing basis. Investigative techniques and processes need to be regularly tested for effectiveness and modified as required. The development of best practices is one of the BCPMPC's responsibilities; it has taken important steps in this regard, and similar efforts are ongoing at the national level. **I conclude, however, that two additional institutional mechanisms are required to foster innovation: the establishment of a provincial missing persons partnership committee and an agency independent of police dedicated to the analysis of missing persons cases.**

A mechanism must be established to facilitate the collaboration of these groups in the ongoing development of best practice protocols for missing person cases. **I recommend that a provincial partnership committee on missing persons be established for this purpose. The Committee should be chaired by a senior government official and include representatives of the missing and murdered women's families, community groups, service providers and Aboriginal organizations. The Saskatchewan Provincial Partnership Committee on Missing Persons (PPCMP) should serve as the model for British Columbia.**

The BCPMPC is intended to analyze missing persons data at the provincial level. However, the BCPMPC has many other responsibilities; in my view, the analysis of missing persons data should be carried out by an agency that is independent of police and is dedicated to this sole task. I adopt the proposals made by Dr. Rossmo in this regard. The agency would provide oversight and analytic functions, but would not have any investigating responsibilities. One of the functions of such an agency would be to provide an “early warning system” for anomalous patterns of missing persons through the complex analysis of police records. It could also carry out modelling of “typical” missing person investigations to contribute to detailed performance standards.

**I recommend that the Provincial Government establish an agency independent of all police agencies with the purposes to include coordinating information, identifying patterns, establishing base rates, reviewing police investigations, ensuring accountability for linked inter-jurisdictional series, and warning the public. It should provide oversight and analytical functions, but it should not be an investigating entity.**

### **Working with and Supporting Families and Other Reportees**

Building and maintaining positive relationships with family members, the community, the wider public and the media can be essential to locating missing persons and solving potential crimes, particularly when the missing persons are living in non-traditional or precarious circumstances. I have already made several recommendations for enhanced collaboration through the establishment of a best practice protocol and the provincial partnership committee. In this section, I discuss more specific recommendations to address the needs and roles of family members and reportees in missing person investigations. A collaborative and integrated response involving communities, organizations, and individuals requires that those involved be treated fairly and equally, and that the networks and investigative mechanisms in place meet their needs for information and emotional support.

### ***Facilitating reporting and information sharing***

The Commission received submissions from family members of the missing and murdered women and the community concerning the unmet need for information and support during all stages of missing person investigations. Many individuals expressed concerns about the police’s treatment of, and communication with, family members as well as systemic barriers, including a lack of public information.

The Commission found that there is a general lack of public awareness in the missing person process including, for example, inaccurate views about needing to wait 24 hours before making a report. Greater public awareness could contribute to preventing barriers to timely reporting and

assist a worried individual when they face the possibility that someone they care about is missing.

**I recommend the development of a provincial missing person website aimed at educating the public about the missing persons process and engaging them in proactive approaches to prevention and investigation.**

Missing person information is available on a number of websites in British Columbia, but the multiple websites are difficult to navigate. A single, easily navigated website is required. The Saskatchewan Missing Person Website could serve as a model. The website could include checklists to assist persons in the reporting process, similar to those produced by NWAC's Sisters In Spirit initiative.

The Commission received numerous recommendations for the establishment of a provincial 1-800 number to take reports of missing persons. This recommendation is supported by the families, many community groups, and the VPD, and is highlighted in the SisterWatch Report. The request for a 1-800 number has been made for a number of years, beginning at least as early as 2002, but it has yet to be implemented.

**I recommend the establishment of a provincial 1-800 phone number for the taking of missing person reports and accessing case information.** The 1-800 phone number would not replace existing intake processes in various jurisdictions; rather, it would be used to provide an additional point of access. As pointed out in the SisterWatch Report, this development would help prevent cases from falling between the cracks, as the 1-800 clearing house would liaise with the appropriate police agency of jurisdiction to ensure an investigation is initiated. As well, increased service could be provided to reporters who are having difficulty accessing information about their cases.

Careful planning will be required in implementing the 1-800 number so that it is well integrated into the process for accepting missing person reports set out earlier, particularly in light of my recommendation that the full report be taken in person rather than over the phone wherever possible. Similarly, protocols will have to be established governing the types of information that can be shared over the phone and how information can be shared, given privacy concerns and related issues.

### ***Meeting the support needs throughout missing person investigations***

It is clear to me that, despite best efforts by the individuals involved, victim support services did not meet the needs of the families of the missing and murdered women throughout the investigations within my mandate. During the Policy Forums, I received numerous submissions, including from Victim Services providers themselves, that the support system remains deficient in important respects. In addition, families told the Commission that information provided to them about support services was often out of



date or referred to services out of the area. For some families, it took a long time for them to receive counselling. Both the VPD and the RCMP are aware of these unmet needs and do not have the capacity to provide the full range of supports required.

### ***Interactions with the media***

The media have an important role to play in missing person investigations. The Commission received numerous submissions concerning the difficulties faced by family members and other reportees in effectively engaging with the media. I also heard about current VPD and RCMP media practices. The Commission did not receive submissions from representatives of the media on these topics and is not in a position to make a formal recommendation on this. **I recommend that representatives of the media be invited to be members of the provincial partnership committee and that the committee should develop a protocol on issues related to the role of the media in missing person investigations.**

### **Weighing the Merits of a Civilian Operated Missing Persons System**

The Commission received several recommendations for a civilian-operated missing person system. The *In Memory of Our Falling Angels* report, prepared by an ad hoc group of participants as a follow-up to the Policy Forums, recommends that a service be created to assist persons after filing a missing persons report.

The VPD would also like to see that a provincial organization be established to communicate information that would be helpful for families, communities and the media about how missing person cases are handled and how they can help.

Independent Counsel for DTES Interests, Jason Gratl, recommended the creation of a province-wide missing person intake system and a civilian operated missing persons system with clear and formal rules to transfer investigations to the appropriate police service if foul play is suspected. A civilian system could be more accessible for people who do not trust the police. Civilians could engage the kind of informal procedures and social media contacts that are already being used with some success.

In New South Wales, Australia, a Families and Friends of Missing Persons Unit (FFMPU) was established in 2000 as part of the Victims of Crimes Bureau of the Attorney General's Department. The FFMPU is an organization dedicated to co-ordinating support services for families and friends of missing persons. This is a best practices model that could be considered for British Columbia.

I do not have sufficient information to perform a cost-benefit analysis of creating a civilian-based missing person system, which could provide support, assist in locating missing persons and liaise with police in

cases. One concern is that a civilian-based missing person system might create another silo or communication barrier with police. However, this model does appear to have a greater ability to provide support and information services, leaving the police to focus on investigative functions. **I recommend that the provincial partnership committee consider these issues and develop a proposal for either an enhanced BCPMPC to meet these additional responsibilities relating to the needs of members of the public and in particular, reporteers; or to create an independent civilian-based agency for this purpose.**

## **PART 8 – ENHANCING POLICE INVESTIGATIONS OF MISSING PERSONS AND SUSPECTED MULTIPLE HOMICIDES**

Inadequate policing support systems contributed to the critical police failures in the missing and murdered women investigations. These system failures include the lack of Major Case Management systems, inadequate systems for the management and analysis of information, inadequate systems for sharing information across jurisdictions, barriers to the collection of personal information about the missing women, and underdeveloped systems for the collection, storage and analysis of DNA. Police are handicapped without strong support systems; they are the foundation upon which policies and practices can be effectively operationalized. In this section, I focus on ensuring that police have access to the tools they need to meet the challenge of preventing violence against vulnerable women and for the initiation and conduct of investigations into missing women and suspected multiple homicides.

Policing has changed dramatically over the past decade, particularly with respect to the utilization of information technology. During the early part of the Commission's reference period, officers were taking notes by hand and e-mail was inconsistently used; today most cruisers are equipped with tablets. Det. Cst. Shenher, who was in charge of the Missing Persons Unit and was the lead officer in investigating the murders, had no computer.

In this part of the report, I address three additional proposals to strengthen police capacity to effectively deal with investigations of missing women and suspected multiple homicides: missing persons legislation, provincial Major Case Management standards, and a national DNA databank.

### **Missing Persons Legislation**

Timely access to information is integral to the analysis of a missing person case and can be of vital importance in an investigation. The Commission found that an enormous amount of time was spent by police officers on basic data checks for information on the missing women. One of the barriers police face in investigating missing person reports is that they do not have ready access to personal information about the missing person because it is protected through privacy legislation. This inaccessibility presented a significant challenge in the missing and murdered women investigations and continues to be an obstacle today. This obstacle can be overcome through the adoption of provincial missing persons legislation, providing a statutory basis for police to obtain access quickly, thereby expediting the investigation. Saskatchewan, Alberta and Manitoba have enacted this type of legislation. The Commission received numerous submissions supporting the adoption of British Columbia missing persons legislation including from family members, members of the public, the VPD and the RCMP; no dissent was voiced. **I recommend that the Provincial Government enact missing persons legislation to grant speedy access to personal information**

of missing persons without unduly infringing on privacy rights. This legislation should be enacted on a priority basis.

### **Provincial Standards for Major Case Management and Electronic Case Management**

One of my main conclusions is that the failure to follow Major Case Management (MCM) principles contributed to the failings in the missing and murdered women cases. I have referred to Mr. Justice Archie Campbell's review of the Paul Bernardo investigation throughout this report and noted his emphasis on the importance of mandated provincial MCM standards. The Ontario government implemented this recommendation soon after the *Bernardo Review* was published. MCM is now widely used in British Columbia, but it is not mandated and provincial standards have not been adopted. This is an oversight that should be corrected forthwith.

**I recommend that Provincial Government mandate the use of Major Case Management (MCM) for major crimes and that the Director of Police Services develop these MCM standards in consultation with the police community and through a review of best practices in other jurisdictions.** These standards should include a definition of "major cases" or "major crimes." All missing person cases that are not under active investigation and have been outstanding for more than six months shall be considered a "major crime."

The standards should also incorporate a heightened review and accountability function. **I recommend that the Director of Police Services mandate accountability under the MCM standards by requiring that police forces:**

- **Provide an explanation as to why MCM was not used for a "major crime" in an annual report to the Director of Police Services;**
- **Notify the Director of Police Services of all "major crime" investigations that are not under active investigation and have remained open for more than one year. Upon receipt of such notification, the Director will appoint another police department to conduct an independent audit of the prior investigation and conduct such additional investigatory steps as it deems necessary, and report its finding to the Director and the originating police agency; and**
- **Conduct annual internal audits of a statistically valid random selection of MCM investigations to ensure proper compliance with the model.**

These measures will facilitate the development of best practices in MCM. The VPD and the RCMP report that they already carry out reviews of major cases. However, the additional measures recommended here will provide an important additional level of external accountability and contribute to the province-wide evolution of best practices in MCM over time.

**I recommend that issues related to a single electronic MCM system for British Columbia, as well as compatibility with cross-Canada systems, be reviewed as part of the consultation on MCM standards.**

### **National Support Systems**

In Part 2, I provide an overview of the Government of Canada initiative to establish a National Police Centre for Missing Persons and Unidentified Human Remains. This initiative promises to provide additional cross-Canada support for missing person cases, with an emphasis on missing and murdered Aboriginal women and girls. One outstanding issue is whether the new centre will develop a national databank of missing persons.

The issue of a National Missing Persons Index or DNA databank has been on the national policing agenda for more than a decade. **I urge the Provincial Government to take active steps to support the development of a National DNA Missing Persons Index and to assist in overcoming the impasse on outstanding concerns over its creation and operationalization.**

## PART 9 – COMMITTING TO A REGIONAL POLICE FORCE IN GREATER VANCOUVER

One of this Commission's stark conclusions is that the fragmentation of policing in the Lower Mainland materially contributed to the failures of the missing women investigations. The Greater Vancouver Area is the only major center in Canada without a regional police force. It is clear from the evidence that a regional police force stood a good chance of apprehending Robert Pickton much earlier. Greater regionalization of policing in the Lower Mainland has been under discussion for decades. As Retired VPD Insp. Dan Dureau said during the hearings: "My first day in a police car I was told we were going regional any month now and that was 1975."

Without doubt, one of the critical police failures in the missing women investigations was the failure to address cross-jurisdictional issues and the ineffective co-ordination between police forces and agencies. At different points in time there were problems with sharing file information between the agencies with the result that investigators did not have access to all the intelligence that had been gathered about Pickton's activities. Joint meetings did not provide the same level of effective collaboration as a properly coordinated multi-jurisdictional investigation would have. It took years before a Joint Forces Operation, Project Evenhanded, was established to further the investigation.

In my 1994 report on policing in BC, I asked: "Can the regionalization debate be resolved?" Today, my clear message is that we must move beyond the debate to practical planning. I do not recommend yet another study on the feasibility of regional policing. A decisive step must be taken to break this impasse. **I recommend that the Provincial Government commit to establishing a Greater Vancouver police force through a consultative process with all stakeholders.** I note that this proposal is consistent with the International Association of Chiefs of Police model policy that states that detailed consultations toward the integration of police forces should be based on a consensus that change is needed.

I provide an overview of the options and issues involved in establishing a Greater Vancouver police force. This discussion of regionalization is not exhaustive. The pros and cons of regionalization have been well canvassed in the past and in several reports prepared for the Commission. It is clear that the integration of some policing functions is an insufficient response. The main reasons in support of a Greater Vancouver police force are:

- Co-operative enforcement and improved effectiveness in providing safety and security;
- Improved communication, access to information and accountability;
- Improved capacity to deliver specialized services;
- Financial benefits;
- Enhanced professional and career development;
- Community relations and law enforcement equity.

There are multiple options for a regional police force. I describe a few of these options but do not purport to advance a particular model.

These issues and challenges can be resolved through a strategic approach based on a commitment to a regional, accountable police force that maintains adequate links to communities within the region. Resources have to be devoted to this change process, or it won't happen. Provincial leadership is key.

The consultation process should be based on the Provincial Government's commitment to move forward, the process had to be well-designed and integrate stakeholders, from the community perspective, the municipal leadership perspective, and police institutions.

Information and analysis are required to support this design consultation process to develop the optimal model for the Greater Vancouver regional police force. This information gathering process could include:

- A current analysis of what is working well now and what is not;
- A review of both successes and failures;
- An economic analysis of the costs of the current system, including the costs to public safety, and any proposed models;
- Data gathered within an analytical framework to ensure insightful questions are asked, and the appropriate data is gathered and understood properly;
- An apolitical process through which to hear community views; and
- Independent performance and financial audits.

Independent third parties are required to facilitate this process to ensure that all stakeholders should be involved in this discussion and all affected communities should have a voice in any new structure that is proposed.

**I recommend that the Provincial Government establish an independent expert committee to develop a proposed model and implementation plan for a Greater Vancouver police force.**

I recognize that there are outstanding questions as to the best model to employ and how to efficiently manage the transition. I underscore that the barriers to a regional police force for Greater Vancouver are political; they have nothing to do with better policing. This is not a new debate and the divisions are clearly drawn between advocates and detractors of a regional police force. The challenge is to find a balance between local control and input while getting the benefits of regional policing.

In light of the clear findings of this Inquiry, this situation of a stalemate cannot be allowed to continue to prevail. It is time for the Province of British Columbia to commit to the creation of a unified police force and to set up an independent evaluation and consultation process to develop the best model and implementation plan for a Greater Vancouver police force. As Dr. Rossmo stated, history tells us there will be another serial killer, and in those circumstances there must be a strong effective response. Let's not wait for the next Robert Pickton to strike.

## **PART 10 – FACILITATING EFFECTIVE MULTI-JURISDICTIONAL RESPONSES TO CRIME**

Even within the context of a regionalized police force for Greater Vancouver, there will always be the potential for serial predators to operate across jurisdictional boundaries. Informal communication and collaboration abounds, but does not meet the requirements of close collaboration required in major cross-jurisdictional cases. The issues involved in the investigation of major crimes are quite different from the situation of services provided through integrated units on an ongoing basis.

The Commission is specifically mandated to “recommend changes considered necessary respecting homicide investigations in British Columbia by more than one investigating organization, including the co-ordination of those investigations.” Greater co-ordination of major crime investigations can be achieved in a number of ways: by strengthening inter-jurisdictional structures and protocols; by establishing cross-jurisdictional systems; and by transforming cultural practices within police agencies in order to facilitate cross-agency cooperation. The Commission received numerous submissions on these topics.

In this section, I recommend three additional mechanisms to facilitate an effective multi-jurisdictional response to crime and, in particular, to major crimes: provincial standards for multi-jurisdictional and multi-agency investigations, a protocol to guide the establishment of a Joint Forces Operation, and enhancing the capacity for regional crime fighting.

### **Multi-Jurisdictional and Multi-Agency Major Case Management Standards**

Provincial Major Case Management standards (MCM) will help to overcome organizational diversity and should include detailed standards for various aspects of multi-jurisdictional Major Case Management. Both Ontario and Alberta have made significant progress in this regard. For example, the Ontario MCM Manual sets out detailed standards for various aspects of multi-jurisdictional Major Case Management including identification systems; the role of the Serial Predator Crime Investigations Coordinator, Multi-jurisdictional Major Case Manager, Major Case Management Executive Board, Joint Management Team and Investigative Consultant Team; and multi-jurisdictional major case investigative functions and responsibilities. These standards include criteria for activation and the use of interdisciplinary expertise. The multi-jurisdictional Major Case Management process is illustrated in a flow chart, which highlights the differences between the management of a multi-jurisdictional case by comparison with a single jurisdiction case.

**I recommend that the Director of Police Services mandate provincial standards for multi-jurisdictional and multi-agency investigations to be incorporated into the provincial MCM standards referred to in recommendation 8.2.** These standards will provide a solid framework



for multi-jurisdictional and multi-agency investigations. MCM training often includes training in inter-jurisdictional collaboration, and this could be enhanced through professional development training provided in conjunction with the adoption of the new provincial MCM standards.

These standards should be augmented through the development of protocols for the operation of multi-jurisdictional major case investigations. The Commission heard substantial evidence about the difficulties in triggering a Joint Forces Operation for the missing and murdered women investigations. One of the main causes was the difference in perspective between the investigators and senior management on the need for such an operation.

**I recommend that the Director of Police Services consult with the BC Association of Police Chiefs and the RCMP to create a protocol or framework for multi-jurisdictional major case investigations to ensure the timely and seamless implementation of multi-agency teams, including a provision for an independent panel to resolve disputes regarding when the protocol should be triggered.**

### **Regional Crime Fighting**

The Commission received many submissions in favour of an enhanced capacity for regional crime fighting. Often these proposals were couched as an alternative to a regional police force; if full regionalization is not obtainable in the short term, intermediary steps should be taken. I have already taken a position in favour of a Greater Vancouver police force, but I also see room for enhancing regional crime fighting through the establishment of a Real Time Crime Centre. In the transition period toward regionalization, I agree with the VPD's recommendation of obligatory regular meetings of policing agencies in the Lower Mainland and an interim protocol for regional priority setting for crime fighting.

A Real Time Crime Centre (RTCC) is an intelligence centre for information sharing and crime analysis, with the capacity to look at regional issues and come up with regional solutions. Marked improvements in information sharing between police forces has not been matched by the skills and technical ability to analyze crime trends, suspicious activity, human source information and other forms of intelligence, to develop effective policing strategies. An RTCC would help to fill this gap.

The VPD is currently in preliminary discussions with other police agencies in Metro Vancouver, including the RCMP, and there is significant support for a regional RTCC. Some limited steps have been taken in this direction. The RCMP has developed a Provincial Intel Centre, providing a multi-jurisdictional approach to gathering crime intelligence and conducting analysis. During the Policy Forums, representatives of the RCMP reported that a centre was set to begin operations in the Lower Mainland in the summer of 2012. The Centre is to be staffed by agencies throughout the

Lower Mainland and with provincial resources. Its focus will be on gangs and organized crime, but it will also look at other emerging crimes.

**I recommend that the Provincial Government move expeditiously to implement a regional Real Time Crime Centre. A regional RTCC is supported by the VPD, the RCMP and other police agencies in the Greater Vancouver area and has the potential to facilitate effective multi-jurisdictional responses to crime, including by strengthening the capacity for proactive approaches that reduce serious crime.**

## **PART 11 – ENSURING POLICE ACCOUNTABILITY TO THE COMMUNITIES THEY SERVE**

One of the four major themes of the Commission's recommendations is enhancing police accountability to the community. One of my findings is that the critical police failures were partially attributable to the weaknesses in the external accountability mechanisms reflecting the situation of the Vancouver Police Board during the reference period.

Accountability measures are varied and include the proposals for provincial standards, police audits, training, and individual performance measures and informal feedback mechanisms at the officer level set out earlier in the report. Moreover, effective community policing, by definition, increases police contact with and accountability to the community through regular meetings and direct input on policing priorities. Here, I consider police accountability from a more holistic perspective and focus on the role of police boards as the intermediary between the community and police. Change is required in the overall government model for policing in order to ensure greater accountability of police to the communities they serve.

### **Accountability Themes**

The Commission heard a number of recurring accountability themes in its consultations. Family members were particularly vocal about their disappointment in the lack of accountability they perceived in their dealings with police, and wanted changes to the system so that more could be done when officers behaved inappropriately or failed in their duties.

Discussions centered on the police failure to marshal the resources needed to conduct effective investigations because of indifference, bias and/or poor risk assessment. Accountability in this context concerns allocation and prioritization of resources in police and government decision-making, and the community's involvement in oversight. It also concerns the conduct of individual officers in carrying out their duties. The focus was on issues of community input into priorities and police discipline, and whether changes are needed in existing systems.

Concerns were expressed about the current system's response to community complaints. The police complaint system is designed to deal with specific incidents of individual police officer misconduct, not larger systemic problems. To identify underlying problems, such as the organization not functioning as the community thinks it should, patterns of offences or complaints not amounting to offences must be examined.

Accountability must encompass more than receiving and investigating complaints of police misconduct. It requires a structure to administer the police: an independent authority for control, oversight, allocation of resources (including financial audits) and resolution of complaints, and a community board to set out the priorities of police. In the view

of many of the participants in the Policy Forums, the current Police Board structure does not perform all of these functions. Additionally, the current accountability mechanism is unclear and confusing because some provincial accountability mechanisms do not apply to the RCMP. I also recognize that police accountability issues are inextricably connected to the issue of a regionalized police force.

### **Toward Empowered Community Oversight**

The Commission does not have a mandate to re-imagine the police accountability system in British Columbia. I agree with the general call for a more holistic approach to police accountability. **I recommend that the accountability structure for the Greater Vancouver police force incorporate a holistic approach that provides oversight on both an individual and systemic level and is fully responsive and responsible to the communities it serves.**

In addition to this general recommendation, I make a number of proposals to empower police boards so that they are better able to carry out their community oversight function.

First, police boards should be truly representative of the communities they serve and be independent of municipal and provincial politics. In the 1994 report on policing, I recommended that mayors not serve as chairs of police boards, and the importance that I have placed on this recommendation has strengthened in the intervening years, and especially in light of the Commission's findings. In his testimony, former Mayor Philip Owen agreed that mayors should not serve in this capacity. A recent study on the functioning of municipal police boards in British Columbia by the Justice Institute came to the same conclusion. **I recommend that the *Police Act* be amended to provide that the Mayor is an *ex officio* member of the Board, but has no voting authority.**

**I also recommend that additional steps be taken to ensure representation of vulnerable and marginalized members and Aboriginal peoples on police boards.**

Second, police boards need to be empowered to fulfill their important function through training, resources and other measures that ensure each board member has an understanding of her or his role. The processes undertaken by police boards are as important as their composition. Evidence before the Commission illustrated how important it is for police board members to have sources of information that are independent of the police force which they have the responsibility to oversee. **I recommend that police boards have access to greater resources from the Division of Police Services to gather and analyze information to enable them to better carry out their oversight functions.**

## **PART 12 – ASSURING THE WOMEN’S LEGACY: IMPLEMENTATION, CHANGE MANAGEMENT AND EVALUATION**

I have concluded that the police investigations into the missing and murdered women from the DTES from 1997 to 2002 were a blatant failure. I acknowledge that the VPD and the RCMP have taken meaningful steps to improve their practices in light of this experience and commend them for these efforts. At the same time, as I set out in Part 3, these critical police failures have harmed the community’s trust in policing in fundamental ways. Furthermore, I have identified a number of additional reforms that are required to improve police practices and enhance the safety of vulnerable women across British Columbia.

Many of the issues before the Commission are well-known; some, in fact, have been “studied to death.” The problem lies in the gap between our knowledge of what needs to be done and our ability to apply this knowledge to effectuate substantive change. I need only harken back to my earlier comments concerning unlearned lessons from reviews of other serial killer investigations to underscore this point.

In this final section, I set out two final recommendations with a view to addressing the gap between knowledge and action within a framework that acknowledges the complexities of the underlying problems that contributed to the police failures. In doing so, I am seeking a commitment from all involved to take the steps required to assure the women’s legacy of safety. This is a goal that can only be achieved if all responsible individuals and institutions work together in a concerted fashion.

The Inquiry’s mandate relates to very complex policy problems – even with the focus on policing. These complex policy problems are highly resistant to resolution. Successfully tackling the problems raised by the Commission’s mandate requires a broad recognition and understanding that there are no quick fixes and simple solutions. Complex policy problems require governmental and non-governmental agencies to work together in new ways and through novel processes.

Throughout the report, I have framed my recommendations to include collaborative engagement processes to develop detailed proposals and oversee implementation. I have also highlighted the importance of specifically engaging family members of the missing and murdered women, Aboriginal communities and community groups representing vulnerable and marginalized women. I carry these recommendations through to my overall recommendations for implementing this report.

It is important to acknowledge that a leader or champion will be required to spearhead and manage the implementation process given the breadth of my recommendations and the number of institutions and agencies involved in their implementation. I was very taken by the VPD’s recommendation

for a champion for the vulnerable and marginalized in the DTES in its *Project Lockstep Report* and based my recommendation on this idea. **I recommend that the Provincial Government appoint an independent advisor to serve as a champion for the implementation of the Commission's recommendations. This appointment should take effect within 12 weeks of the release of the report. I also recommend that the independent advisor work collaboratively with representatives of Aboriginal communities, the DTES, and the victims' families in the implementation process.**

Let us not fail the women again: this is a critical moment to regain public trust and the opportunity must be seized.

## **PART 13 – SUMMARY OF RECOMMENDATIONS**

### **A. Conclusion**

As stated earlier, the Missing Women Commission of Inquiry has concluded that the police investigations into the missing and murdered women were blatant failures. I have reviewed in great detail the evidence that the critical police failings were manifest in recurring patterns of error that went unchecked and uncorrected over several years. Given the history of unlearned lessons of serial killer investigations, I delved further into the underlying causes of these failures and found that the causes were themselves complex and multi-faceted. I have framed my recommendations to address these complexities within the context of four overarching themes: equality, community engagement, collaboration and accountability. It should come as no surprise that I have made a large number of recommendations to address these complexities: 63 in total. The recommendations dovetail one with another, each provides an additional tool, an additional check or counterbalance, an additional collaborative mechanism, all geared toward the central goals of enhancing the safety of vulnerable women and improving the initiation and conduct of investigations of missing persons and suspected multiple homicides.

I have found that the missing and murdered women were forsaken twice: once by society at large and again by the police. There is no mirroring concept of “unforesaken,” but together we can work toward this end by protecting and supporting vulnerable women. Together, we can and we must, build a legacy of safety to honour the missing and murdered women who are remembered and missed. In doing so, we can provide the only right answer to the question posed by Sarah de Vries’ quote at the beginning of my report:

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

It is only together that we can ensure that, while the women are gone, they are not forgotten.

### **B. Summary of Recommendations**

I urge the Provincial Government to commit to these two measures immediately upon receipt of this report:

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

Please note that points 1 and 2 are not formal recommendations.

### Restorative Measures

Please note that recommendations are numbered according to the Part of the Report in which they are introduced. (Example: Part 3 begins with 3, Part 4 begins with 4, and so on.)

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

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

### Equality-Promoting Measures

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

- 4.1 That the Minister of Justice direct the Director of Police Services to undertake equality audits of police forces in British Columbia with a focus on police duty to protect marginalized and Aboriginal women from violence. These audits should be carried out by an external agency *and* with meaningful community involvement.
- 4.2 That Provincial Government set a provincial standard establishing that police officers have a general and binding duty to promote equality and to refrain from discriminatory policing.
- 4.3 That Provincial Government amend the *BC Crown Policy Manual* to explicitly include equality as a fundamental principle to guide Crown Counsel in performing their functions.
- 4.4 That Provincial Government develop and implement a Crown Vulnerable Women Assault Policy to provide guidance on the prosecution of crimes of violence against vulnerable women, including women engaged in the sex trade.



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

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

### **Measures to Enhance the Safety of Vulnerable Urban Women**

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

- 5.1 That SisterWatch be evaluated to provide a basis for further refinements and with a view to establishing best practices for meaningful police-community partnerships; and that these best practices be shared with other police forces to encourage them to develop and maintain ongoing, collaborative community forums.
- 5.2 That all entities with proposed responsibilities under the Living in Community Action Plan commit to these priority actions that together form a strong basis for enhancing the safety of women engaged in the survival sex trade.
- 5.3 That other communities be encouraged to undertake the type of collaborative community engagement strategy employed by Living in Community to develop an integrated strategy for enhancing the safety of women engaged in the survival sex trade.

- 5.4 That Provincial Government fund additional full-time Sex Trade Liaison Officer positions in the Lower Mainland.
- 5.5 That the City of Vancouver create and fund two community-based liaison positions to be filled by individuals who have experience in the survival sex trade.
- 5.6 That Provincial Government undertake a community consultation, needs assessment and feasibility study concerning the re-establishment of an independent society comparable to the former Vancouver Police Native Liaison Society.
- 5.7 That the VPD establish a position of Aboriginal Liaison Officer whose responsibilities would include assisting Aboriginal persons in their interactions with the Missing Persons Unit.
- 5.8 That all police forces in British Columbia consider developing and implementing guidelines on the model of the Vancouver Police Department's Sex Work Enforcement Guidelines in consultation with women engaged in the sex trade in their jurisdiction.
- 5.9 That the City of Vancouver and the Vancouver Police Department take proactive measures to reduce the number of court warrants issued for minor offences by:
  - Reducing the number of tickets issued and charges laid for minor offences;
  - Developing guidelines to facilitate greater and more consistent use of police discretion not to lay charges; and
  - Increasing the ways in which failures to appear can be quashed early in the judicial process.
- 5.10 That courts consider making increased use of diversionary or alternative measures to deal with bench warrants and breaches of conditions. This is in light of the barriers that outstanding warrants have on the ability of vulnerable women who are victims of violent crime to access police services. And that proactive steps be taken to assist women to clear outstanding warrants.
- 5.11 That the Minister of Justice consult with the judiciary, police and community representatives to develop a protocol providing the police with the discretion not to enforce a warrant in a circumstance where a sex trade worker is attempting to report a violent crime.
- 5.12 That the Minister of Justice establish a working group to develop options for enhanced legislative protection for exploited women. The working group should include representatives of sex workers, community-based organizations providing support to and advocacy for women engaged in the sex trade, Aboriginal women's organizations, police agencies and the Crown Counsel Association.
- 5.13 That the BC Association of Municipal Police Chiefs and the RCMP, with support from the Director of Police Services, should develop

a protocol containing additional measures to monitor high-risk offenders, including recommendations for the efficient and timely sharing of information.

### **Measures to Prevent Violence Against Aboriginal and Rural Women**

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

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

### **Improved Missing Person Policies and Practices**

I make the following recommendations for the improvement of missing person policies and practices including by fostering innovation and standardization:

- 7.1 That the provincial standards be developed by the Director of Police Services with the assistance of a committee consisting of representatives of the BC Association of Municipal Police Chiefs, the RCMP, representatives of community and Aboriginal groups, and representatives of families of the missing and murdered women.
- 7.2 That proposed provincial missing persons standards include at least 15 components:

- Definition of “missing person;”
  - Criteria for the acceptance of reports;
  - Jurisdiction;
  - Missing Person Risk Assessment Tool;
  - Provincial Missing Person Reporting Form;
  - Standards related to interaction with family/reportees;
  - Initial steps – background information;
  - Supervisory responsibility/quality control;
  - Forensic evidence standards;
  - Coroners’ Liaison;
  - Monitoring outstanding missing person cases;
  - Automatic annual review of unsolved cases;
  - Closing missing person files;
  - Prevention and intervention; and
  - The role and authority of the BCPMPC.
- 7.3 That the provincial standards require a proactive missing persons process whereby police must take prevention and intervention measures including “safe and well” checks when an individual is found.
- 7.4 That best practice protocols be established for (1) enhanced victimology analysis of missing persons, (2) investigative steps in missing person cases, (3) collaborative missing person investigations collection, (4) storage and analysis of missing persons data, and (5) training specific to missing person investigations.
- 7.5 That Provincial Government establish a provincial partnership committee on missing persons to facilitate the collaboration of key players in the ongoing development of best practice protocols for missing person cases. The committee should be chaired by a senior government official and include representatives of the missing and murdered women’s families, Aboriginal organizations, community groups, service providers, police, and Victim Services.
- 7.6 That Provincial Government establish an agency independent of all police agencies with the purposes to include co-ordinating information, identifying patterns, establishing base rates, checking on police investigations, ensuring accountability for linked inter-jurisdictional series, and warning the public. It should provide oversight and analytic functions, but it should not be an investigating entity.
- 7.7 That provincial authorities create and maintain a provincial missing person website aimed at educating the public about the missing persons process and engaging them in proactive approaches to prevention and investigation.
- 7.8 That provincial authorities establish a provincial 1-800 phone number for the taking of missing person reports and accessing case information.

- 7.9 That provincial authorities develop an enhanced, holistic, comprehensive approach for the provision of support to the families and friends of missing persons. This should be based on a needs assessment carried out in consultation with the provincial partnership committee on missing persons.
- 7.10 That representatives of the media be invited to be members of the provincial partnership committee and that the committee should develop a protocol on issues related to the role of the media in missing person investigations.
- 7.11 That the provincial partnership committee develop a proposal for either an enhanced BCPMPC to meet additional responsibilities relating to the needs of members of the public and, in particular, reporters; or to create an independent civilian-based agency for this purpose.

### **Enhanced Police Investigations**

I make the following recommendations to enhance police investigations of missing persons and suspected multiple homicides:

- 8.1 That Provincial Government enact missing persons legislation to grant speedy access to personal information of missing persons without unduly infringing on privacy rights. I recommend the adoption of single purpose legislation, as in Alberta and Manitoba, with a provision for a comprehensive review of the operation of the Act after five years.
- 8.2 That Provincial Government mandate the use of Major Case Management (MCM) for major crimes and that the Director of Police Services develop these MCM standards in consultation with the police community and through a review of best practices in other jurisdictions.
- 8.3 That the Director of Police Services mandate accountability under the MCM standards by requiring that police forces:
  - Provide an explanation as to why MCM was not used for a “major crime” in an annual report to the Director of Police Services;
  - Notify the Director of Police Services of all “major crime” investigations that are not under active investigation and have remained open for more than one year. Upon receipt of such notification, the Director will appoint another police department to conduct an independent audit of the prior investigation and conduct such additional investigatory steps as it deems necessary, and report its finding to the Director and the originating police agency; and

- Conduct annual internal audits of a statistically valid random selection of MCM investigations to ensure proper compliance with the model.
- 8.4 That issues related to a single electronic MCM system for British Columbia, as well as compatibility with cross-Canada systems, be reviewed as part of the consultation on MCM standards set out above.
- 8.5 That Provincial Government take active steps to support the development of a National DNA Missing Persons Index and to assist in overcoming the impasse on outstanding concerns over its creation and operationalization.

### **Regional Police Force**

I make the following recommendations respecting a regional police force:

- 9.1 That Provincial Government commit to establishing a Greater Vancouver police force through a consultative process with all stakeholders.
- 9.2 That Provincial Government establish an independent expert committee to develop a proposed model and implementation plan for a Greater Vancouver police force.

### **Effective Multi-Jurisdictional Policing**

I make the following recommendations for effective multi-jurisdictional policing relating to the investigation of missing persons and suspected multiple homicides:

- 10.1 That the Director of Police Services mandate provincial standards for multi-jurisdictional and multi-agency investigations to be incorporated into the provincial MCM standards referred to in recommendation 8.2.
- 10.2 That the Director of Police Services consult with the BC Association of Police Chiefs and the RCMP to create a protocol or framework for multi-jurisdictional major case investigations to ensure the timely and seamless implementation of multi-agency teams, including a provision for an independent panel to resolve disputes regarding when the protocol should be triggered.
- 10.3 That Provincial Government commit to moving expeditiously to implement a regional Real Time Crime Centre.

### **Increase Police Accountability to Communities**

I make the following recommendations to increase police accountability to the communities they serve:

- 11.1 That the accountability structure for the Greater Vancouver police force incorporate a holistic approach that provides oversight on both an individual and systemic level and is fully responsive and responsible to the communities it serves.
- 11.2 That the *Police Act* be amended to provide that the Mayor is an *ex officio* member of the Board, but has no voting authority.
- 11.3 That additional steps need to be taken to ensure representation of vulnerable and marginalized members and Aboriginal peoples on police boards.
- 11.4 That police boards have access to greater resources from the Division of Police Services to gather and analyze information to enable them to better carry out their oversight functions.

### **Measures to Assure the Women's Legacy**

I recommend that the following measures be taken to assure the women's legacy through the implementation of all of this Report:

- 12.1 That Provincial Government appoint an independent advisor to serve as a champion for the implementation of the Commission's recommendations. This appointment should take effect within 12 weeks of release of the report.
- 12.2 That the independent advisor work collaboratively with representatives of Aboriginal communities, the DTES, and the victims' families in the implementation process.



## GLOSSARY

<b>E Division</b>	RCMP Headquarters in British Columbia
<b>AG</b>	Attorney General of British Columbia
<b>BCCLA</b>	British Columbia Civil Liberties Association
<b>BCPMPC</b>	British Columbia Police Missing Persons Centre
<b>CC</b>	Chief Constable
<b>CEDAW</b>	Committee on the Elimination of Discrimination against Women (UN)
<b>CJB</b>	British Columbia Criminal Justice Branch
<b>Comm Centre</b>	Vancouver Police Department Communications Centre
<b>CPC</b>	Canadian Police College, Ottawa, Ontario
<b>CPC-RCMP</b>	Commission for Public Complaints Against the RCMP
<b>CPIC</b>	Canadian Police Information Centre
<b>Cpl.</b>	Corporal
<b>CRAB</b>	CRAB-Water for Life Society
<b>Cst.</b>	Constable
<b>D2</b>	Vancouver Police Department District 2 (includes Downtown Eastside)
<b>DC</b>	Deputy Chief
<b>DCC</b>	Deputy Chief Constable
<b>Det.</b>	Detective
<b>Det. Cst.</b>	Detective Constable
<b>Det. Insp.</b>	Detective Inspector
<b>DEYAS</b>	Downtown Eastside Youth Activities Society
<b>DTES</b>	Downtown Eastside Neighbourhood in City of Vancouver
<b>E-COMM 9-1-1</b>	Emergency Communications for SW British Columbia
<b>Evans Report</b>	Report prepared for Missing Women Commission by Deputy Chief Jennifer Evans, Peel Regional Police
<b>FBI</b>	Federal Bureau of Investigation (U.S.)
<b>FNS</b>	First Nations Summit
<b>FPT MWWG</b>	Federal-Provincial-Territorial Missing Women Working Group

<b>Insp.</b>	Inspector
<b>JFO</b>	Joint Forces Operation
<b>JIBC</b>	Justice Institute of British Columbia, New Westminster, BC
<b>LePard Report</b>	<i>Missing Women Investigation Review</i> , prepared by DCC Doug LePard, Vancouver Police Department
<b>Lower Mainland</b>	Metropolitan Area in southwestern British Columbia
<b>MCM</b>	Major Case Management
<b>MCS</b>	Vancouver Police Department Major Crime Section
<b>MPI</b>	Missing Persons Index
<b>MPU</b>	Vancouver Police Department Missing Persons Unit
<b>MWRT</b>	Vancouver Police Department Missing Women Review Team
<b>MWTF</b>	Missing Women Task Force
<b>MWWG</b>	Vancouver Police Department Missing Women Working Group
<b>NCMPUR</b>	National Centre for Missing Persons and Unidentified Remains
<b>NDDB</b>	National DNA Data Bank of Canada
<b>NWAC</b>	Native Women's Association of Canada
<b>NWPS</b>	New Westminster Police Service, New Westminster, BC
<b>OIC</b>	Officer in Charge
<b>OPCC</b>	Office of the Police Complaint Commissioner (BC)
<b>PACE</b>	Prostitution Alternatives Counselling and Education
<b>PEEL</b>	Peel Regional Police (Ontario)
<b>POCO</b>	Port Coquitlam, BC
<b>POI</b>	Person of Interest
<b>PPCMP</b>	Provincial Partnership Committee on Missing Persons (Saskatchewan)
<b>PRIME-BC</b>	Police Records Information Management Environment for British Columbia
<b>PRP</b>	Peel Regional Police (Ontario)
<b>PUHU</b>	Provincial Unsolved Homicide Unit
<b>RCMP</b>	Royal Canadian Mounted Police
<b>SFU</b>	Simon Fraser University, Burnaby, BC

<b>Sgt.</b>	Sergeant
<b>SIUSS</b>	Special Investigative Unit Support System (database)
<b>Staff Sgt.</b>	Staff Sergeant
<b>Supt.</b>	Superintendent
<b>UBC</b>	University of British Columbia, Vancouver, BC
<b>UHU</b>	RCMP Major Crime Section, Unsolved Homicide Unit
<b>UN</b>	United Nations
<b>VANDU</b>	Vancouver Area Network of Drug Users
<b>ViCAP</b>	Violent Criminal Apprehension Program (U.S.)
<b>ViCLAS</b>	Violent Crime Linkage Analysis System
<b>VPB</b>	Vancouver Police Board
<b>VPD</b>	Vancouver Police Department
<b>VPNLS</b>	Vancouver Police and Native Liaison Society
<b>WISH</b>	Women's Information and Safe House (WISH) Drop-In Centre

