



City of Richmond

Report to Committee

To: Community Safety Committee Date: January 7, 2013
From: Phyllis L. Carlyle File:
General Manager, Law & Community Safety
Re: Forsaken: The Report of the Missing Women Commission of Inquiry

Staff Recommendation

That:

1. the City work collaboratively and constructively with the Honourable Steven Point's advisory committee (the "Advisory Committee") on the safety and security of vulnerable women tasked with providing community-based guidance on the recommendations and two additional proposals contained in the report entitled, *Forsaken: The Report of the Missing Women Commission of Inquiry* (the "Report");
2. if the Advisory Committee is not working on regional policing, that the Province be requested to act on Recommendation 9.2 of the Report by establishing an independent expert committee to develop a proposed model and implementation plan for a Greater Vancouver police force; and
3. staff report back to the Community Safety Committee on the Province's progress in acting on Recommendation 9.2 of the Report (establishing an independent expert committee to develop a proposed model and implementation plan for a Greater Vancouver police force).

Phyllis L. Carlyle
General Manager, Law & Community Safety
(604-276-4104)

REPORT CONCURRENCE	
REVIEWED BY SMT SUBCOMMITTEE	INITIALS:
REVIEWED BY CAO	INITIALS:

Staff Report

Origin

On November 14, 2012, the Community Safety Committee resolved, in addition to other matters:

That:

- (3) *staff enter into discussions to determine the prospect of whether a regional police force would be led by the Province.*

On November 28, 2012, Mayor Brodie wrote to the Honourable Shirley Bond, Minister of Justice and Attorney General, advising that the Community Safety Committee had referred back to staff Resolution (3) above as well as a request to analyse the costs involved in pursuing an independent police department with contracted external specialized services and advised that the City of Richmond looked forward to working collaboratively with the Province on these important issues. Mayor Brodie asked that the Minister assign some of her staff to work with City of Richmond staff regarding these two referrals. To date the Minister has not formally responded and her staff continue to work with City representatives.

On December 17, 2012, *Forsaken: The Report of the Missing Women Commission of Inquiry* (the "Report") was released. A preliminary review of the Report is set out below. The purpose of this report to Committee is to inform it of the contents of the Report which seem most applicable to the November 14, 2012 referral (3) referred to above.

The Inquiry

The Inquiry was tasked with inquiring into and making findings of fact respecting the conduct of the investigations conducted between January 23, 1997 and February 5, 2002, by police forces in B.C. respecting women reporting missing from the Downtown Eastside of the City of Vancouver ("DTES"). The Commission heard 93 days of evidence and 86 witnesses. There were 256 exhibits entered encompassing over 27,000 pages. There were public hearings, written submissions, public policy forums and input from community engagement forums throughout the province.

The Report

The 1,448 page Report was released on December 17, 2012. The 63 recommendations and two additional proposals are set out in Attachment 1.

The Report's recommendations fall into five major themes:

1. Healing and reconciliation, and legacy.
2. Policing reforms.
3. Crown policy and practices.
4. Missing persons' response and community engagement.
5. Services and supports.

Report Conclusions

The Report's conclusions most relevant to the City of Richmond's issues relating to policing models including regionalization are set out in Attachment 2.

Progress since 2002

The Report acknowledges that both the VPD and the RCMP have taken "*meaningful steps*" to improve their practices in light of the experience and Commissioner Oppal commends them for these efforts.¹

Independent Advisor

Recommendations 12.1 and 12.2 recommend that the Provincial Government appoint an independent advisor to serve as a champion for the implementation of the Commission's recommendations and to work collaboratively with representatives of Aboriginal communities, the DTES, and the victims' families in the implementation process.

Provincial Reaction to the Report

On the day of the Report's release, Minister Bond advised:

*"I want to assure you, as well as all British Columbians, that our government will use these recommendations as a blueprint for building a legacy of safety and security for vulnerable women over the coming years."*²

In addition, the Province took the following steps:

1. The Honourable Steven Point, former Lieutenant Governor, was appointed as the champion to provide advice to government as it implements the recommendations and to chair a new advisory committee on the safety and security of vulnerable women. His committee is to provide community-based guidance on the Report's 63 recommendations and two additional proposals.
2. The Minister Responsible for Housing committed \$750,000 to the WISH Drop-In Centre to allow them to expand the hours in which they provide services to women.
3. The Ministry of Transportation and Infrastructure is developing a targeted consultation plan to address the commissioner's recommendation for safer transportation opportunities along the Highway 16 corridor.

Minister Bond also advised:

"We're in the process of discussing a 10-year policing plan for British Columbia, and I think the concept of what that model might look like deserves further discussion." She did not say which model her government would prefer.³

¹ Part 12 Vol III p. 212

² BC Government On-line News Room Release December 17, 2012

In addition she stated:

*"We heard from Commissioner Oppal that it is important that we have a discussion about regional policing with mayors and leaders and I think the recommendations is very timely. Certainly, I've always been willing to sit down and discuss with local mayors in the Vancouver area to talk about that (regional policing) as an option."*⁴

Analysis

The Province's detailed analysis of the advantages and disadvantages of a Greater Vancouver police force is not publicly available if it has been done. In order to perform this analysis, Provincial leadership is required to establish an independent expert committee to develop a proposed model and implementation plan for a Greater Vancouver police force (as set out in Recommendation 9.2).

At the moment, it is unknown whether the Province will agree to the Report's recommendation to establish a Greater Vancouver police force or if the Province will seriously consider an application by the City of Richmond to establish its own police force while using an external service provider for some functions. Clearly the creation of an independent police force is completely at odds with the regionalization recommendation. What does seem apparent however is that the Province will not agree to either a Greater Vancouver police force or to an independent City of Richmond Police force until the Province has completed its BC Policing Plan and until Mr. Point's committee has completed its review of the Report and provided community-based guidance on the report's 63 recommendations and two additional proposals.

Financial Impact

There is no financial impact associated with this report.

Conclusion

Staff recommend the City work collaboratively and constructively with Mr. Point's advisory committee on the safety and security of vulnerable women tasked with providing community-based guidance on the recommendations and two additional proposals contained in the Report, and if Mr. Point's committee is not working on regional policing, that the Province be requested to act on Recommendation 9.2 of the Report by establishing an independent expert committee to develop a proposed model and implementation plan for a Greater Vancouver police force.

Staff further recommend that staff report back to the Community Safety Committee on the Province's progress in acting on Recommendation 9.2 of the Report.



Barbara Sage
Staff Solicitor
(604-247-4636)

³ Times-Colonist December 18, 2012

⁴ Province newspaper December 17, 2012

Attachment 1

Part Thirteen Volume 3, Conclusion and Summary of Recommendations.

PART THIRTEEN

CONCLUSION AND SUMMARY OF RECOMMENDATIONS

PART 13 – CONCLUSION AND SUMMARY OF RECOMMENDATIONS

A. Conclusion

As stated earlier, the Missing Women Commission of Inquiry has concluded that the police investigations into the missing and murdered women were blatant failures. I have reviewed in great detail the evidence that the critical police failings were manifest in recurring patterns of error that went unchecked and uncorrected over several years. Given the history of unlearned lessons of serial killer investigations, I delved further into the underlying causes of these failures and found that the causes were themselves complex and multi-faceted. I have framed my recommendations to address these complexities within the context of four overarching themes: equality, community engagement, collaboration and accountability. It should come as no surprise that I have made a large number of recommendations to address these complexities: 63 in total. The recommendations dovetail one with another, each provides an additional tool, an additional check or counterbalance, an additional collaborative mechanism, all geared toward the central goals of enhancing the safety of vulnerable women and improving the initiation and conduct of investigations of missing persons and suspected multiple homicides.

I have found that the missing and murdered women were forsaken twice: once by society at large and again by the police. There is no mirroring concept of “unforesaken,” but together we can work toward this end by protecting and supporting vulnerable women. Together, we can and we must, build a legacy of safety to honour the missing and murdered women who are remembered and missed. In doing so, we can provide the only right answer to the question posed by Sarah de Vries’ quote at the beginning of my report:

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

It is only together that we can ensure that, while the women are gone, they are not forgotten.

B. Summary of Recommendations

I urge the Provincial Government to commit to these two measures immediately upon receipt of this report:

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

Please note that points 1 and 2 are not formal recommendations.

Restorative Measures

Please note that recommendations are numbered according to the Part of the Report in which they are introduced. (Example: Part 3 begins with 3, Part 4 begins with 4, and so on.)

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

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

Equality-Promoting Measures

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

- 4.1 That the Minister of Justice direct the Director of Police Services to undertake equality audits of police forces in British Columbia with a focus on police duty to protect marginalized and Aboriginal women from violence. These audits should be carried out by an external agency and with meaningful community involvement.
- 4.2 That Provincial Government set a provincial standard establishing that police officers have a general and binding duty to promote equality and to refrain from discriminatory policing.
- 4.3 That Provincial Government amend the *BC Crown Policy Manual* to explicitly include equality as a fundamental principle to guide Crown Counsel in performing their functions.
- 4.4 That Provincial Government develop and implement a Crown

Vulnerable Women Assault Policy to provide guidance on the prosecution of crimes of violence against vulnerable women, including women engaged in the sex trade.

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

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

Measures to Enhance the Safety of Vulnerable Urban Women

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

- 5.1 That SisterWatch be evaluated to provide a basis for further refinements and with a view to establishing best practices for meaningful police-community partnerships; and that these best practices be shared with other police forces to encourage them to develop and maintain ongoing, collaborative community forums.
- 5.2 That all entities with proposed responsibilities under the Living in Community Action Plan commit to these priority actions that together form a strong basis for enhancing the safety of women engaged in the survival sex trade.
- 5.3 That other communities be encouraged to undertake the type of collaborative community engagement strategy employed by Living

in Community to develop an integrated strategy for enhancing the safety of women engaged in the survival sex trade.

- 5.4 That Provincial Government fund additional full-time Sex Trade Liaison Officer positions in the Lower Mainland.
- 5.5 That the City of Vancouver create and fund two community-based liaison positions to be filled by individuals who have experience in the survival sex trade.
- 5.6 That Provincial Government undertake a community consultation, needs assessment and feasibility study concerning the re-establishment of an independent society comparable to the former Vancouver Police Native Liaison Society.
- 5.7 That the VPD establish a position of Aboriginal Liaison Officer whose responsibilities would include assisting Aboriginal persons in their interactions with the Missing Persons Unit.
- 5.8 That all police forces in British Columbia consider developing and implementing guidelines on the model of the Vancouver Police Department's Sex Work Enforcement Guidelines in consultation with women engaged in the sex trade in their jurisdiction.
- 5.9 That the City of Vancouver and the Vancouver Police Department take proactive measures to reduce the number of court warrants issued for minor offences by:
 - Reducing the number of tickets issued and charges laid for minor offences;
 - Developing guidelines to facilitate greater and more consistent use of police discretion not to lay charges; and
 - Increasing the ways in which failures to appear can be quashed early in the judicial process.
- 5.10 That courts consider making increased use of diversionary or alternative measures to deal with bench warrants and breaches of conditions. This is in light of the barriers that outstanding warrants have on the ability of vulnerable women who are victims of violent crime to access police services. And that proactive steps be taken to assist women to clear outstanding warrants.
- 5.11 That the Minister of Justice consult with the judiciary, police and community representatives to develop a protocol providing the police with the discretion not to enforce a warrant in a circumstance where a sex trade worker is attempting to report a violent crime.
- 5.12 That the Minister of Justice establish a working group to develop options for enhanced legislative protection for exploited women. The working group should include representatives of sex workers, community-based organizations providing support to and advocacy for women engaged in the sex trade, Aboriginal women's organizations, police agencies and the Crown Counsel Association.

- 5.13 That the BC Association of Municipal Police Chiefs and the RCMP, with support from the Director of Police Services, should develop a protocol containing additional measures to monitor high-risk offenders, including recommendations for the efficient and timely sharing of information.

Measures to Prevent Violence Against Aboriginal and Rural Women

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

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

Improved Missing Person Policies and Practices

I make the following recommendations for the improvement of missing person policies and practices including by fostering innovation and standardization:

- 7.1 That the provincial standards be developed by the Director of Police Services with the assistance of a committee consisting of representatives of the BC Association of Municipal Police Chiefs, the RCMP, representatives of community and Aboriginal groups, and representatives of families of the missing and murdered women.

- 7.2 That proposed provincial missing persons standards include at least 15 components:
- Definition of “missing person;”
 - Criteria for the acceptance of reports;
 - Jurisdiction;
 - Missing Person Risk Assessment Tool;
 - Provincial Missing Person Reporting Form;
 - Standards related to interaction with family/reportees;
 - Initial steps – background information;
 - Supervisory responsibility/quality control;
 - Forensic evidence standards;
 - Coroners’ Liaison;
 - Monitoring outstanding missing person cases;
 - Automatic annual review of unsolved cases;
 - Closing missing person files;
 - Prevention and intervention; and
 - The role and authority of the BCPMPC.
- 7.3 That the provincial standards require a proactive missing persons process whereby police must take prevention and intervention measures including “safe and well” checks when an individual is found.
- 7.4 That best practice protocols be established for (1) enhanced victimology analysis of missing persons, (2) investigative steps in missing person cases, (3) collaborative missing person investigations collection, (4) storage and analysis of missing persons data, and (5) training specific to missing person investigations.
- 7.5 That Provincial Government establish a provincial partnership committee on missing persons to facilitate the collaboration of key players in the ongoing development of best practice protocols for missing person cases. The committee should be chaired by a senior government official and include representatives of the missing and murdered women’s families, Aboriginal organizations, community groups, service providers, police, and Victim Services.
- 7.6 That Provincial Government establish an agency independent of all police agencies with the purposes to include co-ordinating information, identifying patterns, establishing base rates, checking on police investigations, ensuring accountability for linked inter-jurisdictional series, and warning the public. It should provide oversight and analytic functions, but it should not be an investigating entity.
- 7.7 That provincial authorities create and maintain a provincial missing person website aimed at educating the public about the missing persons process and engaging them in proactive approaches to prevention and investigation.
- 7.8 That provincial authorities establish a provincial 1-800 phone number for the taking of missing person reports and accessing case

information.

- 7.9 That provincial authorities develop an enhanced, holistic, comprehensive approach for the provision of support to the families and friends of missing persons. This should be based on a needs assessment carried out in consultation with the provincial partnership committee on missing persons.
- 7.10 That representatives of the media be invited to be members of the provincial partnership committee and that the committee should develop a protocol on issues related to the role of the media in missing person investigations.
- 7.11 That the provincial partnership committee develop a proposal for either an enhanced BCPMPC to meet additional responsibilities relating to the needs of members of the public and, in particular, reporters; or to create an independent civilian-based agency for this purpose.

Enhanced Police Investigations

I make the following recommendations to enhance police investigations of missing persons and suspected multiple homicides:

- 8.1 That Provincial Government enact missing persons legislation to grant speedy access to personal information of missing persons without unduly infringing on privacy rights. I recommend the adoption of single purpose legislation, as in Alberta and Manitoba, with a provision for a comprehensive review of the operation of the Act after five years.
- 8.2 That Provincial Government mandate the use of Major Case Management (MCM) for major crimes and that the Director of Police Services develop these MCM standards in consultation with the police community and through a review of best practices in other jurisdictions.
- 8.3 That the Director of Police Services mandate accountability under the MCM standards by requiring that police forces:
- Provide an explanation as to why MCM was not used for a "major crime" in an annual report to the Director of Police Services;
 - Notify the Director of Police Services of all "major crime" investigations that are not under active investigation and have remained open for more than one year. Upon receipt of such notification, the Director will appoint another police department to conduct an independent audit of the prior investigation and conduct such additional investigatory steps as it deems necessary, and report its finding to the Director and the originating police agency; and

- Conduct annual internal audits of a statistically valid random selection of MCM investigations to ensure proper compliance with the model.

- 8.4 That issues related to a single electronic MCM system for British Columbia, as well as compatibility with cross-Canada systems, be reviewed as part of the consultation on MCM standards set out above.
- 8.5 That Provincial Government take active steps to support the development of a National DNA Missing Persons Index and to assist in overcoming the impasse on outstanding concerns over its creation and operationalization.

Regional Police Force

I make the following recommendations respecting a regional police force:

- 9.1 That Provincial Government commit to establishing a Greater Vancouver police force through a consultative process with all stakeholders.
- 9.2 That Provincial Government establish an independent expert committee to develop a proposed model and implementation plan for a Greater Vancouver police force.

Effective Multi-Jurisdictional Policing

I make the following recommendations for effective multi-jurisdictional policing relating to the investigation of missing persons and suspected multiple homicides:

- 10.1 That the Director of Police Services mandate provincial standards for multi-jurisdictional and multi-agency investigations to be incorporated into the provincial MCM standards referred to in recommendation 8.2.
- 10.2 That the Director of Police Services consult with the BC Association of Police Chiefs and the RCMP to create a protocol or framework for multi-jurisdictional major case investigations to ensure the timely and seamless implementation of multi-agency teams, including a provision for an independent panel to resolve disputes regarding when the protocol should be triggered.
- 10.3 That Provincial Government commit to moving expeditiously to implement a regional Real Time Crime Centre.

Increase Police Accountability to Communities

I make the following recommendations to increase police accountability to the communities they serve:

- 11.1 That the accountability structure for the Greater Vancouver police force incorporate a holistic approach that provides oversight on both an individual and systemic level and is fully responsive and responsible to the communities it serves.
- 11.2 That the *Police Act* be amended to provide that the Mayor is an *ex officio* member of the Board, but has no voting authority.
- 11.3 That additional steps need to be taken to ensure representation of vulnerable and marginalized members and Aboriginal peoples on police boards.
- 11.4 That police boards have access to greater resources from the Division of Police Services to gather and analyze information to enable them to better carry out their oversight functions.

Measures to Assure the Women's Legacy

I recommend that the following measures be taken to assure the women's legacy through the implementation of all of this Report:

- 12.1 That Provincial Government appoint an independent advisor to serve as a champion for the implementation of the Commission's recommendations. This appointment should take effect within 12 weeks of release of the report.
- 12.2 That the independent advisor work collaboratively with representatives of Aboriginal communities, the DTES, and the victims' families in the implementation process.

Attachment 2

The Report's Conclusions

"I have concluded that the police investigations into the missing and murdered women from the DTES from 1997 to 2002 were a blatant failure," states the Commissioner.⁵

At the same time, he states that we as a community must all share in the blame for the failed missing women investigations. He explains:

"The police failures in this case mirror the general public and political indifference to the missing women."⁶

...

"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."⁷

....

"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."⁸

...

"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."⁹

.....

"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.

⁵ Part 12 Vol III p. 212

⁶ Part 4 Vol IIB p. 237

⁷ Executive Summary p. 96

⁸ Executive Summary p. 5

⁹ Executive Summary p. 108

*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."*¹⁰

Critical Police Failures or Patterns of Error

The Report concludes the following were 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 ("MCM") 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.*¹¹

Reasons for the Police Failures

The Report identifies the following reasons for these police failures:

I. Discrimination, systemic institutional bias, and political and public indifference

Commissioner Oppal concludes that the systemic bias against the missing women contributed to the critical police failures in the missing women investigations.

*"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."*¹²

Commissioner Oppal concludes that 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 by them resulted in exactly those outcomes.¹³

"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."

¹⁰ Executive Summary p. 111

¹¹ Executive Summary pp. 27-28

¹² Part 4 Vol IIB p. 217

¹³ Part 4 Vol IIB p. 238

"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."*¹⁴

II. A want of leadership

Under this heading, Commissioner Oppal concludes:

"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."*¹⁵

III. Poor systems, limited and outdated policing approaches and standards

Commissioner Oppal states that in his 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."*¹⁶

¹⁴ Part 4 Vol IIB p. 238

¹⁵ Part 4 Vol IIB p. 251-252

IV. Fragmentation of policing

On this topic, Commissioner Oppal comments:

"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.

...

"Without doubt, one of the critical police failures in the missing women investigations was the failure to address cross-jurisdictional issues and the ineffective coordination between police forces and agencies." ¹⁷

V. Inadequate resources and allocation issues

On this topic, Commissioner Oppal comments:

"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." ¹⁸

...

"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." ¹⁹

VI. Police force structure and culture, personnel issues and inadequate training

After identifying certain issues relating to the foregoing, Commissioner Oppal makes the following recommendations:

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.

¹⁶ Part 4 Vol IIB p. 253

¹⁷ Part 9 Vol III p. 188

¹⁸ Part 4 Vol IIB p. 266

¹⁹ Part 4 Vol IIB p. 267

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.

Regionalization

Commissioner Oppal makes 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.

Commissioner Oppal sets out three options for regionalization:

1. *Single Police Service Model*

*This model "involves creating a single provincial police service, governed by a semi-independent police authority, overseen by a Provincial Government ministry. ... Dr. Gordon refuted the concern that a provincial service would be detached from the community: this is simply not so, as long as the service is properly set up. A large police service, properly constructed and administered with community advisory boards, will ensure proper community priority setting and oversight. The main advantages are massive economies of scale; a single set of standards; a single government authority calling the shots without interference with operations; single recruitment, training, and complaint systems; and so on."*²⁰

2. *Multi-Region Policing Model*

*According to the Report, this model "would have some of the benefits of shared provincial standards and training but would be organized along regional lines. Dr. Gordon did not believe that this model was appropriate for British Columbia at present."*²¹

3. *Model that combines Provincial and Regional Policing*

*This model "combines Provincial and Regional Policing. Dr. Gordon expressed the view that this model is the most viable option for the province and a very effective model. The regional policing bodies would be similar to regional health authorities. Dr. Gordon was of the view that it was important not to extrapolate too much from Ontario, which has city, regional and provincial police services: that model is not readily adaptable to our province."*²²

Commissioner Oppal does not express support for any particular model at this time. *"I include this overview here only for the purpose of showing that the commitment to a regional police force is simply a new, effective starting point for the discussion. It is not intended to foreclose a thorough canvassing of the cost and benefits of options for a Greater Vancouver police force."*²³

He cites the main reasons for supporting 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; and*
- *Community relations and law enforcement equity."*²⁴

Commissioner Oppal states that a regional, accountable police force that maintains adequate links to communities within the region can be created if sufficient resources are devoted to this change process or it will not happen. *"Provincial leadership is key,"* he states.²⁵

²⁰ Part 9 Vol III p. 196

²¹ *ibid.*

²² *ibid.*

²³ *ibid.*

²⁴ Executive Summary p. 151

²⁵ Part 9 Vol III p. 197

Developing the optimal model for a regional police force

The independent expert committee referred to in Recommendation 9.2 would facilitate a consultation process involving stakeholders from the community perspective, the municipal leadership perspective, and police institutions, all with a goal of developing the optimal model for a Greater Vancouver police force. As part of this process, information would be gathered relating to:

- *"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. "*²⁶

Commissioner Oppal comments:

"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."*²⁷

Transitioning to new policing model

The Report refers to a number of issues and challenges relating to any transition to a new policing model:

- *"Cost implications;*
- *Need for clearer economic data on the costs of various models and transition costs;*
- *Organizing and managing the transition;*

²⁶ Part 9 Vol III p. 197

²⁷ Part 9 Vol III p. 198

- *Timing of transition must be gradual;*
- *Funding start-up/transition;*
- *Personnel issues, such as negotiating collective agreements and benefits, the loss of senior positions and the impact on promotional opportunities;*
- *Changing the physical infrastructure, equipment, etc.;*
- *Training, retraining, transfer and recruitment;*
- *Domination of smaller forces by larger ones;*
- *Deciding who will continue to do the policing;*
- *Accountability issues are key;*
- *Loss of community control;*
- *Reduction in service levels;*
- *Effectiveness issues, such as miscommunication, isolation, and lack of cooperation;*
- *Confidence and trust in police is critical.* ²⁸

Integration

Commissioner Oppal rejects the integrated teams system. He said that the majority of participants in the Policy Forums believe that the integrated team system is an attempt to get around the politics of police reform and to avoid the issue of regionalization. Suggestions for integration are merely suggestions to prop up a broken system.²⁹ He adds that:

*"The greatest concern about integration, and one that can only be fully overcome through the establishment of a regional police force, is the lack of regional leadership and the ability to set and pursue regional policing priorities. I accept the position taken by the VPD that without a unified command structure, there are many people in charge, and when there are many people in charge, no one is in charge. In the words of Retired Chief Constable Bob Stewart, where there are a half a dozen leaders, "the buck stops nowhere" – no one is accountable."*³⁰

Inter-Jurisdictional Cooperation

The Report comments on some difficulties with inter-jurisdictional cooperation between the various police agencies. The Report found three barriers to effective investigation of individual missing women:

1. *"some reportees found it difficult to make a report because it was unclear which police agency they should go to.*
2. *"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.*

²⁸ Part 9 Vol III p. 197

²⁹ Part 9 Vol III p. 190

³⁰ Part 9 Vol III p. 191

3. *"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."*³¹

Facilitating Effective Multi-jurisdictional Responses to Crime

To facilitate an effective multi-jurisdictional response to crime, and in particular, to major crimes, the Report recommends:

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.

Ensuring Police Accountability to the Communities they Service Including Police Board Issues

The Report concludes that the Vancouver Police Board was *"ineffective in carrying out its oversight mandate."*³²

The Report makes a number of recommendations relating to Police Boards:

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.

If these recommendations are adopted, it is likely that municipalities with Police Boards will have less control than they do now over their police forces.

The Report also makes a recommendation with respect to the accountability structure of the Greater Vancouver police force:

³¹ Part 3 Vol IIB p. 63

³² Executive Summary p. 92

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.