



# MISSING AND MISSED

**Report of The Independent Civilian Review  
into Missing Person Investigations**

The Honourable Gloria J. Epstein  
Independent Reviewer

VOLUME I

Executive Summary  
and Recommendations

VOLUME II

Investigations

VOLUME III

Relationships: The Police  
and Communities

VOLUME IV

Recommendations, Conclusion,  
and Appendices



| The Independent Civilian Review into

# Missing Person Investigations

**The Honourable Gloria J. Epstein**  
Independent Reviewer

**Mark J. Sandler**  
Lead counsel

Suite #1900, 439 University  
Avenue Toronto, Ontario M5G 1Y8

Telephone: 416-585-9191  
Fax: 416-408-2372

E-mail: [info@missingpersonsreview.ca](mailto:info@missingpersonsreview.ca)  
[msandler@missingpersonsreview.ca](mailto:msandler@missingpersonsreview.ca)

## LETTER OF TRANSMITTAL

April 9, 2021

Chair Jim Hart  
Toronto Police Services Board  
40 College Street  
Toronto, Ontario  
M5G 2J3

Dear Chairman Hart,

Having been appointed by the Toronto Police Services Board to conduct the Review described in the Board's Terms of Reference, I submit to the Board the Review's Report.

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

Yours very truly,



The Honourable Gloria J. Epstein, Q.C.  
Reviewer

HGJE:sv

Encl.



# **Missing and Missed**

## Report of the Independent Civilian Review into Missing Person Investigations

The Honourable Gloria J. Epstein

*Independent Reviewer*

**Volume I – Executive Summary and Recommendations**

Volume II – Investigations

Volume III – Relationships: The Police and Communities

Volume IV – Recommendations, Conclusion, and Appendices

The Independent Civilian Review into Missing Person Investigations respectfully acknowledges that our work took place in Toronto on the traditional territory of many nations including the Mississaugas of the Credit, the Anishnabeg, the Chippewa, the Haudenosaunee and the Wendat peoples. We also acknowledge that Toronto is covered by Treaty 13 signed with the Mississaugas of the Credit, and the Williams Treaties signed with multiple Mississaugas and Chippewa bands. Toronto is now home to many diverse First Nations, Inuit and Métis peoples, to whom we are grateful for the opportunity to meet, to work and to feel safe together.

Statement for cover design:

This is a thoughtful moment in time, silhouetted against a spectrum of colours that layer, blend, and contrast to create beauty. Inclusive, interjective beauty. The duality of looking both forward and backwards carries that weighted emotion where sadness gives way to hope. The design incorporates the 2018 Progress Pride Flag design of Daniel Quasar. His rendition combines the Transgender Pride Flag created by Monica Helms and the original Pride Flag created by artist Gilbert Baker. Designs have undergone revisions since its debut in 1978.

~ Sarah Currie

## DEDICATION

I dedicate this Report to the victims identified in the Terms of Reference and to their families and other loved ones. Neither your pain nor your loss is in vain. They will serve as the catalyst for real and lasting improvements to how the Toronto Police Service investigates reports of missing persons. They will also help to identify a way forward to improved relationships between the Service and the marginalized and vulnerable communities it serves and protects – relationships built on trust and on mutual respect.

SKANDARAJ NAVARATNAM

ABDULBASIR FAIZI

MAJEED KAYHAN

SOROUSH MAHMUDI

KIRUSHNA KUMAR KANAGARATNAM

DEAN LISOWICK

SELIM ESEN

ANDREW KINSMAN

ALLOURA WELLS

TESS RICHEY





# Contents

|  |           |
|--|-----------|
| <b>EXECUTIVE SUMMARY</b>   | <b>1</b>  |
| <b>CHAPTER 1 OVERVIEW AND INTRODUCTION</b>   | <b>1</b>  |
| The Review’s Terms of Reference  | 4         |
| No Findings of Misconduct or Civil or Criminal Responsibility                          | 6         |
| How the Review Was Conducted   | 6         |
| The Community Advisory Group   | 6         |
| Collection and Examination of Documents  | 6         |
| Public Outreach and Engagement Plan  | 7         |
| Interviews   | 7         |
| Research Program   | 8         |
| <b>CHAPTER 2 HONOURING THE LIVES LOST</b>  | <b>8</b>  |
| Unique Lives with Common Threads   | 8         |
| <b>CHAPTER 3 CIVILIAN GOVERNANCE AND OVERSIGHT: ROLES OF THE BOARD AND THE SERVICE</b> | <b>9</b>  |
| Findings   | 9         |
| <b>CHAPTER 4 MAJOR CASE MANAGEMENT AND TECHNOLOGY</b>                                  | <b>11</b> |
| <b>CHAPTER 5 THREE MEN GO MISSING</b>  | <b>13</b> |
| McArthur’s Assault Convictions: Before the 2010–17 Murders                             | 14        |
| Skandaraj (Skanda) Navaratnam  | 15        |
| Abdulbasir (Basir) Faizi   | 16        |
| Majeed Kayhan  | 17        |
| <b>CHAPTER 6 THE PROJECT HOUSTON INVESTIGATION</b>                                     | <b>19</b> |
| Major Case Management  | 20        |
| PowerCase  | 21        |
| The OPP Violent Crime Linkage Analysis System  | 23        |
| Need for a Coordinated Investigation   | 23        |
| The LGBTQ2S+ Liaison Officer   | 24        |
| Support for Those Affected   | 24        |
| Police Transparency and Communicating with the Public                                  | 25        |
| How Project Houston Was Wound Down and How It Ended                                    | 25        |
| Misinformation About the Case  | 26        |
| Tunnel Vision  | 27        |
| The McArthur Interview   | 28        |
| <b>CHAPTER 7 THE PROJECT PRISM INVESTIGATION</b>                                       | <b>29</b> |

|   |           |
|---|-----------|
| The Investigation into Mr. Mahmudi’s Disappearance                  | 29        |
| The 2016 Investigation into McArthur’s Choking of a Man             | 30        |
| Re-interviewing Mr. AD  | 31        |
| The Availability of a Defence to the Allegation                     | 31        |
| McArthur’s 2003 Convictions   | 32        |
| Implications of Siloed Information                                  | 33        |
| The Investigation into Mr. Esen’s Disappearance                     | 33        |
| Public Warning  | 35        |
| The Investigation into Mr. Kinsman’s Disappearance                  | 37        |
| Case Management and PowerCase                                       | 38        |
| The Violent Crime Linkage Analysis System                           | 40        |
| The December 8, 2017, Press Conference                              | 40        |
| Chief Saunders’s <i>Globe and Mail</i> Interview                    | 41        |
| <b>CHAPTER 8 TESS RICHEY GOES MISSING</b>                           | <b>42</b> |
| The Failure to Conduct a Second 300 Metre Radius Search             | 42        |
| Other Shortcomings in the Early Investigation                       | 45        |
| The Failure to Issue a Timely Media Release                         | 45        |
| Untimely and Uncoordinated Assembly of Video Footage                | 45        |
| The Approach to Risk Assessment                                     | 45        |
| <b>CHAPTER 9 THE ALLOURA WELLS INVESTIGATIONS AND RELATED CASES</b> | <b>46</b> |
| Systemic Issues   | 46        |
| Engaging the Community  | 46        |
| Issuing a Media Release   | 47        |
| Identifying and Assigning a Lead Investigator                       | 47        |
| Notifying the Homicide Unit   | 48        |
| Communicating with the Office of the Chief Coroner                  | 48        |
| Completing Timely Missing Person Reports                            | 48        |
| Treating Affected Persons with Respect                              | 49        |
| <b>CHAPTER 10 TORONTO’S COMMUNITIES SPEAK</b>                       | <b>50</b> |
| The Flawed Relationship the Service Has with Diverse Communities    | 51        |
| Inconsistency in Police Interactions                                | 52        |
| Greater Use of Community Policing                                   | 53        |
| The Need for Strong Community Engagement                            | 53        |
| The Enhanced Use of Civilians Rather Than Sworn Officers            | 53        |
| The Negative Role of the Existing Police Culture                    | 54        |
| <b>CHAPTER 11 PRIOR REPORTS</b>                                     | <b>55</b> |

|   |           |
|---|-----------|
| <b>CHAPTER 12 EXAMINING EVENTS THROUGH THE HUMAN RIGHTS LENS</b>                                  | <b>55</b> |
| Bias, Discrimination, and Differential Treatment  | 55        |
| The McArthur-Related Investigations   | 55        |
| The Alloura Wells Unidentified Remains Investigations   | 62        |
| <b>CHAPTER 13 MODELS OF MISSING PERSON AND UNIDENTIFIED REMAINS INVESTIGATIONS</b>                | <b>63</b> |
| The Missing   | 63        |
| Before 2018   | 65        |
| After 2018  | 67        |
| Priority of Cases and Resource Allocation   | 68        |
| Risk Assessment and Search Response   | 69        |
| Support for Those Directly Affected by Disappearances   | 71        |
| Community Partnership and Engagement  | 72        |
| Active Involvement of Communities in Advancing Missing Person Investigations                      | 72        |
| Information Sharing by the Police   | 73        |
| Accessibility of Information  | 73        |
| Partnering with Group Homes and Youth-Related Institutions  | 73        |
| Prevention Strategies   | 75        |
| Jurisdiction  | 76        |
| Criminal Investigation Management Plan  | 76        |
| Assignments and Continuity of Investigation and Supervision                                       | 77        |
| Templates or Checklists for Missing Person Investigations   | 77        |
| 300 Metre Search and Ground Searches  | 77        |
| Unidentified Remains  | 78        |
| <b>CHAPTER 14 BUILDING BETTER RELATIONS BETWEEN THE SERVICE AND TORONTO’S DIVERSE COMMUNITIES</b> | <b>79</b> |
| <b>CHAPTER 15 RECOMMENDATIONS</b>   | <b>83</b> |
| Resources   | 85        |
| <b>CHAPTER 16 CONCLUSION</b>  | <b>86</b> |
| <b>RECOMMENDATIONS</b>  | <b>89</b> |
| Civilian Oversight (Chapter 3)  | 89        |
| Toronto Police Services Board Policies  | 92        |
| Major Case Management and Technology (Chapter 4)  | 92        |
| Changes to the Ontario Major Case Management Manual   | 95        |
| Records Management Systems  | 95        |
| ViCLAS Reporting  | 96        |

|  |     |
|--|-----|
| The Serial Predator Criminal Investigations Coordinat                | 96  |
| Missing Person Investigations (Chapters 5–9, 12)                     | 97  |
| The Components of a Missing Person Strategic Plan                    | 97  |
| Priority of Missing Person Investigations                            | 100 |
| The Mid-Term Missing Person Model                                    | 100 |
| Changes to the Missing Persons Unit and Divisional Staffing          | 101 |
| Support for Those Directly Affected by Someone Missing               | 103 |
| The Role of Not-for-Profit Organizations or Charities                | 105 |
| Risk Assessments   | 107 |
| The Major Case Designation in Missing Person Cases                   | 111 |
| Jurisdiction   | 113 |
| Criminal Investigation Management Plan                               | 114 |
| Assignments and Continuity of Investigation and Supervision          | 115 |
| Assignment of Specific Investigators                                 | 116 |
| Community Partnership and Engagement                                 | 116 |
| <i>Accessibility of Information</i>                                  | 118 |
| <i>Public Warnings</i>   | 119 |
| <i>Partnerships with Group Homes and Youth-Related Institutions</i>  | 120 |
| <i>Use of Liaison and Neighbourhood Community Officers</i>           | 120 |
| Prevention Strategies  | 121 |
| Missing Person Awareness Days  | 122 |
| Specific Investigative Issues (Chapters 5–13)                        | 122 |
| Electronic and Internet Searches                                     | 122 |
| The Use of Analysts  | 123 |
| Communication with Another Service                                   | 123 |
| Templates or Checklists for Missing Person Investigations            | 124 |
| Interviewing   | 124 |
| 300 Metre Searches and Ground Searches                               | 124 |
| Video Footage  | 125 |
| Access to Hospital-Related Information                               | 126 |
| Memobooks (Chapters 5–9)   | 126 |
| Unidentified Remains (Chapters 9, 13)                                | 127 |
| Notifications to the Homicide Unit                                   | 128 |
| Internal Review of Investigations and Supervision (Chapters 5–9, 13) | 128 |
| Reviews of Investigations  | 128 |
| The Approach to Supervision Generally                                | 128 |

|   |     |
|---|-----|
| Removing Barriers (Chapters 5–9, 12–14)                           | 129 |
| Acknowledgements of Deficiencies (Chapters 7, 12, 14)             | 129 |
| Training, Education, and Professional Development (Chapters 4–14) | 130 |
| Minimum Educational Requirements for Recruits                     | 130 |
| Training and Education of Cadets and the Service’s Members        | 130 |
| <i>The Current Regime</i>   | 130 |
| Training and Education Based on the Review’s Findings             | 131 |
| Specialized Training and Education                                | 132 |
| Critical Thinking and Social Context Education                    | 133 |
| Measurable Outcomes in Training and Education                     | 134 |
| Professional Development and Promotion                            | 134 |
| A Centre for Policing Excellence                                  | 134 |
| Research and Academic Institutions (Chapter 13-14)                | 135 |
| Bias and Discrimination (Chapters 12 and 14)                      | 135 |
| Psychological Testing   | 135 |
| An Equity Plan and Framework                                      | 135 |
| Equity Audits   | 137 |
| Discipline and Discrimination                                     | 137 |
| Relationship Building (Chapter 14)                                | 139 |
| Community Consultative Committees                                 | 139 |
| Broader Community Engagement                                      | 141 |
| Liaison Officers  | 141 |
| Part-Time Liaison Officers at the Divisional Level                | 143 |
| The Neighbourhood Community Officer Program                       | 144 |
| Internal Support Networks   | 144 |
| Need to Involve Other Community Safety Partners                   | 145 |
| Pride (Chapter 14)  | 145 |
| Implementation  | 146 |



# EXECUTIVE SUMMARY

## CHAPTER 1 OVERVIEW AND INTRODUCTION

Bruce McArthur killed eight people. All were gay or bisexual. All but two were men of colour. All were valued.

Skandaraj Navaratnam was McArthur's first known murder victim. He was reported missing in 2010. After that, five other victims were reported missing between 2010 and 2017. In early 2018, the police apprehended McArthur. His arrest followed a seven-year reign of terror. The police could have done better. This Report is the account of what went wrong and an examination of how things can be done differently.

Tess Richey went missing in 2017. Police failed to discover her body. Her mother did, a short distance from where her youngest daughter was last seen. The police could have done better. This, too, is the account of what went wrong and an examination of how things can be done differently.

Alloura Wells, a member of Toronto's trans community, also went missing in 2017. Although her bodily remains had been in the morgue for months, they were not quickly linked to her disappearance.

Kenneth Peddle and Dovi Henry represent others reported missing and actively searched for by family. Their families learned, only later, that their loved ones' bodies lay, unidentified, in the morgue. Arthur Louttit, an Indigenous man originally from Moose Factory, Ontario, and a member of the Moose Cree First Nation, went missing in Toronto for some time before his body was discovered by two civilians not far from where he was last seen. This, too, is the account of what went wrong in these cases and an examination of how things can be done differently.

These and other events require us all to re-examine how missing person investigations are done in Toronto. Make no mistake – some changes have already taken place for the better. These initiatives are acknowledged in this Report. But the time was right for a larger, independent examination of how these investigations are carried out and what they tell us about the relationship between the Toronto police and our diverse communities.

The time was right for several reasons. First, much has been said publicly about what the police did and did not do. Some of it is untrue, and these untruths cause me great concern. The public is entitled to know the truth; indeed, it must know the truth. So are the loved ones and friends of those who went missing. In some instances, providing an accurate account of what

happened exposes serious investigative flaws or a lack of attention that made these cases more difficult to solve. In other instances, an accurate account corrects a narrative that is unfair to investigators.

The Toronto police are also entitled to know what they did well and what they did poorly. Some excellent work was done by some dedicated officers. That account must also be provided, through an objective, independent assessment. As well, the Toronto Police Services Board (the Board) is entitled to know what should change and why.

Second, the role of the police in our society and their relationship with marginalized and vulnerable communities is now at the forefront of public discourse. This discourse is long overdue. An examination of missing person investigations contributes to a larger conversation, one that is about the role of police in serving our diverse communities and whether the police should be performing roles currently given to them.

To be clear, we are past the time for conversation only. The public is entitled to insist on transformative change with measurable, sustainable outcomes, timelines for completion, and accountability.

This Review identified serious flaws in how missing person cases – and not just the ones identified in the Terms of Reference – have been handled in Toronto. My recommendations propose ways to address those flaws. I provide a model that both draws on recent changes for the better and advocates a new approach to missing person cases generally. This new approach takes some of these investigations, or certain components of them, away from the police and encourages much greater use of civilians and social agencies where warranted. Recommendations for more training or greater diversity in policing ranks are important but of limited value. They no longer represent an adequate response to the issues this Review has identified.

The Review was largely prompted by concerns that the McArthur-related investigations were infected by bias. Some community members feel the Toronto police remained uninterested in the disappearances of McArthur's victims until Andrew Kinsman, who was not a person of colour, was reported missing. Many Toronto police officers rejected this view, pointing to the number of dedicated officers who worked tirelessly to solve these cases. That is true, but the full narrative must take into consideration *systemic* bias, discrimination, and differential treatment.

The disappearances of McArthur's murder victims were often given less attention or priority than the cases deserved. These victims were marginalized and vulnerable in a variety of ways. Our goal must be to ensure that no one is treated in a less adequate way because of marginalization and vulnerabilities, whether based on sexual orientation, gender identity or expression, colour,



ethnic origin, immigration status, homelessness or being underhoused, socio-economic status, or mental health – or on a combination of these demographics.

Some officers had misconceptions or stereotypical ideas about the LGBTQ2S+ communities. At times, their perceptions impeded their work. Investigators missed opportunities to use community expertise or resources – as well as expertise or lived experiences within the Toronto Police Service (the Service) itself – to learn more about those communities and what leads might be available. Investigators failed to appreciate – and attempt to address – barriers that prevented some witnesses from coming forward. These barriers included how police are perceived and often mistrusted by marginalized and vulnerable communities – a perception and mistrust prompted by a long history that includes criminalization of certain members of the LGBTQ2S+ communities.

The police also failed to keep the public informed about what they were doing. This lack of communication reinforced the broadly held impression that “the police did nothing.” It heightened existing mistrust, and it ultimately diminished, rather than protected, the integrity of existing and future investigations. None of these issues – all existing at a systemic level – depends on any intent to discriminate.

To the credit of Andrew Kinsman’s friends and loved ones, they mobilized in a highly public way to ensure the police gave Mr. Kinsman’s disappearance the attention it deserved. Proper missing person investigations, however, should not depend on whose voices are the loudest in sounding the alarm. This observation represents yet another systemic issue identified in this Report.

Although overt bias does not explain why the McArthur-related investigations between 2010 and 2017 were flawed, my extensive engagement with community members and organizations confirmed that many people deeply mistrust the Toronto police. This long-standing mistrust may not be directly related to missing person cases but is often rooted in systemic or overt bias or discrimination. It is also rooted in the legacy of how the police have interacted with marginalized and vulnerable communities.

Mistrust remains despite a range of well-intentioned initiatives undertaken by the Toronto police to build positive relationships. Not surprisingly, it was only compounded by the perception that the police were indifferent to the plights of those who went missing and by the lack of transparency about what the police were doing. These issues must be addressed immediately, regardless of whether they relate directly to missing person investigations. The Toronto Police Service can do better – in a new and

improved environment in which its role is redefined. In my view, the Board and the Service must start the process with a commitment to do better, one rooted in concrete, transparent, and strategic plans with defined deliverables and timelines, in full partnership with communities, and accompanied by accountability measures described in this Report.

It is my hope that this Report contributes to the changes that are needed.

## **The Review's Terms of Reference**

The Review's Terms of Reference are detailed. Broadly speaking, they required me to evaluate how missing person investigations, particularly those involving LGBTQ2S+ or marginalized and vulnerable communities, have been conducted and are now being conducted. This work required that I examine, among other things, the Board's policies and practices, as well as the Service's procedures, practices, and actions, to determine whether they adequately promote effective, efficient, and discrimination-free missing person investigations and, especially in the context of such investigations, positive relationships between the Service and the LGBTQ2S+ communities.

It also required me specifically to review the missing person investigations relating to Skandaraj Navaratnam, Abdulbasir Faizi, Majeed Kayhan, Selim Esen, Soroush Mahmudi, and Andrew Kinsman, including Project Houston and Project Prism, and any other opportunities to identify McArthur as a person of interest or suspect, as well as the missing person investigations relating to Tess Richey and Alloura Wells. Dean Lisowick and Kirushna Kumar Kanagaratnam were also victims of McArthur, though not reported as missing. The Terms of Reference directed me to examine what prevented them from being reported missing.

The Terms of Reference provide me with 12 areas to focus on in examining these specific cases, four of which are illustrative and figure prominently in this Report:

- whether culturally competent expertise is available to or relied upon by the Service for missing person investigations, including but not limited to expertise around gender identity, gender expression, race, ethnic origin, and intersectionality;
- whether there is adequate information-sharing within the Service and between the Service and other police services to ensure that similarities and links between missing person investigations can be identified quickly and effectively;

- how and when the Service decides to advise or caution the public, or specific communities, about public safety concerns that arise from missing person investigations, including but not limited to information about suspected links or connections between missing person cases; and
- whether effective policies, procedures, and practices are in place to ensure adequate investigative consideration of serial killers, especially based on missing person reports where there is no overt evidence of foul play.

On the topic of developing and maintaining relationships with LGBTQ2S+ communities, especially as they have an impact on missing person investigations, the Terms of Reference identify nine topics for consideration. The following three are illustrative and, again, figure prominently in this Report:

- the roles, responsibilities, and efficacy of the officer assigned to liaise with the LGBTQ2S+ communities;
- the scope and efficacy of consultations and communications with members and organizations within the LGBTQ2S+ communities about missing person investigations; and
- the extent to which the police call upon organizations within the LGBTQ2S+ communities (or other relevant communities) to assist at any stage with missing person investigations.

The Terms of Reference also direct me to review the training of members of the Service on relevant topics; to consider previous relevant reports and the extent to which their recommendations have been implemented; and to consider, in my discretion, best practices in other jurisdictions in relation to missing person investigations, bias-free policing, and positive working relationships with marginalized communities.

Ultimately, the Review focuses on making recommendations. The Terms of Reference provide that I am to make recommendations, in my discretion, that accord with the Review's mandate, including recommendations on Board policies and the Service's procedures and practices relevant to that mandate. Of importance, the Terms of Reference specify that my recommendations are to address how to ensure LGBTQ2S+ participation in monitoring and implementing any recommendations that are adopted, and to address a framework for measuring, monitoring, and publicly reporting on

whether my recommendations have been adopted and, if they have not been, why not.

### ***No Findings of Misconduct or Civil or Criminal Responsibility***

This is a “systemic review.” A systemic review is designed to identify and address larger issues of systemic importance – issues involving an institution’s systems, policies, or practices, rather than issues confined to an isolated or individual error or fault. A systemic review is not designed to find individual misconduct or civil or criminal responsibility. Indeed, I am prohibited from doing so both by existing law and by the Terms of Reference.

## **How the Review Was Conducted**

On September 1, 2018, we formally began our work, which involved multiple components.

### ***The Community Advisory Group***

The Terms of Reference contemplated that I would establish an advisory group representing affected communities, to ensure the community perspective was adequately considered throughout the Review. At the outset, I created the Community Advisory Group (CAG), composed of community leaders who made sure that diverse voices within Toronto’s communities were heard. It included a community advisor, Ron Rosenes, who led the group’s meetings; a coordinator, Haran Vijayanathan, who was heavily involved in facilitating the Review’s community outreach; and five other outstanding individuals. They met regularly, provided me with advice and guidance, and were directly involved in the design and implementation of the Review’s public outreach and engagement plan. A list of CAG members, along with brief biographical sketches, appears as Appendix B to the Report.

### ***Collection and Examination of Documents***

The Review’s legal team examined well over 80,000 pages of documents obtained from the Service and the Board. These documents included existing policies and procedures as well as officers’ notes, reports, emails, videotapes, audiotapes, and other materials pertaining to the specific investigations identified in the Terms of Reference. The Review also obtained documents from a variety of other sources, including the Ontario Ministry of the Solicitor General; police services across Canada and internationally; community

organizations and members; as well as publicly accessible reports and electronic and print media stories.

### ***Public Outreach and Engagement Plan***

In April 2019, the Review announced a robust public outreach and engagement plan that provided all members of the public, groups, and organizations with a number of ways to contribute to the Review's work: meetings with stakeholders and affected community members; an online survey to which almost 1,000 people responded; written submissions from organizations and individuals; a policy roundtable that attracted 33 diverse community leaders and service-providers as well as policing experts from around the world; and a town hall meeting. The feedback from this community outreach and engagement is summarized in Chapter 10.

### ***Interviews***

The Review conducted many interviews. I spoke with family members, friends, and other loved ones of McArthur's murder victims, Tess Richey, and Alloura Wells; with others who have reported people missing; with Toronto police officers of all ranks, past and present, including three deputy chiefs, former chief of police Mark Saunders, and the acting chief of police; with civilian employees; with representatives of the Toronto Police Association; with experts or specialists in community policing, missing person investigations, case management software, human rights, record management, missing person databases, and police-community initiatives; with community leaders and service providers; with students and young people; with employees of the Ministry of the Solicitor General and the Office of the Chief Coroner and Ontario Forensic Pathology Service, as well as the chief coroner and the chief forensic pathologist; with two chairs and the executive director of the Board; with advocates for diverse communities; with representatives of law organizations and legal clinics; and with individuals associated with several past inquiries and reviews.

The communities represented, whether through service providers, executive directors, or community members themselves, included LGBTQ2S+;<sup>1</sup> BDSM;<sup>2</sup> South Asian, Black, and other racialized groups; Indigenous; trans men and women; the homeless and underhoused; a men's group; sex workers; those dealing with mental health and wellness; immigrants

---

<sup>1</sup> An acronym for lesbian, gay, bisexual, transgender, queer and/or questioning, two-spirit, and others. I generally use this acronym, rather than other variants, because it is the one included in the Terms of Reference that define my mandate.

<sup>2</sup> Bondage and discipline; domination and submission; sadism and masochism.

and refugees; HIV/AIDS networks and organizations; and intersections of these communities.

### ***Research Program***

Professor Kent Roach served as the Review's research director. Under his leadership, the Review commissioned four papers from leading academics on issues relevant to my mandate. The papers are on the Review's website and are referred to in the Report. The Review also collected relevant literature from around the world.

## **CHAPTER 2 HONOURING THE LIVES LOST**

This Review was prompted by the tragic deaths of 10 people: Skandaraj Navaratnam, Abdulbasir Faizi, Majeed Kayhan, Soroush Mahmudi, Kirushna Kumar Kanagaratnam, Dean Lisowick, Selim Esen, Andrew Kinsman, Alloura Wells, and Tess Richey. Each of their lives had value. Each was loved by family and friends. Their deaths represented the loss of a brother, a son, a father, a sister, a daughter, a partner, a friend.

Bruce McArthur, a gardener who ran his own business and sometimes employed other labourers, murdered eight of the 10 people named in the Review's Terms of Reference. The remaining two were not McArthur's victims, but they disappeared in the same time frame and from the same neighbourhood as the others. Each person had a unique life, a unique story, though they also had much in common. Most of McArthur's victims were at the intersection of multiple marginalized identities, making them particularly vulnerable to a serial predator. All 10 people were connected, in a variety of ways, to the Gay Village around Church and Wellesley streets in the heart of downtown Toronto (the Village). And all suffered terrible deaths.

In an attempt to acknowledge the loss of these victims as individuals, I have written a brief tribute to each of them to memorialize in a small way their tragically foreshortened lives. However, I want to acknowledge many others who are not mentioned specifically in the Terms of Reference but who are survivors of the events described in this Review. The loved ones left behind. The other men McArthur brutalized. The members of the vibrant communities in the Village.

### **Unique Lives with Common Threads**

My mandate on this Review focuses on one aspect of the state's response to these tragedies – the police response. However, an examination of the police

response cannot be carried out in isolation. It is important to pay attention to the broader forces that left the victims vulnerable to exploitation and violence in the first place.

Virtually all the people who went missing from the Village between 2010 and 2017 were marginalized for one reason or another, and often for multiple reasons: race, religion, sexual orientation, gender identity, poverty, immigration status, addiction, homelessness.

Marginalization is the social process by which individuals and groups find themselves on the fringes of society. It blocks people from rights, opportunities, and resources that others take for granted. Marginalization can be compounded by intersectionality, where co-existing identities make one person's life significantly more difficult than another's. In this Report, I use the terms "intersectionality" and "intersectional marginalization" to describe those broader forces that made the victims at the heart of this Review particularly vulnerable to harm.

I ask readers, as you go through the Report and consider my findings and recommendations, to keep in mind the people whose lives, and deaths, lie at the heart of this Review. Remember too the deeply affected marginalized and vulnerable communities they left behind.

### **CHAPTER 3 CIVILIAN GOVERNANCE AND OVERSIGHT: ROLES OF THE BOARD AND THE SERVICE**

I cannot overemphasize the importance of effective civilian oversight of the police. It promotes public respect for the police through a model that involves both governance and accountability. It can also serve as a means to ensure that special attention is given to the oversight of policing as it affects communities with a troubled relationship with the police, including racialized, LGBTQ2S+, Indigenous, homeless or underhoused, and others identified in this Report.

A police services board is an essential feature of responsive and democratically accountable policing. However, a board cannot fulfill its statutory oversight responsibilities if it is not informed about "critical points," a phrase introduced by Judge Morden in his 2012 report on policing matters relating to the G20 summit.

#### **Findings**

The evidence revealed that, during the McArthur-related investigations, the Board members, including its chairs, were unaware of major operations described in this Report which, potentially, had an impact on the Service's

reputation; on its relationship with the LGBTQ2S+, racialized, and marginalized and vulnerable communities generally; on the Service's objectives and priorities; and on policy initiatives and advice or direction that might be given to the chief of police.

Project Houston mobilized considerable resources – human and financial. It was investigating an alleged international cannibalism ring, said potentially to be related to the disappearances of Skandaraj Navaratnam, Abdulbasir Faizi, and Majeed Kayhan, all connected to the LGBTQ2S+ communities and last seen in the Village. James Brunton, the prime focus of the project, was ultimately arrested on child pornography charges completely unrelated to the disappearances of the three missing men. After Brunton's arrest, Project Houston's operations were wound down, and a number of officers returned to other duties. The small team left was unable to complete all the remaining tasks before the project ended. Despite the significant resources dedicated to it, the project cast no light on the disappearances.

The Board and its chair were never advised that Project Houston was taking place or had taken place. I find this lack of communication disturbing. It is beyond doubt that Project Houston was precisely the type of operation that passed the “critical point” Judge Morden described, especially once it wound down its operations. It brought about several arrests on charges unrelated to the three missing men. Its lack of success in solving the disappearances, coupled with its use of a significant amount of scarce resources, invited a wide range of questions from the Board. A discussion between the chief or his designate and the Board could have and should have prompted an internal review of the project by the Service.

Furthermore, Project Houston was appropriately designated as a “major” case. But it was not compliant, in important ways, with provincial adequacy standards relating to major case management and its mandated case management software tool, PowerCase. As I discuss in Chapter 4, the Service's Audit and Quality Assurance Unit identified this issue within the Service during the early stages of Project Houston and expressed concern about the impact of non-compliance on the Service's investigative effectiveness, legal exposure, and reputation. The situation was described as “high risk.” Board members were unaware of these concerns. They should have been.

Similarly, Board members were not briefed on Project Prism. Project Prism was the Service's 2017 investigation initially prompted by the disappearances of Andrew Kinsman and Selim Esen. The Board chair heard from a member of the LGBTQ2S+ community that there was an issue around missing men from the Village. He asked Chief Saunders about it, but was told



only that it was being addressed. The nature of this project easily met the “critical point” threshold Judge Morden described.

The failure of the Service to share operational matters that potentially impact on its reputation or its relationship with diverse communities, and also on Board policies or appropriate advice or direction to the chief, represents a serious systemic issue. I am firmly of the view that the Board’s oversight can and should bring about improvements to the Service, improvements that can be embraced by its members and senior leadership in a collaborative way.

It is obvious that the information sharing that is the foundation of the Board’s oversight responsibilities, as described in the 2012 Morden Report and the 1992 Civilian Commission on Police Services *Report*, has not always taken place. It goes without saying that the Board cannot fulfill its statutorily imposed obligations relating to civilian oversight – designed to protect the Service’s reputation with the public and the public’s confidence in the Service – without sufficient information about what is happening within the Service. This situation must change – and priority must be given to such change.

#### **CHAPTER 4 MAJOR CASE MANAGEMENT AND TECHNOLOGY**

In this chapter, I outline the relevant provincial adequacy standards respecting major case management and its case management software, PowerCase. I also briefly explain how PowerCase works, together with examples of how it was not used as a case management system during the McArthur-related investigations. Nor did these investigations comply with provincial adequacy standards respecting major case management more generally. Here are some examples of non-compliance:

- The Service repeatedly failed to recognize when the criteria had been met to categorize a missing person investigation as a major case. This lapse meant, among other things, that no data were uploaded into PowerCase for several major missing person cases.
- The Service failed to recognize when the criteria for potentially “linked” cases had been met. As a result, it did not notify the Ministry of the Solicitor General’s serial predator criminal investigations coordinator of these cases, which might have been addressed through multi-jurisdictional major case management. The serial predator coordinator learned about the McArthur-related investigations only when the media reported on McArthur’s arrest for murder.

- Officers in charge of major cases, or members of the command triangle, were not always trained, as required, in major case management or, where applicable, in PowerCase.
- A fraction of the data collected during Project Houston was uploaded into PowerCase. This mandatory software was not used as a case management system but, rather, treated as a bureaucratic obligation and largely as a data dump.
- Data were uploaded well after the fact and outside the periods set under provincial adequacy standards.
- During Project Houston, critical connections between pieces of evidence were overlooked – in part because available search and linkage tools were not used. This failure was compounded by the underuse of the project’s assigned analyst.
- Some important tasks or “actions” fell between the cracks, partly because of inadequate monitoring and supervision and partly because the action tracking tool in PowerCase was unused. In Project Houston, the tracking of vital assignments depended largely on human memory and handwritten notes. This approach did not comply with the requirements for major case management.
- The civilian PowerCase indexer assigned to Project Houston, through no fault of her own, knew little about the investigation, was largely disconnected from it, and was provided with limited data to upload and inadequate direction on the data’s significance. Moreover, these deficiencies became more pronounced in the later stages of Project Houston, ultimately to the point where the indexer was no longer assigned to the project.
- During Project Houston, no detailed chronology of investigation was maintained, as required by the *Major Case Management Manual*. Nor was a victim liaison assigned, as was also required.<sup>3</sup>
- A larger percentage of the data collected during Project Prism was uploaded into PowerCase. Although Project Prism was more efficient and effective than Project Houston, it also did not use PowerCase as a case management system.
- Almost all the McArthur-related investigations did not comply with provincial adequacy standards respecting the Violent Crime Linkage Analysis System (ViCLAS) notifications. When certain criteria are met,

---

<sup>3</sup> Project Houston was characterized as a murder investigation, although the missing men had not been discovered. In my view, the term “victim” should be interpreted broadly to include those directly affected by the disappearances of persons in major cases, especially in the context of a murder investigation.

investigators are required to submit ViCLAS booklets to the OPP ViCLAS Unit to assist in identifying serious crime patterns.

PowerCase is the provincially mandated case management software for major cases. It is used effectively by other large services in Ontario to case manage major investigations. Some of Toronto's senior officers have expressed dissatisfaction with PowerCase – and their dislike is manifested in the failure, in a number of major case investigations, to use PowerCase as a case management tool. In some respects, their dissatisfaction has become a self-fulfilling prophecy: their misuse and underuse of PowerCase has made it ineffective. If but a fraction of data is uploaded into PowerCase, and much of that data is uploaded well after it was collected, it is hardly surprising that PowerCase's search and linkage tools, such as free-text searches and Link Explorer, are not used or of limited assistance. If assigned indexers are largely disconnected from investigations and are provided with inadequate information about data to be uploaded, it is equally unsurprising that object<sup>4</sup> searches have limited utility. If officers have not received adequate training on PowerCase or do not act in accordance with the training they receive, it is difficult to blame PowerCase for the investigative deficiencies that result. If tasks or actions are not properly recorded in PowerCase, it is impossible to attribute investigative omissions to the software.

I do not accept that the Service is so different from other services that it cannot work effectively with PowerCase. Comparable police services in Ontario and elsewhere have demonstrated otherwise. In some instances, the position that PowerCase doesn't work for Toronto was advanced by officers whose understanding of PowerCase was, itself, deficient. With respect, this position also speaks to a certain hubris or lack of introspection that the Review observed in relation to some members of the Service.

The issues I raise about the Service's non-compliance with provincial adequacy standards respecting major case management and PowerCase are hardly new ones. It is frankly disheartening to realize that these issues were identified by Service members some time ago but not acted on.

## **CHAPTER 5 THREE MEN GO MISSING**

In this chapter, I describe and evaluate the initial investigations by Toronto police into the disappearances of Skandaraj Navaratnam and Majeed Kayhan as well as the interplay between the Peel police and the Toronto police

---

<sup>4</sup> "Object" searches are explained in Volume II, Chapter 4, page 97.

respecting Abdulbasir Faizi's disappearance. I also discuss McArthur's first relevant encounter with the justice system in the period 2001 to 2003 and its significance to this Review.

## **McArthur's Assault Convictions: Before the 2010–17 Murders**

In 2001, McArthur committed serious crimes with lasting consequences for the survivor. Without provocation or explanation, he struck a member of the LGBTQ2S+ communities over the head with a lead pipe, causing serious physical harm. Strategically, he turned himself in and successfully portrayed himself as ignorant of what he had done – despite the absence of any supporting medical evidence. In 2003, he entered guilty pleas to two offences. The prosecution concluded that McArthur was not engaged in predatory behaviour – although the available evidence should not have inspired confidence in that conclusion. A psychiatrist concluded that McArthur was at low risk of reoffending – although she gave no explanation why he struck a potentially fatal blow to an unsuspecting person. McArthur was obviously persuasive. He also disarmed others as to his true evil.

There is one particularly troubling aspect of these 2003 convictions. They played no part in either the Project Houston investigation from 2012 to 2014 or in the investigation into McArthur's attempted choking of another survivor in 2016.

In November 2013, McArthur was interviewed during Project Houston. This interview was not preceded by any meaningful examination of his history, including his previous criminal conduct. A Legacy Search<sup>5</sup> would have revealed McArthur's previous convictions, but the officer did not perform one. There is no evidence in his notes or elsewhere that he did so. I disagree with the suggestion that this history was irrelevant to McArthur's credibility. By the end of the interview with McArthur, Project Houston had information that he had a significant connection to all three missing men. This connection should have raised a big red flag for investigators – prompting, at the very least, focused scrutiny on him. The fact that in 2001, he had attacked a gay man in the Village without provocation and, for this reason, had been banned from the Village for three years was important. In 2017, during Project Prism, the lead investigator discovered the 2003 convictions and the underlying facts from an electronic search of the Service's records. He recognized their significance.

---

<sup>5</sup>A Legacy Search, explained in Volume II, Chapter 4, page 88, allows searches of the Service's historical records management services.

It is also significant that in 2016, when McArthur was investigated (but not prosecuted) for choking a gay man in what started as a sexual encounter, the investigator was also unaware of the 2003 convictions. In Chapter 7, I discuss the systemic issue associated with this finding.

## **Skandaraj (Skanda) Navaratnam**

On September 6, 2010, Mr. Navaratnam was last seen alive in the Village. He was reported missing on September 16. He left behind his new puppy, a source of pride and joy. Although he was active on social media, his participation ended abruptly. So did his cellphone use. He appeared to have taken no belongings with him, nor had he told anyone about plans to depart. When he was reported missing, he had already been gone without a trace for 10 days. His disappearance deserved to be given high priority. It wasn't. The case moved from investigator to investigator. Some leads were not pursued in a timely way or at all. It wasn't until several years later, during Project Houston, that a number of witnesses were properly interviewed. A risk assessment was never made. Investigators took little or no meaningful measures to engage community organizations or leaders in the search. There is no evidence that investigators had any true understanding of the people they should speak to within the affected communities. They did not enlist potentially valuable human resources within the Service, such as the LGBTQ2S+ liaison officer or officers with close contacts with the Village, to ensure that the right people were spoken with and that existing barriers to providing information to the police were reduced.

One investigator found Mr. Navaratnam's disappearance suspicious, recognizing the existing red flags. Another investigator saw no evidence whatsoever of foul play. The investigation simply "petered out" because, it was said, there were no leads to pursue. But that assessment was inaccurate. For example, Mr. Navaratnam's computer was seized by the police, yet it was not analyzed until 2012. Even then, its significance was not appreciated. The computer showed Mr. Navaratnam's access to dating websites and included sexualized messages between him and *silverfoxtoronto* – McArthur's electronic username. These messages were not discovered until late 2017. Most alarmingly, there is no evidence of a comprehensive investigative plan for the investigation.

In fairness, the police did conduct considerable investigative work in 2010 and 2011. But the 2010–11 investigation was seriously flawed. It was deserving of the attention ultimately given to Mr. Kinsman's disappearance. In Chapter 12, I discuss the reasons for the differential treatment.

There is no consistency in how Toronto investigators determine whether a missing person case involves a strong possibility of foul play. I find it troubling that some investigators interpret this provision so narrowly as to virtually exclude any missing person cases unless there is indisputable evidence of foul play. No body, no crime. This interpretation does a disservice to those missing, such as Mr. Navaratnam, and to their families and friends. Mr. Navaratnam deserved better.

Sworn evidence given by an investigator in 2010 to obtain a court order was inconsistent with the view that there was not even the strong possibility that Mr. Navaratnam was the victim of foul play. The strong possibility of foul play would have required the investigation to be treated as a “major” case according to provincial adequacy standards. Strong “possibility” falls short of reasonable and probable grounds to believe. Simply put, the assessment that Mr. Navaratnam’s disappearance was undeserving of major case status was inconsistent with the existing evidence.

Mr. Navaratnam was marginalized and vulnerable in a variety of ways and for a variety of reasons that intersect. But his disappearance was noticed—and reported. The Service failed him in its initial investigation. Unfortunately, it also failed those who loved him both in how his disappearance was originally investigated and in how little support the police gave them during this time frame.

### **Abdulbasir (Basir) Faizi**

Mr. Faizi was last seen in the Village on December 29, 2010. He was reported missing the following day. The Peel police investigated his disappearance because he lived in Peel Region. Constable Marie-Catherine Marsot led the Peel investigation. Although my mandate does not involve an evaluation of Peel’s work, I can say that Constable Marsot was a dedicated investigator whose commitment to this case impressed me. Peel’s investigation of Mr. Faizi’s disappearance was superior to the one the Toronto police conducted in 2010 and 2011 in relation to Mr. Navaratnam. For example, Peel reached out in a variety of ways to the gay communities and, more specifically, to the Salaam Queer Muslim Community Centre, attempting to enlist its assistance in the search.

In January 2011, Constable Marsot learned through another Peel officer that Mr. Navaratnam had also gone missing from the Village. This information was purely fortuitous: the Toronto police had taken no steps to ensure that other regional services were even aware of his disappearance. Justice Archie Campbell identified this exact problem in his report in the aftermath of the Paul

Bernardo debacle – the way the siloing of information between police services prevents the identification of a serial predator.

Constable Marsot quickly obtained Mr. Navaratnam’s Occurrence Report from the Toronto police. She was immediately struck by the similarities between the two men and the circumstances of their disappearance. They were both gay men of colour with shared physical characteristics who unexpectedly disappeared and were last seen in the Village. She suspected the cases were connected. She reached out to the Toronto police on three occasions. One message went unanswered. An officer responded to her second message by saying the Toronto police would look into it, but there is no evidence anyone did. Finally, she emailed Toronto’s officer in charge to advise him that the cases were possibly connected, and this third overture also elicited no response.

Constable Marsot gave the Toronto police the full opportunity to pursue this important investigative lead – and they failed to do so. As a result, the Toronto police did not notice the potential connection between the two cases. This lead became apparent to Toronto police only on December 19, 2012, just under two years later. Indeed, the connection was made initially only because the Peel police had placed the Faizi case on PowerCase. The Toronto police did not place Mr. Navaratnam’s case on PowerCase until late 2012.

The failure of the Toronto police to identify the potential connection between these cases – one handed to them on a platter – represents a failure of epic proportions. It speaks to the low priority given to Mr. Navaratnam’s case. It speaks to systemic deficiencies in how missing person cases were dealt with. It shows an attitude inconsistent with the lessons learned from the Bernardo tragedy when police services failed to work together to solve his crimes. The fact that two different police services – in isolation – were investigating the sudden disappearances of men of similar description and sexual orientation living in or last seen in the Village represents a systemic issue. Not surprisingly, it reinforces community perceptions, whether accurate or not, that the Toronto police were largely indifferent to the disappearance of gay men of colour.

## **Majeed Kayhan**

Mr. Kayhan was last seen by his family on October 14, 2012. His son initially reported him missing to Toronto’s 41 Division, but the case was referred to 51 Division because Mr. Kayhan lived and was last seen in the Village. Police did not learn he had connections with the LGBTQ2S+ community until a month after he disappeared.

Although some steps were taken to investigate Mr. Kayhan's case, it was given no priority and was not treated as a major case. The investigator did not think his disappearance was concerning until he learned that Mr. Kayhan left his pet birds to die, uncared for. Despite this red flag and others, Mr. Kayhan's disappearance was not treated with any sense of urgency. The investigator candidly acknowledged that nothing was done to advance the investigation for two weeks in November while he was on days off. His involvement in the investigation ended in early January 2013. The investigation essentially ground to a halt ostensibly due to the absence of any leads.

Most troubling, the investigator was unaware that, in the same time frame, two other racialized gay men had also disappeared without explanation from the Village. This breakdown is particularly worrisome because all three men lived in or were last seen in the Village – 51 Division's jurisdiction – and because two of these three investigations were being conducted by 51 Division investigators. Together, all three cases represent a profound systemic failure. Toronto had no Missing Persons Unit at the time and no analyst examining incoming missing person cases across the entire Service in real time. I acknowledge that, to its credit, the Service has since created the Missing Persons Unit. I describe and evaluate that unit in Chapter 13.

The circumstances surrounding Mr. Kayhan's disappearance invited deep concern. He simply vanished. There was no evidence he had made any plans to leave his home, nor had he exhibited any suicidal inclinations. The fate of his uncared for yet treasured birds was a red flag that should have alerted anyone performing a risk assessment. But again, no such assessment was even done. No serious effort was made to engage the affected communities in the search for him. His case was given low priority when it should have attracted heightened resources and attention. In my view, it qualified as a major case.

Even if one disagrees with that view based on what was known to the investigators, the similar disappearances of Mr. Navaratnam and Mr. Faizi should have provoked a priority response by police. That did not happen until an informant tip almost one year later prompted the creation of Project Houston. The sad reality is that these cases would likely have attracted no attention until 2017 – if ever – had police not received a Swiss informant's tip that prompted reconsideration (see Chapter 6).

The officer assigned to investigate Mr. Kayhan's disappearance did not give less attention to this case because Mr. Kayhan was a person of colour. Nor did he do so because of Mr. Kayhan's sexual orientation. Still, his investigation was deeply flawed. Those flaws relate largely to systemic issues – the lack of priority given to missing person cases, the siloing of critically important



information, the failure to accurately assess risk initially or on an ongoing basis, the related failure to recognize when a missing person occurrence became a major case, and the absence of true oversight and supervision.

The flaws in the investigation into Mr. Navaratnam's disappearance equally exposed a range of systemic issues. The investigative oversights are explained, in part, by these systemic issues. For example, because Mr. Navaratnam's disappearance was not treated as a major case, despite the evidence of a strong possibility of foul play and reasonable grounds to believe he had been abducted, basic investigative tasks were never performed. The failure to forensically examine Mr. Navaratnam's computer may be explained, we were told, by an underresourced and backlogged Technological Crime Forensics Laboratory in the Intelligence Division. But it is also explained by the low priority given to this investigation because it was not treated as a major case.

What I am struck by, when comparing all three investigations, is the randomness of what was done in each investigation. There was no consistency among the investigations about steps taken to investigate similar disappearances, and no consistency as to how quickly such steps were taken. The Toronto police didn't even have a checklist of conventional steps to be taken in investigating such disappearances.

The investigations described in this chapter represented lost opportunities to bring McArthur to justice and end his killing spree. However, soon after Mr. Kayhan disappeared, an informant's tip led to renewed attention for these cases.

## **CHAPTER 6 THE PROJECT HOUSTON INVESTIGATION**

Project Houston occurred only because the Swiss authorities shared an informant's tip with Toronto police. The tip suggested that a cannibal ring was targeting victims around the globe and that one of its members, soon to be identified as James Brunton from the Peterborough area, killed Skandaraj (Skanda) Navaratnam.

The tip could not be ignored – and it wasn't. Project Houston investigators spent countless hours investigating Brunton and his associates. Were they killing and eating people or were they engaged in pure fantasy? They also looked into whether Brunton or his associates were involved in the disappearances of Mr. Navaratnam, Abdulbasir Faizi, or Majeed Kayhan. They found nothing to substantiate any such involvement.

Project Houston ended without solving the disappearances of the three men. Only several years later when Andrew Kinsman was reported missing

was the investigation into the disappearances of these first three missing men reactivated.

There is no question that Toronto police thoroughly investigated the alleged cannibal ring. Their work with other police agencies ultimately resulted in child pornography–related and other charges being brought against Brunton and a man from Peel Region, John Orfanogiannis. They also conducted many interviews of individuals who potentially had relevant information about the three missing men.

These interviews highlighted shortcomings in the investigations Toronto police had conducted when Mr. Navaratnam and Mr. Kayhan were initially reported missing. They added to the information that had been accumulated about Mr. Navaratnam, Mr. Faizi (although Peel police continued to retain the investigation into his disappearance), and Mr. Kayhan. That said, Project Houston was seriously flawed. These flaws meant that the Service lost valuable opportunities to identify Bruce McArthur as a serial killer much earlier. They also exposed systemic issues to be addressed.

What were the serious flaws in how Project Houston was organized and conducted?

## **Major Case Management**

As already stated, Project Houston failed to comply with provincial adequacy standards respecting major cases in a variety of ways. Moreover, even before the Toronto police received the informant’s tip, there were sufficient similarities among the three missing men and the circumstances of their disappearances to treat them as “linked.” Contrary to the views of several senior Toronto officers, the evidence does not need to establish definitively that the same person is responsible for all three disappearances before the cases can be treated as “linked” for the purposes of major case management. Unfortunately, on a systemic level, the Toronto police did interpret the requirement that way. Once the informant’s tip led to the establishment of Project Houston, the Toronto police were investigating an international cannibal ring with alleged involvement in serious crimes, including murder, around the globe. The available evidence required that the serial predator criminal investigations coordinator be notified of this investigation and that the issue of a multi-jurisdictional joint investigation be addressed.

There are compelling policy and public safety reasons for the provincial protocols to be followed, including appropriate oversight, accountability, effective use of and access to resources, and the appropriate sharing and allocation of responsibilities. However, the serial predator coordinator knew

nothing about Project Houston – or even about the later Project Prism.

With some exceptions, the Toronto police were reluctant to involve other services as true partners in this investigation. It was also apparent to me that at least some Peel officers were reluctant to be involved in the joint investigation, even if the Toronto police welcomed it, both because some Toronto officers were secretive about their own investigation and because the Peel police regarded the cannibal theory as dubious at best.

Equally important, because this investigation was not treated as a multi-jurisdictional joint investigation, both the Peel and the Toronto police were investigating Mr. Faizi's disappearance. Peel repeatedly asked for updates on Project Houston. Information was sometimes withheld from Peel, either deliberately or inadvertently. At an earlier stage of the investigation, at least one Toronto investigator was not prepared to tell the Peel police why the Toronto police were looking for missing person cases that fit a certain age group and ethnicity. In October 2013, when Peel Detective Sergeant Randy Cowan asked for an update on Project Houston, he was told there were no further updates on the missing men, though the project was working on an undisclosed "angle."

Of considerable significance is the fact that in September 2013, the Toronto police learned that *silverfoxx51*, a username found on Mr. Faizi's notepad, was McArthur. There is no evidence that anyone shared that information with the Peel police. There is no evidence that anyone told Peel that McArthur was being interviewed or that, at the conclusion of the interview, the Toronto police had learned he was connected to all three missing men, including Mr. Faizi.

## **PowerCase**

I have already indicated that PowerCase was supposed to be used as the project's case management tool, but it wasn't. Instead, it was used largely as a "data dump." I still would have been concerned about the project's non-compliance with provincial adequacy standards if adequate proxies had been in place to ensure that the investigation did not suffer because of it. But such proxies were not in place. The investigation did suffer as a result of the non-compliance.

On January 31, 2013, Detective Constable Catarina (Cathy) Loria, the file coordinator, had identified the reference to *silverfoxx51* on Mr. Faizi's notepad but had been unable, through her own efforts, to determine the identity of the owner of this username. On February 26, she identified an email address or username common to Mr. Navaratnam's computer and Mr. Faizi's notepad:

*silverfoxx51*. The next day, Detective Sergeant Hank Idsinga, the major case manager, requested that an officer obtain the subscriber information for *silverfoxx51@hotmail.com*. It was determined that this task could be accomplished only through a Mutual Legal Assistance Treaty (MLAT) request to Microsoft in the United States. However, there is no evidence that anyone followed up in a timely way to make an MLAT request to identify the subscriber for this username, *silverfoxx51*. The assignment should have been recorded on PowerCase, together with the completion date and its priority, so as to allow members of the project's command structure to monitor its status. In fact, the assignment was not even listed on the action log contained in the P Drive.<sup>6</sup> As a result, the investigation completely overlooked the fact that the assignment was never completed. This example is no isolated event. Assignments, or actions, were often assigned verbally and not recorded or tracked in a formalized way.

Detective Constable Loria and Detective Sergeant Idsinga appreciated the need to identify the subscriber associated with *silverfoxx51@hotmail.com*. The potential significance of this contact address was highlighted in documents prepared by the project for the court and in a flowchart dated April 18, 2013, which set out the known connections that linked the missing men. Nonetheless, the need to identify who *silverfoxx51* was remained unaddressed for many months – and was addressed only after both Detective Constable Loria and Detective Sergeant Idsinga had left the project.

In November 2013, McArthur was interviewed during Project Houston. Neither the videotaped interview nor the summary of the interview was uploaded into PowerCase. As a result, McArthur was not identified as an “object” or “person of interest” for others, including Project Prism officers several years later. It was purely fortuitous that the officer who interviewed McArthur subsequently remembered he had done so.

The Project Houston files were not set up to permit easy searches for keywords such as “Bruce,” “Bruce McArthur,” “landscaper,” “landscaping,” or “gardener.” The failure to upload relevant information into PowerCase meant that the extensive information collected by officers was often never used. It is astonishing that a project of this complexity relied so heavily on its investigators, in preparation for their interviews, both to know and to remember what information had been collected throughout the investigation.

Usernames and dating websites referred to in Mr. Navaratnam's

---

<sup>6</sup> A P Drive, explained in Volume II, Chapter 4, pages 89–90, is an internal computer hard drive set up to store everything relevant to the investigation. In Chapter 4, I describe in some detail the role of the P Drive in the Service's major case investigations.

computer were not uploaded into PowerCase as “objects.” This omission meant, among other things, that in 2013, after the police learned that McArthur identified himself as *silverfoxtoronto* and *silverfoxx51* and that he denied any sexual relationship with or interest in Mr. Navaratnam, they remained unaware that Mr. Navaratnam’s internet history showed that he and *silverfoxtoronto* exchanged sexualized messages through the dating website *www.daddyhunt.com*.

## **The OPP Violent Crime Linkage Analysis System**

Earlier, I point out that the Toronto police did not submit ViCLAS reports, or booklets – though they should have – in relation to the initial investigations into the disappearances of Mr. Navaratnam and Mr. Kayhan. Once Toronto investigators believed, on reasonable grounds, that Brunton or a person unknown had killed Mr. Navaratnam, and potentially others as well, in connection with a cannibalism ring, a ViCLAS booklet or ViCLAS booklets should have been submitted to the OPP, as required.

There was no valid excuse for the Service’s failure to submit ViCLAS booklets in relation to the missing men. In fact, the failure was aggravated because David Moore, the ViCLAS civilian analyst, specifically asked the Toronto police to submit ViCLAS booklets for the missing men. The police chose not to submit booklets even in the face of the ViCLAS Unit’s request and the Service’s own treatment of Project Houston as a murder investigation relating to these same missing men. This decision showed, at a minimum, a lack of commitment to ViCLAS, provincial adequacy standards, and, unfortunately, an unwarranted “We know better” attitude.

## **Need for a Coordinated Investigation**

I acknowledge that the Toronto police interviewed a number of individuals who, potentially, had relevant information about the three missing men. However, there were significant shortcomings in how they collected information about these men.

No true investigative plan was devised regarding what information to collect and from whom – particularly as Project Houston was winding down. Many people were interviewed, but not in any methodical way. Officers did not necessarily know what information had already been collected relevant to these interviews. Often, interviewers did not ask basic questions that might have elicited relevant information. Supervisors engaged in little or no quality control over these interviews. For example, there is no evidence that anybody

reviewed the contents of the McArthur interview until years later. Robust case management requires an ongoing assessment of the work being done.

In the aftermath of the arrest of McArthur in 2018, witnesses came forward or were identified who had important information about his relationship with some of the missing men and his abusive conduct toward others. There are a variety of reasons why the police were unaware of this information, but some of it could certainly have been obtained through a methodical questioning of witnesses and a detailed investigative plan years earlier.

## **The LGBTQ2S+ Liaison Officer**

The LGBTQ2S+ liaison officer had little to do with Project Houston, even though it was an investigation into the disappearances of three men from the Village. It became obvious to me that the Toronto investigators undervalued the importance of using officers closely connected to the LGBTQ2S+ communities – whether the liaison officer or others – in order to facilitate information coming forward, create a safe and welcoming environment for potential witnesses, dispel existing mistrust and provide needed assurances, familiarize investigators with the significance of information they were given, correct stereotypical assumptions or preconceptions that could infect the investigation, and access street-level community members better situated to assist the investigation. A number of investigators acknowledged that the project underused existing human resources within the Service, including the LGBTQ2S+ liaison officer, to advance the investigation.

## **Support for Those Affected**

When people go missing, their disappearances deeply affect their loved ones – their families and their friends. The justice system recognizes and provides support for victims of crime and their loved ones and families. However, the support given to those affected by the disappearances of these three men was, at best, uneven. Such support should have been available, it should have been provided, and it should have been consistent and ongoing – but it wasn't, neither in the interval between the initial investigations and Project Houston nor during the project itself. I heard the same complaint in relation to missing person cases generally. That said, I note there were loved ones who described acts of kindness by individual officers.

## **Police Transparency and Communicating with the Public**

Understandably, the police are reluctant to discuss active investigations with members of the public because it is important they avoid jeopardizing an ongoing investigation. But most officers acknowledged to the Review that the Service did a poor job in communicating with the public about Project Houston. Many community members did not know that the police were vigorously investigating the disappearances of the three men. They believed the police were not devoting adequate attention and sufficient resources to the investigations. Moreover, on a systemic level, the Toronto police have undervalued the affected communities' role in advancing many investigations: in order to partner with the communities in solving cases, they must rethink how to communicate more regularly and in a more transparent way about their plans and actions.

The police were anxious to keep Project Houston secret on the theory that transparency would harm the investigation. However, I am satisfied that the secrecy around Project Houston transcended anything needed to preserve the investigation's integrity. That excessive secrecy set the Service up for heightened mistrust when community members later learned they were misled (as many expressed following Project Prism) or, at a minimum, shut out. Inaccurate or unnecessarily censored statements by the Service and/or its senior command undermine respect for the Service and, ultimately, future investigations.

## **How Project Houston Was Wound Down and How It Ended**

From the outset of Project Houston and into April 2013, the police devoted a tremendous amount of time to investigating Brunton. Despite an intensive and elaborate effort, including presenting an undercover officer as though he was prepared to be eaten, they found nothing to substantiate Brunton's involvement, or that of a cannibal ring, in the disappearances of the three men. In early April 2013, Detective Debbie Harris, the primary investigator, contemplated that the team was nearing the end of its investigation and consulted with the Crown attorney about the unrelated charges to be laid against Brunton. An interview in Europe of the informant in April 2013 made Brunton's connection to the missing men even more doubtful. Detective Sergeant Idsinga recorded that the interview disclosed "no specific link from Brunton to any of our victims." He told the Review that by April or May 2013,

he was pretty satisfied that Brunton was “full of crap” and merely engaged in fantasy. On May 1, Detective Harris advised the project team as well as senior officers that Brunton would be arrested on charges related to child pornography and that Project Houston would be “taken down.”

Following Brunton’s arrest, a much-reduced police team continued to investigate Brunton’s activities, some of which related to child pornography, while they also continued to look for any connection to the missing men. At one point, they examined the possibility that the notorious killer, Luke Magnotta was connected with Brunton and was involved in the disappearances of the missing men. Project Houston was scaled down to three officers.

So where did that leave the investigation into the missing men? One inspector felt there was no evidence to suggest that the missing men were the victims of a homicide or that foul play was involved. Similarly, he said there was no evidence that the missing men were dead except that they had been missing for a long time. In his view, and that of Detective Sergeant Idsinga, Project Houston reverted to simply a missing person investigation. The Homicide Unit’s involvement was no longer warranted.

Some investigators were quite troubled that the project was winding down while certain identified tasks remained unperformed. Equally important, the fact that the investigation reverted to a missing person case undervalued the circumstantial evidence that these three men had met with foul play. Several senior officers involved in Project Houston appeared to take the view that might be expressed as “no body, no crime” or “no confession, no crime.”

In my view, the way in which this project ended raises two additional related systemic issues. Despite the project’s lack of success in solving the disappearances of the missing men, no case review or case conference was convened to evaluate the investigation objectively and thoroughly, including the many deficiencies and shortcomings I have identified, or to consider the lessons to be learned from it and the possible next steps. The question of what to do next was of particular importance because these missing person cases still qualified as major cases and they remained unsolved and deeply troubling. Some officers are still concerned that there has been little introspection into the lessons to be learned from the operation.

## **Misinformation About the Case**

On December 12, 2012, near the beginning of Project Houston, the Toronto police learned that Brunton had not identified Mr. Navaratnam as his victim. He had said nothing about killing a man of colour. The description of his victim as 18 to 35 years old with a slim, athletic build did not match Mr. Navaratnam.



Nonetheless, some operational plans and other documents that went up the chain of command still stated that Brunton had confessed to killing one of the missing men. The purported confession by Brunton that he had killed Mr. Navaratnam figured prominently in the decision to create Project Houston. I would have expected that every team member would have known early on that Brunton had not confessed to killing Mr. Navaratnam. For several reasons, I would also have expected that this information would have influenced how the investigation was conducted thereafter.

In my view, the clarification that Brunton had not confessed to killing Mr. Navaratnam or provided a description that matched Mr. Navaratnam did not mean that law enforcement agencies should no longer investigate Brunton and his associates. It did mean, however, that Toronto's senior management should have considered, in consultation with the team, whether these facts should change the Service's role in this investigation or strengthen the need for a multi-jurisdictional joint investigative team to be created. Similarly, the information was also relevant to the ongoing evaluation as to whether Brunton was likely responsible for the disappearances of the three missing men from the Village.

## **Tunnel Vision**

The informant's tip, some of Brunton's email exchanges, and various potential connections to the missing men through dating websites certainly compelled close scrutiny of whether Brunton had any involvement in the disappearances of the three men. Without applying, in hindsight, what we now know, I understand why Brunton was, for some time, a person of interest in their disappearances. But the investigation quickly yielded evidence that pointed in another direction. Brunton expressed interest in younger "white meat," rather than "dark meat," to use the language contained in cannibal-related conversations. Relatively early in the investigation, the police found no communications between Brunton and any of the three men, although that forensic work was ongoing. Brunton's connection to Toronto was marginal at best. Shortly after Project Houston started, some members of the team were already skeptical about the relevance of the cannibalism theory to the missing men.

Detective Sergeant Idsinga encouraged Detective Constable Loria to pursue other leads, including a detailed examination of the lives of the missing men, and she followed through. Still, it was obvious when the Review examined Project Houston's work product that an inordinate emphasis had been placed on the cannibalism theory, to the exclusion of alternative

scenarios. This emphasis tainted much of the investigation. For example, the primary investigator speculated that Brunton may have been sexually interested in young white men, but preferred men of colour when it came to cannibalism. Although possible, that suggestion also speaks to an unconscious focus on the investigative theory that prompted and then animated the entire project, rather than where the evidence appeared to lead.

The focus on Brunton continued well after Brunton's involvement was largely dismissed by Detective Sergeant Idsinga and even after Brunton's arrest in May 2013.

This investigation, despite best intentions, suffered from tunnel vision. Commissioner Fred Kaufman, in his report on the Inquiry into Proceedings Involving Guy Paul Morin, stated that tunnel vision has been defined as "the single-minded and overly narrow focus on an investigation or prosecutorial theory so as to unreasonably colour the evaluation of information received and one's conduct in response to the information." Tunnel vision has also been described as "a trap that can capture even the best police officer or prosecutor." It must therefore "be guarded against vigilantly."

The McArthur interview is one notable example. It didn't occur to the interviewer that a person with McArthur's connections to the missing men – more substantial than any connection they had to Brunton – should have attracted attention. But McArthur was unable to provide any evidence relevant to Brunton or his associates, so its significance was missed.

## **The McArthur Interview**

In the Report, I outline in some detail why the McArthur interview was deeply flawed. It was inadequately prepared for and poorly conducted. Its significance was lost on the officers. No meaningful supervision of the interview or what was learned from it took place. It was not uploaded into PowerCase, and it was not communicated to the Project Houston analyst, so its significance was effectively buried. But these flaws are more reflective of systemic issues around the conduct of the investigation than personal criticism of the interviewer. He was entitled to greater guidance, oversight, and supervision. Robust supervision could have ensured that the interview covered all relevant topics and was adequately prepared for. Strong case management should have identified the importance of the interview after it was completed along with its shortcomings. Its significance should not have been tethered to Brunton or the cannibal theory, especially at that stage in the investigation. The interviewer was a caring and dedicated officer – and, by all accounts, remains so today. This Report should provide him and others with guidance on better practices

rather than be treated as an indictment of his work.

I cannot say that McArthur would necessarily have been apprehended earlier if the investigative steps outlined in this Report had been taken. He was a true psychopath. He disarmed others, including his interviewer, with his calm and ostensibly helpful approach to the interview. Possibly with the exception of Mr. Kinsman, McArthur carefully selected his victims. But the Toronto police did lose important opportunities to identify him as the killer until they examined the videotape of Mr. Kinsman's departure from his home in McArthur's van in August 2017.

## **CHAPTER 7 THE PROJECT PRISM INVESTIGATION**

### **The Investigation into Mr. Mahmudi's Disappearance**

The assigned investigator was a dedicated officer. He did a considerable amount of work to solve Soroush Mahmudi's disappearance. However, there were deficiencies in the investigation – steps left undone and, perhaps, more importantly, steps not taken in a timely way. For example, there were delays in learning where Mr. Mahmudi banked, in finding out when and where he last used his debit card, and in seeking to obtain video footage from the location where he last used that card. No canvassing was done in the area.

To the detriment of the McArthur-related investigations, the Toronto police were very slow in identifying links among the missing person cases. There were lost opportunities to learn that a serial killer was on the loose, as many community members feared, and that McArthur was that killer.

I understand why the connection between Mr. Mahmudi's disappearance and the disappearances of the other men was much less obvious. The police were unaware of his connection to the LGBTQ2S+ communities. There was no evidence known to police that he disappeared from the Village. He lived in Scarborough, and his disappearance was being investigated by a Scarborough-based officer. He was not active on social media. He had apparently talked about assuming a different identity and was in debt. As a result, his case was not treated with any urgency.

There were some circumstantial signs that he might be the victim of foul play, but these were less pronounced than the red flags associated with the other disappearances. Notwithstanding all that, the system did fail Mr. Mahmudi and his loved ones as well. I say that for several reasons.

First, once a person had been missing without a trace for more than 30 days, provincial adequacy standards required that the investigation be treated as a major case. It is obvious to me that Toronto investigators were either

unaware of or failed to act on the 2013 change in the definition of a major case – investigators certainly did not initiate major case management on multiple occasions, when it should have begun.

Second, the low priority and diminished urgency associated with this investigation meant that certain investigative steps were not taken. For example, because this case was not designated as a major case, it was not entered into the PowerCase software system. This failure represented another lost opportunity to potentially link Mr. Mahmudi's case to the others. The failure to recognize when cases should be designated as major cases is a recurrent theme in my Report.

Third, the Service had no centralized unit to examine all missing person cases, a Service-wide missing person coordinator, or even an analyst dedicated to reviewing unsolved missing person cases. A Service-wide, comprehensive approach to missing person cases, with analytical support, would have increased the likelihood that Mr. Mahmudi's disappearance was not viewed in isolation.

I identify other deficiencies in the Report. The combination of at least some of these systemic deficiencies, and some shortcomings in the investigation itself, represented another lost opportunity – though less pronounced than others — to identify a serial killer when lives could have been saved.

## **The 2016 Investigation into McArthur's Choking of a Man**

In 2016, McArthur was arrested for choking a man with whom he had a sexual encounter. He was released by the police without charges because he persuaded them that the complainant, referred to here as Mr. AD, consented to his being choked.

There was no evidence that Mr. AD consented to being choked. In fact, there was evidence to the contrary. He did not invite McArthur to choke him, he objected immediately, he took forceful steps to stop the choking, and he courageously reported the events to police.

Although the investigator, Sergeant Paul Gauthier, accepted that Mr. AD did not consent to being choked, he concluded that McArthur honestly, though mistakenly, believed Mr. AD was consenting. To be clear, Mr. AD bears no responsibility for McArthur's behaviour. His quick response to McArthur's unsolicited choking probably saved his life. His immediate call to 911 enabled the police to investigate McArthur's conduct.

In my view, it was, at best, premature for the investigator to conclude, based on McArthur's purported mistaken belief in consent, that no offence had

been committed. Indeed, it is well arguable, in any event, that the evidence did not support this conclusion.<sup>7</sup>

### ***Re-interviewing Mr. AD***

The investigator chose not to interview Mr. AD before deciding McArthur would be unconditionally released. In my view, he should have interviewed Mr. AD. I do not agree with him that McArthur's and Mr. AD's statements were largely consistent. Mr. AD was unequivocal in saying that *without warning* McArthur grabbed him by the throat and started squeezing and *wouldn't let go*, despite Mr. AD's protestations. McArthur's narrative gave scant attention to or emphasis on his own actions but emphasized Mr. AD's action in grabbing McArthur by the throat, and his purported statement to McArthur (a statement *never* raised with Mr. AD) that "now I am going to show you what I am going to do to you."

Sergeant Gauthier should have put these differences to McArthur during McArthur's interview, and he should have tested what McArthur said by re-interviewing Mr. AD. There were materially conflicting accounts, and they needed to be addressed.

### ***The Availability of a Defence to the Allegation***

Not every asserted mistaken belief in consent affords a defence. Even McArthur did not claim that Mr. AD asked him to choke him. Sergeant Gauthier observed that, contrary to conventional views, strangulation fetishes and autoerotic asphyxiation are quite common. But Mr. AD gave no indication that these practices were acceptable to him, and the police never asked McArthur whether his previous sexual encounters with Mr. AD ever involved consensual choking, rather than merely Mr. AD's willingness to be touched roughly on his private parts. Based on Mr. AD's allegation, McArthur's conduct was potentially a sexual assault or an aggravated sexual assault (since choking could place Mr. AD's life at risk). In other words, the choking potentially formed part of an assault committed in circumstances of sexuality.

If understood in this way, even an honestly held belief on McArthur's part that Mr. AD consented to being choked would not have afforded him a defence. It cannot be said that, before choking Mr. AD, McArthur took

---

<sup>7</sup> My mandate does not permit me to decide whether Sergeant Gauthier or anyone else engaged in professional misconduct. The goal here is to identify best practices. I can fully address whether his investigation fell short of best practices. Of course, not every investigation that fails to comply with best practices constitutes misconduct.

reasonable steps, as required under the *Criminal Code*, to ascertain whether Mr. AD consented to being choked. And it would be difficult to see Mr. AD's request as licence to choke him. (Of course, there is something surrealistic about this legal analysis since, based on what we now know, I have little doubt that McArthur intended to kill Mr. AD, but was thwarted in his efforts. But that hindsight has no place in this analysis.)

### ***McArthur's 2003 Convictions***

Project Prism's primary investigator, Detective Dave Dickinson, was able to find, based on searches of the Service's databases, that McArthur had previously assaulted another male with a lead pipe. The 2016 investigator said that a search of data in the Canadian Police Information Centre (CPIC) and Versadex, the Service's records management system, yielded no such information. He also questioned the relevance of the prior occurrence, noting that it was dated and that he must evaluate the merits of a potential charge based on the evidence pertaining to that charge, untainted by a suspect's history. During questioning by my counsel, he acknowledged that, for investigative purposes, the prior history may well have relevance in assessing credibility, although it should not overwhelm an investigator's analysis. I accept the accuracy of that acknowledgement. Sergeant Gauthier also felt that offences for which McArthur had been granted a record suspension could play no role whatsoever in his investigation. I disagree with Sergeant Gauthier, as does the Ministry of the Attorney General, that McArthur's prior conduct could play no role in a subsequent investigation into his conduct because he had been granted a record suspension.<sup>8</sup> Equally important, the inconsistent understandings held by Toronto officers surrounding this issue must be resolved.

In brief, I conclude that there were restrictions on the use of McArthur's prior convictions in any subsequent court proceedings because they no longer formed part of his criminal record. However, there was no legal impediment to the use of the underlying prior conduct by the police, if relevant, for investigative purposes. Such investigative use comes with a cautionary note – the indiscriminate or unbridled use of such information could undermine the rationale of record suspensions by preventing rehabilitated individuals from escaping the stigma of their past.

---

<sup>8</sup> McArthur had been granted a record suspension, formerly known as a pardon, in relation to his 2003 convictions. The record suspension was granted before the 2016 investigation, but after McArthur was interviewed during Project Houston.

### ***Implications of Siloed Information***

If McArthur had been charged with sexual assault or aggravated sexual assault,<sup>9</sup> the following procedures would have been mandatory. The investigation would have been subject to major case management, requiring that information about the offender and the offence be placed on PowerCase.

If Project Houston had earlier entered McArthur’s name into PowerCase as an “object<sup>10</sup>” or “a person of interest” (as it should have been, based on the complete facts available to the project), then, in 2016, the entry of McArthur’s name in PowerCase by Sergeant Gauthier would have caused Project Houston’s primary investigator or the file coordinator to be notified of the link between the cases – even after the project had wound down.

Sergeant Gauthier had a valid related point. Apart from entering McArthur’s name into PowerCase, Project Houston should have recorded the McArthur interview in Versadex. It did not. Sergeant Gauthier said that, had McArthur even been identified as someone who had contact with three missing persons connected to a lengthy Toronto project, then, before making his decision in relation to the 2016 occurrence, he would have contacted those involved in that project to see if there was something more he should know about McArthur. As well, the Project Houston investigators could have determined if the 2016 incident was potentially relevant to their project. It disturbed Sergeant Gauthier that he was not even aware of Project Houston, despite its length and the resources devoted to it. He saw this situation as a counterproductive siloing of relevant information. I agree with him.

## **The Investigation into Mr. Esen’s Disappearance**

Sergeant Henry Dyck, the investigator, and his partner Detective Constable Kama showed a shared commitment to solving the disappearance of Selim Esen. Certain steps were taken in this investigation that were not taken in earlier Toronto investigations. Sergeant Dyck drew on his contacts in the LGBTQ2S+ communities, tweeted about the case, and reached out to community organizations and the neighbourhood association. All these steps should be standard fare rather than exceptional.

Sergeant Dyck also requested that the Cyber Crimes Unit examine, in a comprehensive way, Mr. Esen’s internet and social media profile. As it turned

---

<sup>9</sup> Sexual assault under the circumstances outlined was a non-threshold major case. Aggravated sexual assault was a threshold major case. As explained in Chapter 4, there is a distinction between data to be entered into PowerCase in relation to threshold and non-threshold major cases. However, even if McArthur was charged only with sexual assault, basic information (otherwise known as “tombstone information”) should have been entered into PowerCase.

<sup>10</sup> The use of “objects” in PowerCase is explained in Chapter 4.

out, Mr. Esen made limited use of the internet and social media. But I have compared Sergeant Dyck's approach to the approaches in other investigations. For example, Mr. Navaratnam's computer went unexamined during the original investigation into his disappearance. His social media and internet activity were too narrowly examined during Project Houston.

The Review met with many officers who did not have a full understanding of how to obtain a comprehensive internet and social media profile of missing people: whether it involves forensic searches of computers, iPads and cellphones, open-source searches, judicial production orders, Mutual Legal Assistance Treaty requests, or some combination. Social media and the internet represent critical sources for investigative information, subject of course to appropriate privacy boundaries. But the information available to this Review disclosed a lack of a uniform approach to this work. It also revealed an incomplete understanding of resources available to investigators to assist them in obtaining relevant evidence from the internet and social media.

The Esen investigation highlighted several systemic issues of importance. First, Sergeant Dyck knew virtually nothing about the other men who had gone missing from the Village and remained unaccounted for. He had not been assigned to 51 Division at the time. This lack of knowledge was not his fault. It reflected the absence, in Toronto, of any centralized oversight of missing person investigations. It reflected inadequate communication with affected communities and even within the Service itself in relation to Project Houston. And it reflected a failure to employ major case management tools, internal and external, to ensure that investigations did not operate in silos. Let's face it: it was largely fortuitous that Sergeant Dyck found out about the earlier missing men and the similarities among all these cases. By "fortuitous" I mean, for example, that retired superintendent Elizabeth Byrnes saw his Esen-related tweet and commendably wrote to him to ensure that he knew about the other disappearances. Others within the Service, though not active on these cases, told Sergeant Dyck about the other cases as well. The police cannot count on these fortuitous interventions to advance their investigations.

Second, by the end of May 2017, 30 days after Mr. Esen was reported missing, provincial adequacy standards required that the Esen investigation be designated as a major case. Moreover, in June 2017, even the police were concerned that foul play was involved in Mr. Esen's disappearance. In my view, the circumstances of his disappearance, taken together with the other similar cases, did raise a strong possibility of foul play. But the Esen investigation was not designated as a major case until it was incorporated into Project Prism. Nor did there appear to be any systemic consideration within



the Service about whether it or other missing person cases should be so designated.

A major case designation is not the answer to all shortcomings of an investigation. That is clear. But, as I have repeatedly explained, such a designation facilitates a more thorough, properly resourced investigation and increases the likelihood that links to other major cases will be established.

Third, there was institutional resistance to the notion that these cases might be linked and that a serial killer might be preying on Toronto's LGBTQ2S+ communities. This systemic failure is perhaps the most troubling. Some officers understood fully why the disappearances of four gay / bisexual men might well be related. Several officers reached out to Sergeant Dyck to ensure that he was aware of these other cases. But it took several months for the Service to decide to initiate Project Prism – and it took place only because Andrew Kinsman went missing. I am not convinced that the decision would have been made to have a task force or a project investigate all these disappearances if Mr. Kinsman had not gone missing. Indeed, even after Mr. Kinsman disappeared under suspicious circumstances, it took the Service unwarranted time for that decision to be made. In my view, this decision was made primarily as a result of pressure from the public and those close to Mr. Kinsman, media coverage, and advocacy within the Service.

Some officers told the Review that the police must make decisions – including the decision to launch an investigation into multiple disappearances – based on evidence, not speculation, and that they must not jump to the conclusion that disappearances are attributable to foul play or to a serial killer. I understand, all too well that, as evidence is collected, police cannot jump to conclusions, too quickly presume what happened, or prematurely narrow their investigative perspective. But that misses the point here. There was ample *circumstantial* evidence that indicated a strong possibility that these cases were connected and deserved a high-priority, coordinated investigative response. There was ample community concern about the possibility of a serial killer to investigate that concern properly and without delay.

## **Public Warning**

In mid-July 2017, Superintendent Tony Riviere raised with Detective Sergeant Michael Richmond, who in turn advocated to Corporate Communications, that the Service should issue a public safety media release in relation to gay men using social media dating sites to arrange sexual liaisons. It appears the release was vetoed by the director of corporate communications on the basis that it could cause the public to connect the disappearances of Mr. Kinsman or the

Project Houston missing persons with their use of social media. It was pointed out that there was no evidence to establish such a connection. No such release was issued until December 2017.

In the Jane Doe case, the Service was soundly criticized for failing to warn women about a sexual predator operating in the community.<sup>11</sup> It was commendable that Superintendent Riviere and Detective Sergeant Richmond were alive to the issue. The Service does have a procedure governing community and public safety notifications.

During the Review, I did not fully explore the decision-making process around whether a warning should or should not be issued. I frankly see no impediment to issuing such a warning regardless of whether the evidence has already established a link between the dating sites and the disappearances. The language of the alert could clearly make that point, as well as reinforcing the legitimacy of using dating websites for sexual encounters. Public safety should trump other considerations. Moreover, I believe that such a release was unlikely to jeopardize the ongoing investigation in any meaningful way. I also question whether decisions around the propriety of a public warning should be made or vetoed by Corporate Communications, as opposed to the investigators directly involved. I address this point in my recommendations.

Regardless of the merits of issuing or not issuing a public warning at that time, the systemic issue of importance is the need to make these kinds of decisions in partnership or consultation with community leaders. The leaders of affected communities are well situated to advise the police on whether a warning should be issued, how it could most effectively be worded, and how to avoid language that would appear to delegitimize how members of the LGBTQ2S+ communities may connect, particularly when certain avenues may be unavailable or less available to them because of their marginalization. But trust must exist between communities and the Toronto police in order to have those kinds of important conversations.

There are other indications that members of the Toronto police do not entirely trust all the communities they serve. The affected communities remained largely uninformed about Project Houston. The police did not want to tell the affected communities that Project Prism was being taken over by the Homicide Unit, anticipating a “political explosion” if this information came out.

---

<sup>11</sup> In 1986, a woman known as Jane Doe was sexually assaulted in Toronto. When she reported the crime to the Service, she was advised that the attack fit the pattern of other sexual assaults targeting local women. Ms. Doe successfully sued the police for failing to warn the community about the serial predator. Toronto City Council later appointed an independent auditor, Jeffrey Griffiths, to examine the Service’s sexual assault investigations. His report is summarized in Chapter 11.

These decisions are often cloaked in concerns about maintaining the integrity of ongoing investigations. In my view, however, overemphasis is placed on this concern.

Equally important, the Service generally and many officers in particular fail to appreciate that the lack of transparency comes with a price far greater than the risk of jeopardizing an investigation. If affected communities do not trust the police because they feel the police do not trust them, investigations will inevitably suffer, and public confidence and support for the police will be eroded. Indeed, that is precisely what has happened in Toronto, especially in traditionally marginalized and vulnerable communities. My recommendations suggest a fundamental shift in how the police share information with communities.

## **The Investigation into Mr. Kinsman's Disappearance**

Detective Barry Radford led the initial investigation into Mr. Kinsman's disappearance. He showed dedication and skill in the interval between his initial involvement and the launch of Project Prism. It was appropriate that, as a member of Project Prism, he continued to investigate the other disappearances as well.

Overall, I was impressed with the quality of the Project Prism investigation, particularly once the police discovered that Mr. Kinsman left his home on June 26, 2017, in a red van. The investigators showed commitment and skill in identifying McArthur as a killer and ultimately, together with the Office of the Chief Coroner, in identifying McArthur's eight homicide victims. During this same period, and extending to McArthur's guilty pleas, Project Prism officers showed sensitivity and compassion in dealing with affected loved ones and communities, including McArthur's survivors – others who had been victimized by McArthur but lived to tell about it. In its outreach, the project also involved the LGBTQ2S+ liaison officer. I have criticized Toronto police when they got it wrong. It is no less important to acknowledge them when they got it right. I am also mindful of conscientious officers such as Detective Dickinson, who built respectful relationships with vulnerable witnesses and the loved ones of those who were murdered and who continues to take steps to prevent unnecessary intrusions into their privacy.

Having said that, I wish to highlight some systemic issues manifested shortly before and during Project Prism.

## Case Management and PowerCase

Officers who worked on both Project Houston and Project Prism described greater structure to Project Prism's investigation and greater adherence to major case management principles. More data was entered into PowerCase during Project Prism, and greater use was made of the software.

That said, during Project Prism, actions were still largely managed manually through the P Drive rather than through PowerCase, contrary to directives in the existing *Major Case Management Manual*. The lead investigator managed tasks through an Excel spreadsheet he created in the P Drive.

It is important to manage tasks and monitor their completion during complex investigations and avoid allowing them to fall between the cracks. This point is best illustrated by an example of a shortcoming both in the initial investigation into Mr. Kinsman's disappearance and in Project Prism.

Almost immediately after Mr. Kinsman went missing, the police obtained evidence that he was last seen on June 26, 2017. Several witnesses appeared to narrow the time he was last seen, although, of course, the police had to keep an open mind on the precise time he disappeared.

As early as June 30, 2017, Detective Radford gave instructions to an officer to obtain the video footage from 72 Winchester Street for June 26, 2017, between 1:00 p.m. and 4:00 p.m. The video footage was obtained the same day. However, there is no evidence that it was viewed until August 23, 2017, almost two months later. As we now know, it proved to be the most important lead obtained in the case. It showed Mr. Kinsman's departure at 3:07 p.m. on June 26, 2017, in a red van later connected to McArthur.

On August 23, Detective Constable Charles Coffey watched the video and recorded in his memobook notes that Mr. Kinsman could be seen getting into the van. (These notes were entered into PowerCase as a report on February 8, 2018, well after McArthur's arrest and the end of the project.)

The key question that remains is why it took approximately two months for Project Prism to review the surveillance footage obtained from the building across the road from Mr. Kinsman's apartment building. In my view, the potential significance of video footage at 72 Winchester Street for the afternoon of June 26, 2017, was high. Viewing that video should have been given top priority. But it appears to have fallen between the cracks. It had not been done when Project Prism formally took over the investigation. The officer who obtained the video viewed two other videos, but not this one. It is clear that no one tracked completion of this task in a sufficiently prompt manner. The Report documents how this task fell between the cracks.

The cascading effect of such an omission is obvious. On August 16, 2017, officers found Mr. Kinsman's calendar in his apartment. Detective Dickinson noticed the name "Bruce" or "Bryce" recorded on the calendar for June 26 at 3:00 p.m. Detective Dickinson advised the Review that, at that point, the identification of "Bruce" was not a priority, nor was "Bruce" considered a suspect. But if investigators had watched the video footage before August 23, 2017, the identification of "Bruce" would have been a priority, and Bruce McArthur may well have been categorized as a suspect. He would certainly have been a person of interest.

Fortunately, there is no evidence that the delay in viewing the video resulted in any loss of life. However, another man, Sean Cribbin, was attacked by McArthur at McArthur's apartment in July 2017, about one month after the police obtained the surveillance footage from 72 Winchester Street. Mr. Cribbin escaped by virtue of the fortuitous return of McArthur's roommate and his own decision to leave. Had Mr. Cribbin not been able to do so, he could have been McArthur's next murder victim.

On August 31, 2017, and September 1, 2017, excellent police work connected one of the people in Toronto who owned an early-model red Dodge Caravan, McArthur, to one of Mr. Kinsman's Facebook friends. The evidence accumulated in relation to McArthur. But it was only on September 5, 2017, that Detective Constable Josh McKenzie realized he had interviewed McArthur during Project Houston. Detective Dickinson immediately saw the significance of the earlier McArthur interview – it connected McArthur to all the missing men from Project Houston.

The point here is not to criticize Detective Constable McKenzie for not remembering the earlier interview sooner. That is understandable, given the low level of importance assigned to the interview at the time. But case management tools are supposed to prevent investigators from relying on memory alone and allow them to search easily for relevant information. Surely, once McArthur was connected to the red van, the police should have been able to search the Project Houston records to see whether anyone named Bruce came up in that investigation. That search was never carried out. It could have been done more easily, of course, if work product had been uploaded consistently into PowerCase or even the P Drive, for that matter. Indeed, proper use of PowerCase could have triggered McArthur's name in 2017, once he was entered as a person of interest in that year.

## **The Violent Crime Linkage Analysis System**

The OPP ViCLAS Unit recognized that something potentially significant was taking place in Toronto involving multiple missing persons but received little co-operation from the Toronto police in conducting its analyses. Only the OPP's perseverance resulted in Toronto's preparation of ViCLAS submissions, well after they were required.

## **The December 8, 2017, Press Conference**

At the December 8, 2017, press conference, Police Chief Mark Saunders advised the public that "the evidence today tells us there is not a serial killer based on the evidence involved."

Viewed objectively, there is no doubt that, as of December 8, 2017, there was circumstantial evidence that McArthur may have been or was likely involved in the crimes relating to the disappearances of all five of the men connected to the Village who were then known to be missing. Indeed, by December 8, 2017, the circumstantial evidence of his involvement was compelling, if not yet overwhelming.

Regardless of these characterizations, it was inaccurate, and unfortunately misleading, to say that the existing evidence told police affirmatively that there was not a serial killer in Toronto. In my opinion, the evidence simply did not support that conclusion. To the contrary, even if the evidence was not conclusive at that point, the police were intently focused on McArthur because it appeared that all roads led to him.

I do not believe that Chief Saunders deliberately misled the public. I accept that he may have had an imperfect understanding of the state of the investigation and may have failed to ensure he was fully briefed on it when he returned to duty from sick leave. He may also have been much less careful than the circumstances required in how he conveyed his understanding.

Although I do not attribute malevolence to his statements, as some in the communities do, his words had the effect of further rupturing an already precarious relationship with the LGBTQ2S+ communities. When McArthur was identified as a serial killer shortly after the press conference, community members felt betrayed. Although the evidence grew stronger between the press conference and McArthur's arrest, the statements were misleading when made.

Nor was it necessary to mislead the public to preserve the integrity of the ongoing investigation. McArthur was under surveillance. The chief of police could candidly have indicated that investigators were carefully considering whether the disappearances were explained by a serial killer or

could have conveyed, in some other way, that the investigation was progressing but that he was unable to share more information at the time so as to not jeopardize the work being done.

Chief Saunders's statement was unfortunate because it reinforced the views of some community members that the Service and its chief of police were indifferent to their fears and concerns and too willing to discount prevalent views that a serial killer was at large.

### **Chief Saunders's *Globe and Mail* Interview**

Many members of the public, most particularly in the LGBTQ2S+ communities, were deeply offended by Chief Saunders's later statements to the *Globe and Mail*. Chief Saunders felt he was misquoted or that his comments were taken out of context. He publicly released an audiotape of his interview to support his position. (The partial transcript is reproduced at the end of Chapter 7.)

Again, I do not attribute malevolence, as some do, to Chief Saunders's comments. Nor can I find that the *Globe and Mail* misquoted him or took his comments out of context, though it did place particular emphasis on the more controversial feature of the interview in its headline and in the content of the article. The chief's comments were unfortunate and poorly worded for several reasons. He said several times, for instance, that nobody came forward to assist the police – in effect, the police did everything they could do with the evidence they were given but could not act without evidence.

There can be no question that it was inaccurate to say that nobody came forward to assist the police. Many people came forward, and they are to be commended for it. Indeed, at a meeting on August 1, 2017, Inspector Peter Code credited the community for providing an abundance of information to the police. Understandably, those who did so were disheartened by the chief's blanket statements that nobody came forward. They and others believed the chief was blaming the public for the Service's failure to apprehend McArthur.

In fairness, Chief Saunders made these statements in the context of public revelations about what people were now saying about McArthur – revelations that police were previously unaware of. This discrepancy prompted him to say that people were self-vetting because of concern about falsely implicating someone.

But Chief Saunders failed to acknowledge that reluctance to come forward may also be rooted in concern over how information is likely to be used by police; by the legacy of mistrust toward the police based on prior and ongoing interactions; and by the lack of information provided to the public

about the focus of the investigation and what kinds of information police were looking for. As stated earlier, with limited exceptions, the police did not effectively use its officers closely connected to the affected communities or community organizations, neighbourhood associations, and community leaders to build trust and encourage people to come forward. Simply put, the emphasis on the community's responsibility for the inability of the police to solve the disappearances was misplaced.

Equally problematic, Chief Saunders was unequivocal in saying the investigation was well executed, without any internal or external reviews having even taken place at that point. He qualified his comment only when pressed by the questioner. It did not inspire confidence – at least, in any internal review process – when it sounded as if the issue had been prejudged. And, as we now know, he was wrong.

Words matter. However inadvertent, Chief Saunders made it more difficult for his own officers to repair the Service's frayed relationship with affected communities – a relationship he was anxious to address while chief of police.

## **CHAPTER 8 TESS RICHEY GOES MISSING**

Tess Richey was reported missing by her sister the evening of Saturday, November 25, 2017. She was last seen in the Village. Her mother, Christine Hermeston, discovered her body on the afternoon of Wednesday, November 29, during her own search of the area. Ms. Richey's body was at the bottom of a stairwell within 80 metres of 50 Dundonald Street, the area where she was last seen. It had been there for four and a half days.

The police failed to find her body. They should have. This failure is both tragic and disturbing, and no parent should have to bear this terrible burden. For this reason and many others too, it is important to identify what went wrong in the investigation into Ms. Richey's disappearance.

### **The Failure to Conduct a Second 300 Metre Radius Search**

The police were well aware of the importance of conducting a 300 metre radius search of the area where Ms. Richey was last seen. They carried out such a search of the area around the Crews & Tangos bar and the nearby TD bank. That area was initially identified as the last location where Ms. Richey was seen. But the evidence changed when the police learned that, after Ms. Richey left that area, she walked to 50 Dundonald Street. Officers from both 51 Division and 41 Division were separately given this information. This change



should have resulted in a second 300 metre radius search focused on the area around 50 Dundonald Street – but it didn't. Had this second 300 metre radius search been done, I am confident that Ms. Richey's body would have been discovered several days earlier. Ms. Hermeston would have been spared the terrible ordeal of discovering her youngest daughter's body.

No one the Review spoke with disputed that the police should have conducted such a search, including Detective Matthew Wighton, the lead investigator. He assumed that the appropriate physical searches had been done before he was assigned on Monday, November 27, 2017. There was no basis for this assumption.

The issue is not whether such a search should have been done, but why it was not done. In my view, the answer is largely rooted in systemic issues.

First, the Service's Missing Persons Procedure dictated at the time, as it continues to dictate today, that the division where Ms. Richey resided – 41 Division in Scarborough – should conduct the missing person investigation. But most of the early investigative work to be done was in the downtown core. It made sense that 51 Division officers should do much of or all that work. As I explain in Chapter 13, in circumstances such as those connected to Ms. Richey's disappearance, the investigation should be assigned to the division where the missing person was last seen, rather than where the person lived. But the existing procedure meant that the Tess Richey investigation was divided between two divisions, reinforcing the need for clear lines of reporting and coordination. Neither line existed. In several instances, tasks were duplicated and, in other instances, tasks were not performed in a timely way or at all.

In my view, these shortcomings were attributable, in part, to the absence of any true coordination of effort. In one instance, 51 Division refused, without explanation, Detective Wighton's request for 51 Division officers to investigate an important downtown lead. This refusal speaks to the need to assign investigations where they can most efficiently be conducted and to coordinate tasks that must be shared between or among divisions.

Second, no lead investigator was assigned to this investigation until Monday, November 27, two days after Ms. Richey was reported missing. In the interim, officers on duty worked on the case. But the absence of a lead investigator made it less likely that the search would be conducted in a comprehensive, coordinated way. Unfortunately, the concern about the impact of the delay in assigning a lead investigator proved to be true. The Service's mandate is to serve and protect the public. I ask, rhetorically, what message was being communicated to Ms. Richey's family, who, in deeply stressful circumstances, were told that no lead investigator would be assigned to Ms. Richey's disappearance until Monday, November 27?

Third, when Detective Wighton was assigned as the lead investigator, he had already been assigned to deal with a bank robbery, sexual assault, and human trafficking, all matters that had to be dealt with the same day. Detective Wighton candidly acknowledged that given his workload, it was fortuitous he learned on Monday morning he had been assigned to this missing person investigation – and he learned about it only because Ms. AH knew he had been assigned before he did and called him.

During this time frame, due to the challenges associated with shift work, most missing person investigations were passed from officer to officer – with the inevitable result of inadequate continuity during the transitions. It was also typical that, with limited exceptions, missing person investigations were given lower priority than other types of cases.

The point here isn't that a missing person investigation, regardless of circumstances, has higher priority than a bank robbery. Instead, the point is that the police have an obligation, regardless of circumstances, to investigate missing person cases in an effective and timely way. The systems in place in 2017 made it difficult to meet that obligation.

Fourth, at the time, the Service's Missing Persons Procedure provided limited direction on how to conduct a missing person investigation. It relied too heavily on initiatives by individual officers, particularly officers with no specialized training in these cases. As one of many examples, there was no template or checklist to guide missing person investigations. The early investigation into Ms. Richey's disappearance appeared at times to be driven largely by Ms. Richey's sister – by the information she provided or what she and others urged the officers to do – rather than any investigative plan.

Fifth, at the time, the Missing Persons Procedure provided that the “first police officer” shall “search the home and the immediate area thoroughly.” Although in 2017 the desirability of a 300 metre radius search of the missing person's last known location was well known, the procedure did not make this requirement explicit. It was only in 2019 that it was amended to require the first officer to complete a 300 metre radius search of the place where the person was last seen, if known. If the first officer determines that a 300 metre radius is not required, the procedure requires the officer to record specific details in the original electronic Occurrence Report and to advise a supervisory officer. However, the procedure has never provided a definition for the term “first officer.” I find it difficult to understand why the obligation should be confined to the “first police officer.”

## **Other Shortcomings in the Early Investigation**

In my view, most of the circumstances described above also contributed to other shortcomings in the early investigation of Ms. Richey's disappearance.

### ***The Failure to Issue a Timely Media Release***

No media release was published over the weekend of November 25–26. It should have been. Detective Wighton acknowledged that an earlier media release than the one issued at 8:35 a.m. on November 27 would have reflected the best practice in this case, given the circumstances surrounding Ms. Richey's disappearance.

### ***Untimely and Uncoordinated Assembly of Video Footage***

The police did search for video footage of Ms. Richey, but their search began only on November 28, more than three days after she was reported missing. Not until November 29 did they look for video footage at the apartment building at 41 Dundonald Street, as a civilian had recommended two days earlier. It was only after Ms. Richey's body was found that the police discovered the video from the other half of the semi-detached building next door, 582 Church Street, at the corner of Church and Dundonald streets. This video showed Ms. Richey walking with an unknown man (later identified as Kalen Schlatter) into the construction site where she was ultimately found. (Schlatter was later convicted of Ms. Richey's murder.)

### ***The Approach to Risk Assessment***

I explain in Chapters 5 to 7 how the police often failed to appreciate the level of urgency that should have accompanied the reported disappearances of McArthur's victims. This tardiness relates directly to how the police assess risk, whether related to possible foul play or other safety concerns. In the Tess Richey investigation, I identify several systemic issues associated with risk assessment: for example, as concerns deepened over Ms. Richey's disappearance, there did not appear to be any re-evaluation of whether the search level should be elevated.

## CHAPTER 9 THE ALLOURA WELLS INVESTIGATIONS AND RELATED CASES

### Systemic Issues

In many ways, the issues respecting the Alloura Wells investigations are a microcosm of the systemic issues existing at the Service. Here, I refer to a number of such issues.

#### *Engaging the Community*

The first issue relates to how the police failed to engage with affected communities. Ms. Wells was a member of Toronto's trans community. She was also Indigenous, a sex worker, and struggled with drug abuse. At the time of her death, she lived under a bridge. Simply put, Ms. Wells was marginalized and vulnerable in several ways that intersected. She was loved by family and friends and known to many community members.

Based on the location of the unidentified human remains, the nearby drug paraphernalia, and the limited profile obtained of the deceased, Detective Randy Wynia was aware that the deceased was likely a trans woman who might well be a sex worker and involved with drugs. The profile also revealed that her ancestry might, in whole or in part, be Indigenous. This is precisely the type of profile that called out for community engagement. Ms. AP, the woman who had discovered the body and subsequently made attempts to involve The 519, understood this situation completely. One thing is certain: although Ms. AP's efforts were admirable and indeed welcome, she should not have been the one who ended up assuming the burden to ensure that the affected communities knew about the discovery of the bodily remains.

Detective Wynia took some appropriate steps to try to identify those remains, including submitting a booklet to ViCLAS, attempting to match the remains to outstanding Missing Person reports, issuing an internal bulletin for all Service members, and contacting members of the Community Response Unit to learn more about the people who frequented the ravine. However, as he conceded, he was unaware of the community resources available to assist him as well as the Service's own resources, including the LGBTQ2S+ liaison officer.<sup>12</sup> This type of community engagement cannot be regarded as peripheral or optional. Rather, it is at the core of effective investigative work – especially in missing person and unidentified bodily remains cases involving

---

<sup>12</sup> Those resources now include neighbourhood community officers, an initiative I describe in Chapter 14.

marginalized and vulnerable individuals. Community members may well be important sources of information who would assist investigators. However, they cannot provide such information if they don't know an investigation is even taking place.

Moreover, as I explain in my recommendations, if associates or friends of a missing person feel at risk in speaking to the police – because, by way of example, they are sex workers, involved in illicit drugs, or trans individuals whose community has historically been overpoliced, underserved, and discriminated against – the police need to cultivate relationships with and avail themselves of trusted individuals within these communities to act as conduits to those who have relevant information.

### ***Issuing a Media Release***

The second issue is related to the first. If the police are to act in true partnership with affected communities, they must provide those communities with basic knowledge to enable them to assist. Early in the unidentified remains investigation, the police had more than sufficient information to issue a media release. However, no such release was issued. A media release represents only one of many ways in which the police can get the word out. Vigorous use of social media with targeted audiences is important.

### ***Identifying and Assigning a Lead Investigator***

Effective missing person and unidentified remains investigations require the prompt assignment of a lead investigator. There was an unacceptable delay in assigning Detective Wynia as the lead investigator here, as there had been in Ms. Richey's disappearance, and Detective Wynia had no explanation for it. These delays created the unfortunate message that the police regard these investigations as unimportant.

Moreover, on a related point, it remains unclear – even today – who the assigned lead investigator was in relation to the investigation based on the report that Ms. Wells had gone missing. Detective Constable Guy Kama indicated he was not the lead investigator, but the records fail to disclose who, if anyone, was assigned this role. In Chapter 5, I identify a similar issue in relation to the initial investigation into Skandaraj Navaratnam's disappearance. It was unclear, at times, who the lead investigator into Mr. Navaratnam's disappearance was. The absence of clarity about the identity of the lead investigator undermines an effective investigation. It also makes supervision and accountability more difficult, if not impossible.

### ***Notifying the Homicide Unit***

The evening two civilians found and reported the unidentified remains, the detective who went to the scene failed to notify the on-call homicide team, as required by the Service's procedure on preliminary homicide investigations. The same failure occurred following the discovery of Ms. Richey's body. A sudden death investigation arising from the discovery of a body or bodily remains might well require the expertise of the Homicide Unit. The unit obviously cannot lend its expertise to the investigation or, where appropriate, assume carriage of it, unless it is aware of the discovery. The unit's ability to evaluate the situation is also potentially impaired when its officers are prevented from going to the scene of the discovery in a timely way.

### ***Communicating with the Office of the Chief Coroner***

The next issue relates to the need for clear and accurate communications by the Office of the Chief Coroner, and an accurate record of those communications. Before Ms. Wells's remains were identified, both Michael Wells, her father, and the police contacted the Office of the Chief Coroner to find out whether Ms. Wells's body was at the morgue in Toronto. There is no reliable record of precisely what Mr. Wells was told when he contacted the office, nor is there a record of who spoke to him and to the police when they initiated inquiries. (Similar issues arose in the case of Kenneth Peddle, also addressed in my Report.) It appears the responses of the chief coroner's representative were either inaccurate or incomplete (or both) and led Mr. Wells and the police to believe there were no bodily remains at the morgue that could belong to Ms. Wells.

Such exchanges with the Office of the Chief Coroner should be properly memorialized in writing to enhance accountability and avoid miscommunication or misunderstanding. In my view, these exchanges raise a critically important systemic issue; namely, the quality of communication among the police, affected loved ones, and the Office of the Chief Coroner.

## **Completing Timely Missing Person Reports**

The booking sergeant at 53 Division did not complete a Missing Person Report when Mr. Wells first reported his daughter missing. It constitutes best practice to ensure that such a report is always completed in these circumstances. No one should be sent away to pursue other options. Such an approach discourages reporting, undermines timely investigations, and signals, however unintentionally, that the police regard the occurrence as unimportant. Chief

Saunders's apology to Mr. Wells for this aspect of the investigation was appropriate.

### ***Treating Affected Persons with Respect***

Members of Ms. Wells's family and friends, as well as Ms. AP, who discovered Ms. Wells's remains, expressed concern about the attitude they felt some of the officers, or the Service more generally, exhibited in these investigations. Ms. AR, a leader in the trans community, raised similar concerns with senior officers. The police were described, at times, as dismissive, uncaring, and uninterested. Mr. Wells felt the booking sergeant at 53 Division gave the initial report short shrift and was insensitive in telling him that his daughter would come back and not to worry – she was young. He and others believed the police initially gave inadequate attention to Ms. Wells's disappearance because she was a homeless trans sex worker with addictions.

Mr. Wells felt – as do I – that Detective Constable Kama took the missing person investigation seriously. The officer conducted a largely effective investigation. Although I identify deficiencies in Detective Wynia's investigation into the unidentified bodily remains – deficiencies he candidly acknowledged – I do not in any way attribute them to an uncaring attitude.

During a number of my community consultations, I heard accounts about police officers with poor attitudes or with overt or implicit biases. Although it is not my role to evaluate the officers' conduct in relation to each of these accounts, their sheer volume underscores an important issue about how police officers interact with, or are perceived to interact with, community members. The Review's community engagement survey revealed that many community members share the views expressed to me during some of these consultations.

In Chapter 12, I scrutinize the role that bias or discrimination has played at the Service and the extent to which it is relevant to the specific investigations I examine in this Report. Here, I wish to address another aspect of police attitudes, or perceived attitudes, during missing person or unidentified bodily remains investigations. I add "or perceived attitudes" because a police service is most effective when the public has confidence in its work. Perceptions that the police do not care or are dismissive undermine that confidence. Negative interactions or perceptions may be fuelled both by the attitudes of specific officers and by the systemic approach the Service has taken to missing person investigations generally.

As I reflect in Chapter 13, the Service has generally given low priority to missing person investigations. Its approach to missing person cases has

manifested itself in a number of ways, including by delayed assignments; a lack of ongoing communication with family members, loved ones, and friends; no continuity when assigned officers go off-shift; and limited deployment or availability of resources. It is not surprising that many people affected by a disappearance feel unheard and, in these circumstances, regard the Service and its officers as dismissive or inattentive.

Unlike in cases where institutional support is provided to identified victims of crime, the Service has done a poor job generally in providing support to those affected by the disappearance of a loved one or friend. Those victimized by the disappearances of their loved ones deserve the same attention. Moreover, when police fail to adequately communicate their efforts to family members and other loved ones of missing individuals, it is understandable that those affected believe the police are uninterested and unmotivated. Communication is one antidote to perceptions of a lack of interest.

Finally, officers all too often attempt to minimize the concerns expressed about a missing person – with such comments as “he’s probably just partying with friends” or “she’ll come back – she’s young.” These types of comments may be motivated by the desire to give someone hope, but they may also reveal stereotypical notions about certain missing persons. They feed into a perception that the police are not taking a Missing Person Report seriously. After all, the reporting individual is often better situated than the police to know whether the disappearance of a loved one or friend should be of concern. I address these points in my recommendations.

## **CHAPTER 10 TORONTO’S COMMUNITIES SPEAK**

I heard from many members of the community and, for the most part, their views are captured both in this chapter and in Chapter 14. The opinions I heard have also informed my recommendations in Chapter 15. Through their own personal lens, these disparate members of the community not only shared their experiences and their beliefs but inspired me to address the issues of concern to them. In many instances these same concerns were expressed by progressive members of the Service, past and present. In this Executive Summary, I will not pretend to set out exhaustively what I was told during these many sessions, but certain overlapping themes emerged.



## **The Flawed Relationship the Service Has with Diverse Communities**

A number of community members are deeply distrustful of the police. They describe how a legacy of overpolicing and underprotection has led to a strained relationship between their communities and the police. Many members of the LGBTQ2S+ communities, for example, refer to the legacy of criminalization, citing the bathhouse raids in 1981 and other critical events I describe in Chapter 14. They regard this history as not merely a legacy issue but an ongoing systemic issue tied to discrimination against, among others, LGBTQ2S+, Black, and Indigenous community members.

I was told that criminalization creates an inevitably tense relationship between the police and some communities. The continuing criminalization of certain sexual activities, non-disclosure of HIV status to sexual partners, possession of illicit drugs, and concerns about the police attempting to enforce immigration laws were also cited as exacerbating the already troubled relationship between the police and affected communities. A number of participants indicated that, if they were in danger, going to the police would be a “last option” because of their fear of being arrested or being targeted themselves. Individuals working for community organizations reflected on how their clients who have been involved in the criminal justice system find themselves in an adversarial relationship with the Service and are unlikely to trust the police with their own safety. I repeatedly heard about the anxiety associated with potential criminal charges and the barriers this fear creates in reporting matters to the police.

When I met with those living with mental health issues who showed courage in sharing their stories with me, they conveyed their discomfort in ever going to the police for fear of being involuntarily committed under mental health legislation. Mental health workers were especially wary about calling police to assist someone in crisis because they do not believe the police will necessarily de-escalate an incident or show restraint in their use of force. Some of these individuals also expressed concerns about exposure to criminal or immigration charges. Clients of one HIV/AIDS advocacy organization said they feared that the police will disclose or record their status, thereby “outing” them.

Some communities have come to rely on themselves for safety because they do not feel protected or served by the police. A member of Toronto’s BDSM community explained: “We have so many safety mechanisms within

our community because we don't expect the mainstream ones to ever really serve us.”

In addition to the fears already described, some community members feel fundamentally misunderstood by the police. A common theme that emerged during the stakeholder meetings was that numerous members of Toronto's diverse communities do not feel that the police see them as “whole people” or as equal members of the community. They worry that if they approach the police, they will be reduced to their mental health status, their criminal record, or their HIV status. I also learned that many community members do not feel they are trusted by the police when they do come forward.

In contrast, other community members were much more positive about the Service and their own interactions with officers. They believe that the levels of mistrust expressed are not shared by many Torontonians, including members of the LGBTQ2S+ communities.

In summary, a difficult relationship exists between the Service and many members of the diverse communities who participated in the Review's community engagements. Unfortunately, this mistrust augments existing barriers, undermines confidence in the Service, and ultimately affects the quality of policing offered, especially in relation to marginalized and vulnerable communities.

## **Inconsistency in Police Interactions**

Many participants lamented the inconsistent quality of service the Service provides. They described both positive and negative interactions with the police, dependent largely on the officer who responds. I realize it is hardly surprising that officers have uneven skills sets, competencies, and attitudes. However, the theme that officers respond in inconsistent ways reflects the point that community members do not perceive negative interactions with the police to be isolated or infrequent events. Rather, they feel they are not guaranteed a standard level of service. They expressed concern that front-line officers often do not have the tools, skills, or compassion to deal appropriately with their urgent needs. Participants described a number of disturbing interactions. I wish to make it clear that I have made no findings specific to each interaction because I am not in a position to do so. These accounts, however, speak collectively to pronounced inconsistencies in service provided by the police and to existing perceptions that can reinforce and exacerbate existing mistrust.

## **Greater Use of Community Policing**

Despite these levels of mistrust, many community members were supportive of community-based police officers – liaison officers and neighbourhood community officers. They regarded the neighbourhood community officer program, which I describe in greater detail in Chapter 14, as a positive development in policing with the capacity to build trust.

## **The Need for Strong Community Engagement**

Many participants expressed the need for the police to engage meaningfully and transparently with diverse communities. Community engagement was said to involve more than a “hand-shaking exercise.” Participants stressed the importance of police working with community organizations. One advocate observed that the police simply do not engage with the sex-worker community in missing person cases. She said, “They disconnect themselves from communities that can really give them what they need [in terms of information].” To make this connection, the police need to “know the community” and be culturally competent. The expressed need for extensive community engagement aligns with my findings that, in a number of missing person investigations involving marginalized and vulnerable communities, the police failed, often out of ignorance, to avail themselves of community resources or even community-based expertise within the Service. This failure was magnified by the unnecessary withholding of basic information about existing investigations, a flaw identified both by officers and by community members.

## **The Enhanced Use of Civilians Rather Than Sworn Officers**

To varying degrees, participants were overwhelmingly in favour of civilians doing work traditionally assigned to sworn officers. Many reasons were given for this preference:

- much of the work amounts to social work, for which many officers are ill-suited, unskilled, untrained, or unmotivated;

- officers are more likely than civilians to discriminate against marginalized and vulnerable individuals;
- officers are more likely than civilians to be dismissive, especially when dealing with non-law enforcement matters;
- officers in uniform are intimidating, feared, and less likely to be trusted;
- the involvement of officers in criminal or immigration law enforcement creates insurmountable barriers to community engagement, especially with those who face criminalization or who have precarious immigration status; and
- officers face a heavy workload and severe pressures that could be alleviated through the use of civilians.

Consistent with an earlier theme, participants suggested that community workers could act as mediators or liaisons between the Service and community members.

## **The Negative Role of the Existing Police Culture**

Participants generally viewed the Service as having a militaristic culture where conformity is valued over systemic change. They believe that accountability mechanisms, such as the Office of the Independent Police Review Director and the Special Investigations Unit, are largely ineffective, further contributing to a stagnant police culture. Many participants cited the lack of discipline for officers who engage in discriminatory conduct as well as a lack of transparency over police discipline.

Many participants expressed the view that training has had little effect on changing police culture. Others advocated for mandatory training for all officers on topics relevant to the Review, as well as community involvement in the training, but they believed that mandatory, community-involved training was not taking place at the Service. Regardless of individual views on the efficacy of training and education, it became obvious to me during the Review that, within the Service, more relevant training and education were going on than the vast majority of community members were aware of. It is clear that the Service has not informed Torontonians effectively about its own training and education initiatives.

## CHAPTER 11 PRIOR REPORTS

In Chapter 14, I describe 10 previous reports that influenced me in my work. These are fully summarized in this chapter, and they are integrated into my findings and recommendations.

## CHAPTER 12 EXAMINING EVENTS THROUGH THE HUMAN RIGHTS LENS

### **Bias, Discrimination, and Differential Treatment**

#### *The McArthur-Related Investigations*

This Review was prompted, in part, by three issues: community concern that the police did not take the reported disappearances of six of McArthur's homicide victims seriously; concern that the police gave these disappearances little investigative attention; and concern that the police were dismissive of fears about the public's safety and the possibility that a serial killer was targeting gay or bisexual men. For many, the inadequate police response, as they perceive it, to these repeated disappearances is explained by the historical and ongoing bias and discrimination exhibited by the Service and its officers against LGBTQ2S+ communities. Some focus on the fact that five of the six men reported missing were members of racialized communities, most particularly South Asian. In that regard, they point to the heightened attention the police appeared to give to the disappearance of Andrew Kinsman, the only white man among the six men reported missing.<sup>13</sup> They contend that it was only after Kinsman was reported missing that the police seriously investigated the other disappearances. Still others focus on the intersection of factors that made McArthur's victims marginalized and vulnerable – their sexual orientation, gender, ethnicity, national origin, colour, status in Canada, or socio-economic standing.

At the other end of the spectrum, many do not accept that the Service's response to these disappearances was infected by bias or discrimination. Instead, they observe that, unlike the other men reported missing, Mr. Kinsman was a well-known, established presence in his community. When he disappeared, his large cadre of friends and loved ones mobilized in a highly visible way. The police simply could not ignore the powerful, relentless voices of Kinsman's supporters, particularly against the background of the fact that

---

<sup>13</sup> Two of McArthur's eight murder victims were not reported missing.

his disappearance represented the latest in a series of reported disappearances of gay or bisexual men from the Village. According to this view, McArthur's selection of Mr. Kinsman as his next victim hastened his own detection. (Of course, this view is not inconsistent with a finding that the investigation was tainted by systemic discrimination.)

In evaluating these perspectives, I must consider not only the role, if any, that bias played in these investigations, but also the perceptions that bias infected these investigations. The Service requires the public's support to perform its work well, especially when it comes to discrimination-free policing. Even unwarranted perceptions of bias or discrimination have a corrosive effect on investigations. The police must fulfill their responsibilities in a non-discriminatory manner, and the public must be confident that they are doing so. The need for public confidence is of particular importance in relation to those diverse communities whose members may be marginalized and vulnerable or who have already experienced bias and discrimination. Simply put, both the perception and the reality of discrimination-free policing are essential. By that measure, the Service has not succeeded; many members of the public do not believe that its officers conduct missing person investigations in a non-discriminatory way. This lack of confidence is especially true for many members of the LGBTQ2S+ communities in the aftermath of the McArthur-related investigations. It also remains true for many members of racialized communities, such as Black and Indigenous individuals, who have personally experienced or are well aware of systemic racism in policing.

It is important that the Toronto Police Services Board (the Board), the Service, and its officers understand why many members of the public believe that the McArthur-related investigations were discriminatory. These perceptions derive from at least three "truths."

The first truth is that the Service largely failed to provide the public with any meaningful information about these investigations as they were taking place. Indeed, the public, including community leaders and organizations, was unaware of Project Houston's existence. This unnecessary lack of transparency contributed to the perception that, before Mr. Kinsman's disappearance, the Service had done little or nothing to investigate the earlier disappearances. A number of officers told the Review that, without jeopardizing their investigative work, the Service could have – and should have – done a much better job of sharing information with affected communities.

The second truth is that community members know that for over seven years McArthur relentlessly targeted gay / bisexual men, most of whom were men of colour, and that the Service appeared to discount the presence of a serial killer right up to McArthur's arrest. The Service refused to acknowledge, at

least publicly, the possibility that a serial killer was victimizing the Village. The Service steadfastly maintained this position despite the communities' increasing fears and mounting evidence about such a possibility.

The third truth is that the LGBTQ2S+ and racialized communities have been overpoliced and underprotected by the police and have been the victims of both overt and systemic bias and discrimination. This legacy of differential policing has been acknowledged by both the Service's supporters and detractors, while they disagree on the extent to which bias and discrimination continue to infect the Service and its officers. Of course, the well-documented presence of systemic racism in policing, now at the forefront of public discourse, gives added prominence to this truth. Sadly, this history of differential policing has perpetuated the atmosphere of mistrust between the Service and LGBTQ2S+ and racialized communities.

It should hardly be surprising that these three truths have prompted many community members to reject or at least question any suggestion that the McArthur-related investigations were non-discriminatory.

It is unnecessary to quantify precisely how prevalent the perception is that the McArthur-related investigations were tainted by discrimination. I have reminded myself that I heard from only a subsection of community members, and not a fully representative subsection of those members. However, our community outreach and engagement, described in Chapter 10, was extensive. We heard from many community members, whether in person, in writing, or through our survey. We also examined external surveys representative of the population at large. Suffice it to say, the perception of discriminatory policing generally – and specifically in relation to missing person investigations – is sufficiently widespread that these perceptions would have to be addressed, regardless of my findings on actual discrimination in missing person investigations.

In evaluating whether the McArthur-related investigations were, in fact, tainted by bias, discrimination, or differential treatment, I am mindful of the fact that in today's environment, blatant forms of interpersonal discrimination are more exceptional. Under human rights jurisprudence, subjective intent to treat someone unequally is not required to prove discrimination. Systemic discrimination takes place “when an institution's culture, structure or practices create or perpetuate disadvantage for persons or groups.” This form of effects-based discrimination can occur in the absence of intentional discrimination or even in the absence of the use of stereotypes.

In relation to the McArthur-related investigations, I cannot conclude that their deficiencies are attributable to *overt* bias or *intentional* discrimination on the part of individual officers. Indeed, the evidence showed the contrary. For

example, despite the serious flaws I identify in how Project Houston was conducted, the assigned officers were highly motivated to discover what had happened to the missing men, regardless of their sexual orientation, colour, ethnicity, national origin, or socio-economic standing. Similarly, the investigative failures associated with the initial investigations into the disappearances of Mr. Navaratnam, Mr. Kayhan, Mr. Mahmudi, and Mr. Esen are not explained by overt bias or intentional discrimination by officers.

However, as reflected in human rights jurisprudence, the absence of overt bias or intentional discrimination may be cold comfort to the loved ones of McArthur's victims or to the affected communities. The absence of overt bias or intentional discrimination does not address the equally impactful question of whether any or all of the McArthur-related investigations were conducted differently based on systemic bias or discrimination. In my view, systemic bias did contribute to how a number of the McArthur-related investigations were conducted.

In Chapter 5, I conclude that the initial investigation into Mr. Navaratnam's disappearance was not given the priority it deserved. Officers failed to appreciate the strong possibility that he had met with foul play. They failed to recognize the significance of obvious red flags, such as leaving his prized puppy behind uncared for. They too easily theorized that he may have returned to Sri Lanka, a highly unlikely scenario given the circumstances under which he was compelled to depart and what he endured in making his way ultimately to the Village. I acknowledge that the low priority given to his disappearance is partially explained by the Service's approach to missing person cases generally during this period – a lack of urgency captured by the “no body, no crime” approach to many of these cases. But I can only conclude that Mr. Navaratnam's case would have been given greater attention, and imbued with a sense of urgency, if he or his supporters had a greater “voice” in our city.

The point is illustrated by examining how Mr. Kinsman's disappearance was responded to by the Service. His friends and loved ones forcefully advocated for a vigorous police investigation into his disappearance. They engaged the media. To their credit, they made his case a “cause.” Officers admitted to the Review that the pressure exerted on the Service because of these efforts largely explains why Project Prism was initiated. The Service did not treat Mr. Kinsman's case differently because he was white, although those who are marginalized and vulnerable by reason of sexual orientation, gender identity or expression, colour, ethnicity, socio-economic status, or other factors are also less likely to have a “voice” or be “empowered” to demand and obtain



adequate policing. Mr. Kinsman's disappearance was treated differently from Mr. Navaratnam's disappearance – and unjustifiably so.

One narrative I heard repeatedly during the Review was that the missing persons, other than Mr. Kinsman, were isolated – hence, McArthur's "perfect" victims. That is not accurate in relation to all McArthur's victims. Five of his other victims were reported missing. Those victims were not devoid of friends, loved ones, or those invested in discovering what happened to them. But they were not empowered in the same way that Mr. Kinsman's friends were. That differential treatment is unacceptable. The quality of a missing person investigation should not depend on who is best situated to demand the attention of the police.

The Peel police were ignored when they attempted to interest the Service in the potential connection between the disappearances of Mr. Faizi and Mr. Navaratnam. The fact they were ignored is again partially explained by the low priority generally given to missing person cases in Toronto. But, I ask rhetorically, if Mr. Navaratnam had been a high-profile member of the community or regarded as "mainstream" or "privileged," would this lead have been ignored? I do not believe so.

The Service devoted substantial resources to Project Houston. That cannot be denied. But when the cannibalism theory proved untenable, the project team was whittled down in size and ultimately disbanded. But three gay or bisexual racialized men were still missing. The circumstances surrounding their disappearances still raised the strong possibility that they had met with foul play. Once again, the decision to downgrade the investigation into their disappearances is partially explained by the institutional approach to missing person cases generally. However, the decision also distinguishes the way these cases were treated as compared to Mr. Kinsman's case. To paraphrase Judge Oppal, these vulnerable men needed a "champion" to ensure that their cases were not underserved by the police. The need for a champion or a cadre of friends and loved ones, as described above in relation to Mr. Kinsman, speaks volumes about the Service's systemic failings.

As I describe in Chapter 7, the investigation into Mr. Esen's disappearance was led by a very motivated officer who had to advocate for the inclusion of Mr. Esen's case in Project Prism when it was being contemplated. Why? On what basis could it reasonably be contended that Mr. Esen's case was not deserving of inclusion in the project? In my view, the need for this advocacy reflects the differential treatment given to cases of profile – and profile is unfortunately often connected to factors of vulnerability and marginalization that should have no role whatsoever to play in what cases get priority and what cases do not.

Most of the McArthur-related investigations underutilized the community resources available to them, and even the Service's own internal resources, to advance their investigations. In Chapters 5 to 7, I describe the lost opportunities to enlist community organizations and leaders to assist in searching for the missing men. In Chapter 9, I also describe the failure to engage the Service's own LGBTQ2S+ liaison officer as well as trans or trans-inclusive organizations and leaders to assist in identifying Alloura Wells's bodily remains. These failures are reminiscent of those described in the Oppal Report. These same deficiencies were evident in how, for far too long, police services across the country have struggled to deal with the staggering number of missing Indigenous women and girls. These and other deficiencies are fully documented in *Reclaiming Power and Place: The Final Report of the National Inquiry*, summarized in Chapter 11.

Officers in the McArthur-related investigations were often unfamiliar with the missing men's communities<sup>14</sup> – most particularly the LGBTQ2S+ communities and the intersection of those communities with others, such as the South Asian or Muslim communities. This meant that these investigations were conducted differently, at a systemic level, from investigations involving affected communities within the officers' experience, expertise, or “comfort zone.”

This same unfamiliarity manifested itself in other ways during the McArthur-related investigations. For example, in November 2013, when McArthur was interviewed during Project Houston, it was obvious that the investigator who questioned him was reticent about asking about McArthur's sexual relationships with any of the missing men. He failed to appreciate the significance of McArthur's potential connection to all three men, misunderstanding that those connections were different from those described by other witnesses. Part of the problem was a lack of understanding of the gay community and its culture. The investigators had very limited knowledge of the gay community's dating websites, how gay men connected with each other, the places they frequented, or the social interactions within the Village. A wealth of relevant information never came to the attention of the Project Houston investigators, in part because they were disconnected from the affected communities and ill-equipped to overcome barriers that might have inhibited some witnesses from coming forward. This is precisely what systemic discrimination entails: the Service's practices, if not culture and structure, prevented it from most effectively investigating the disappearances of these missing men, to the disadvantage of their loved ones and communities.

---

<sup>14</sup> As I explain in Chapter 7, this unfamiliarity was not a failing of the Esen investigation.

As my Review team and I examined the many documents generated by these investigations, it became apparent that the police focused – sometimes disproportionately so – on the problems each missing man faced in his personal life. I understand that investigators had to be mindful of all relevant considerations in solving these disappearances. However, this disproportionate focus on the men’s personal problems also obscured or detracted from an accurate assessment of the unlikelihood that they had simply disappeared without a trace. The police must remain vigilant to ensure that the potential victimization of marginalized and vulnerable missing persons not be obscured by overemphasis on those circumstances that make these persons marginalized and vulnerable in the first place. The same vigilance must be exercised by police to avoid even the appearance of blaming the missing persons for their situation.

Systemically, these were men who have typically been underserved by the police. These were men whose disappearances could be too easily dismissed or minimized by noting their immigration status; personal mental health, wellness, or addiction issues; or stereotypical notions of the likelihood that these men would suddenly disappear for no apparent reason. Several officers at 51 Division expressed the view, about one of the missing men, that he had likely gone “on a sexual holiday.” This comment is closer on the spectrum to overt bias. At the very least, it reflected some unfortunate preconceptions about gay men.

In summary, I conclude that overt bias or intentional discrimination does not explain the deficiencies in the McArthur-related investigations. However, these deficiencies (prior to Project Prism) are partially explained by systemic practices that promoted differential treatment between how these men’s disappearances were investigated and how empowered individuals’ disappearances would be investigated.

When Ms. Richey went missing, officers canvassed the Village looking for leads. As I describe in Chapter 8, one of these officers was Detective Constable Robert Chevalier, a neighbourhood community officer for the Village. Detective Constable Chevalier wrote the following about Ms. Richey’s case in his memobook: “[T]here had been several other people missing, including Alloura Wells so I particularly wanted to find this person, as fear was beginning to grow in the community.” It was commendable that Detective Constable Chevalier recognized the importance of solving Ms. Richey’s disappearance given the community fears about multiple missing people.

However, the Service, at the institutional level, was remarkably tone-deaf about the affected communities’ fears and the need to proactively and

forcefully engage with them to alleviate or reduce their fears, instill confidence in what the police were doing, and advance the investigations. This was a systemic failing, associated with the inadequate connection the Service's investigators established with these intersecting communities.

## **The Alloura Wells Unidentified Remains Investigations**

As outlined in Chapter 9, Alloura Wells was a member of the trans community, a woman of Indigenous heritage, a sex worker, homeless, and experiencing addiction issues. She was marginalized and vulnerable in a variety of ways that intersected. The officer who conducted the investigation into her unidentified bodily remains was well-intentioned and motivated to identify the bodily remains, but his unfamiliarity with the trans community, most particularly, and the lack of resources available to engage with that community's members undermined the effectiveness of his investigation. Indeed, it was Ms. AP, the person who found Ms. Wells's remains, who reached out to The 519 for assistance.

In Chapter 14, I describe the poor relationship between the Service and the trans community and strategies to address that relationship. Suffice it to say here that the quality of investigations involving trans community members remains a systemic issue of importance. The failure in the unidentified remains investigation involving Ms. Wells to reach out to the trans community, although not infected by overt bias or stereotypical assumptions, had the effect of disadvantaging an already disadvantaged community. Similarly, the failure of 53 Division to take a Missing Person Report from Michael Wells raised concerns about discrimination against him as a person of a lower socio-economic status. The response to his attempt to report his daughter missing contributed to his sense that, because his daughter experienced overlapping grounds of disadvantage, she was treated as a "nobody." Mr. Wells advised me that he told Chief Saunders that, if his daughter had been affluent, the police response the day he reported her missing would have been different. As I note earlier, Chief Saunders issued an apology and publicly acknowledged that the interaction between Mr. Wells and the police could have been better. The Service must make a commitment to work together with the trans community and those most marginalized and vulnerable to build a positive relationship.

## CHAPTER 13 MODELS OF MISSING PERSON AND UNIDENTIFIED REMAINS INVESTIGATIONS

### The Missing

Missing people matter. To begin, the sheer volume of people who are reported missing challenges police services around the world. In 2019, for example, 72,184 people were reported missing in Canada,<sup>15</sup> 609,275 in the United States,<sup>16</sup> and 382,960 in England and Wales.<sup>17</sup> In Toronto, approximately 30 percent of those reported missing end up returning or being found before a formal investigation is initiated. Applying this same percentage to other jurisdictions, approximately 50,000 missing persons were investigated in Canada in 2019, 425,000 in the United States, and 268,000 in England and Wales. Studies demonstrate that approximately 2 percent of people whose disappearance is investigated meet with foul play. That would mean that, in 2019, the approximate number of missing persons who met with foul play was 1,000 in Canada, 9,500 in the United States, and 5,300 in England and Wales. The comparative number of homicides that same year were 678 victims in Canada,<sup>18</sup> 16,425 in the United States,<sup>19</sup> and 671 in England and Wales.<sup>20</sup>

These numbers are far from exact. A variety of issues can affect their legitimacy, given that jurisdictions apply different criteria when deciding whether to investigate disappearance reports. Moreover, there is also some overlap between homicide statistics and those of the missing who meet with foul play. Plus, annual statistics are not necessarily adjusted when the fate of missing persons is determined in subsequent years. The impact of missing persons on society is reflected not only in the numbers who go missing and the

<sup>15</sup> <https://canadasmissing.ca/pubs/2019/index-eng.htm>

<sup>16</sup> Statista Research Department, “Number of reported murder and nonnegligent manslaughter cases in the United States from 1990 to 2019,” September 28, 2020, <https://www.statista.com/statistics/191134/reported-murder-and-nonnegligent-manslaughter-cases-in-the-us-since-1990/>

<sup>17</sup> UK, Missing Persons Unit, National Crime Agency, *Statistical Tables for the Missing Persons Data Report 2018/2019*, online at: <http://missingpersons.police.uk/en-gb/resources/downloads/missing-persons-statistical-bulletins>

<sup>18</sup> <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510007101&pickMembers%5B0%5D=2.1&cubeTimeFrame.startYear=2019&cubeTimeFrame.endYear=2019&referencePeriods=20190101%2C20190101>

<sup>19</sup> Number of reported murder and nonnegligent manslaughter cases in the United States from 1990 to 2019”, *Statista* (September 2020), online: <https://www.statista.com/statistics/191134/reported-murder-and-nonnegligent-manslaughter-cases-in-the-us-since-1990/>; see also <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/murder>

<sup>20</sup> <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/homicideinenglandandwales/yearendingmarch2019>

types of harm they suffer but also in the “ambiguous” pain their loved ones and friends experience – the unending pain of not knowing what happened. Without closure, loved ones cannot move on. Many become preoccupied by the search for their loved ones, worrying that something else should be done in their eternal hope of finding answers.

These loved ones and friends have a range of support needs, including practical search assistance, mental health care both individually and within the family, as well as sound advice and information. Families of the missing often experience stigma, particularly in cases where a person is missing for a long time and initial support may fade. Increased public awareness of the problem may make it easier for loved ones to seek help, so access to support services and strategies for publicizing them are important. On the other hand, loved ones and friends may be understandably reticent about publicizing these cases, especially when they and/or the missing person may have, for example, a precarious immigration status, criminal charges, or an undisclosed sexual orientation, even from the missing person’s family or other friends.

The impact is broader yet. Disappearances often disclose underlying social problems that cry out to be addressed – complex problems that require investment in social agencies and in much needed research to provide a better understanding and response. Among marginalized and vulnerable communities, the missing person issue is particularly serious. Research has shown that people in those communities are reported or go missing in disproportionately high numbers.

In Chapter 13, I evaluate how missing person investigations have been and are currently being conducted by the Service, and second, I turn to the Service’s handling of unidentified human remains. Two general periods for analysis emerge – before 2018 and after 2018. In 2018, McArthur was arrested. In the same year, the Missing Persons Unit (MPU) began its work. Since 2018, the procedures and practices relating to missing person and unidentified remains investigations have undergone substantial changes. My evaluation takes these changes into consideration. In Chapter 15, I propose two models for missing person investigations: one mid-term, followed by a long-term model. Both preserve a centralized MPU, with robust, early, and ongoing triaging of missing person cases by expert risk assessors to determine the appropriate response.

This triaging, in partnership with social service, public health, and community agencies, recognizes that many of these cases are rooted in social issues rather than in law enforcement. At the same time, the model recognizes that some missing person cases require criminal investigation. It introduces civilians from both inside and outside the Service to these investigations. The

civilians would serve as coordinators and as support providers for those directly affected by the missing person case and for the missing themselves. A long-term model would move further along the continuum of reducing, in many of these investigations, the involvement of sworn officers in favour of social service, public health, and community agencies.

This new approach borrows from other models, particularly those developed in the United Kingdom. Its adoption in Canada would be groundbreaking.

## **Before 2018**

In May 2013, the Service's Audit and Quality Assurance Unit identified the potential for missing person investigations to escalate into high-risk, high-profile cases and cautioned that the Service "must ensure that its members are working effectively and efficiently as time is a crucial factor when dealing with these types of occurrences."

In December 2017, Detective Constable Joel Manherz, a member of Project Prism, proposed that a dedicated Service-wide Missing Persons Unit be created in Toronto. At the time, the Service was giving missing person cases low priority and devoting few resources to them. Detective Constable Manherz said that although the Service was making considerable improvements in customer service, missing person cases continued to be the exception. As he concluded: "There is nothing we can do to change the past but we can still attempt to correct those mistakes before they become the focus of an inquiry, media exposure or civil liability."

Before 2018, the Service's overall approach to missing person investigations can fairly be described as deeply flawed – at times, appallingly so. The Service often responded well to situations involving Amber Alerts, but, as Detective Constable Manherz correctly observed, missing person cases had never been given priority unless the risk of harm to the missing person was "blatantly obvious." He also acknowledged the perception that the police pay attention only to high-profile cases that attract heightened media scrutiny.

Unfortunately, too many of the past missing person investigations can best be characterized as incomplete or inadequate. They were heavily dependent on the particular skill sets of an assigned investigator. Many investigators, through no fault of their own, had insufficient understanding of what needed to be done to respond to the demands of these often complex investigations or lacked the time to give these cases the attention they deserved.

Many officers did not know what resources existed inside and outside the Service that could be used to advance missing person investigations,

particularly those involving marginalized and vulnerable communities. Technological tools were underused and, when missing person cases qualified as major cases, so too were major case management procedures and the associated software. Those directly affected by the disappearance often felt unsupported. More often than not, when someone missing was found, little or no attention was given to why the individual had gone missing or to prevention strategies to reduce the likelihood of a repeat.

There was no centralized MPU – although other services had established such units years earlier. There was no consistent approach to which divisions had missing person coordinators or what they did. The Service did not even know what missing person cases remained unresolved. Risk assessments were often poorly done or not done at all. Frequently the risk assessments that were performed bore little or no relationship to how the Service responded to situations involving elevated risks. No specialized training and education existed for missing person investigations and related issues. The real story here is less about the adequacy of the Service’s procedures than about its practices. The Service was often not in compliance with both provincial adequacy standards and its own procedures.

Nothing I say here is intended to minimize the talent, hard work, and sensitivity of those officers who succeeded despite the systemic flaws in the way the Service generally conducted these investigations. Nonetheless, the truth remains: rather than being a leader in Canada or internationally, the Service’s approach to missing person cases was fundamentally flawed.

One practice I found particularly troubling – indeed offensive – was the institutional or systemic indifference to whether missing persons remained missing or were even recorded properly as missing in the first place. As the Service’s records management systems transitioned from the Centralized Occurrence Processing System (COPS) to eCOPS to Versadex, many open missing person cases were not transferred to the newer systems, with the result that they were removed from CPIC after a set period had passed (see Chapter 4). Apart from issues around transitional record-keeping, in many instances the occurrences had never been entered in CPIC or were closed before the missing persons were located. At the other end of the spectrum, occurrences often remained open, well after people had been located. Some statistics tell the story:

- in about 58 percent of occurrences on the Service’s current records management system, Versadex, the missing person information had not been entered in the CPIC database, as required;



- 364 missing person occurrences were never transferred from COPS to eCOPS, and, in the process, had been removed from CPIC;
- of more than 21,000 missing person occurrences reviewed, a staggering 90 percent required some remedial action;
- 366 occurrences on COPS had never been placed on CPIC or were no longer on CPIC, 106 of which were subsequently cleared by the MPU; and
- 714 Occurrence reports had to be disseminated back to the field for follow-up.

Although it is commendable that, in 2018, the Service conducted an internal review of how missing person reports had been dealt with, its findings represent an indictment of how, for many years, the Service handled missing person cases. These findings sent a clear signal that many such cases were either inadequately investigated or followed up on, inadequately documented, or both. These systemic failings meant that the inventories of missing person cases were unreliable; information on CPIC was either missing or obsolete; and those affected by the disappearances, and the public at large, were often poorly served. Is it surprising that many of those whose loved ones went missing have expressed a lack of confidence in the Service when the Service did not keep an accurate record of who was missing and who was not, and where follow-up on these cases was sporadic and often non-existent?

## **After 2018**

The MPU, established in the wake of the McArthur murders and currently led by Detective Mary Vruna, is dedicated to the investigation of missing person cases. The unit inherited what can only be described as a mess. Its members have worked diligently to determine who remains missing, clean up existing records management issues around these cases, monitor compliance with the Service's new procedure, and provide guidance to divisional investigators. The Missing Persons Procedure and Risk Assessment forms (formerly Search Urgency charts) have been substantially improved, although compliance remains an issue, as do continuing flaws in the procedure and forms.

I expect the Service to re-evaluate its existing procedure, forms, practices, training, and education in the light of the systemic issues this Report identifies. In this Executive Summary, I describe some of those issues briefly to give context to the detailed recommendations that follow.

***Priority of Cases and Resource Allocation***

I explain earlier why missing person cases deserve high priority and why a number of jurisdictions have accorded them such priority. Unfortunately, Toronto is not in that group. Despite a recent acknowledgement, there are telling indications that missing person cases are still not given the priority they deserve. The MPU has only four investigators, and no permanent administrator or analyst. Originally, the unit included a detective sergeant, but no officer of that rank replaced Detective Sergeant Gallant when he retired.<sup>21</sup> Realistically, this small complement of officers is unable to oversee the large number of open missing person investigations, current and historical, let alone conduct missing person investigations that require specialized knowledge.

This dearth of personnel makes it particularly concerning that three of the four investigators were seconded to front-line responsibilities during part of the pandemic. In addition, the unit has no realistic budget, other than very limited funds for training and education. These deficiencies represent a painful reminder that the professed priority of these cases is not reflected in practice. Moreover, the treatment within divisions of missing person cases is inconsistent, and there are only modest indications that these cases are generally given priority. A number of divisions have either no missing person coordinator, a temporary coordinator, or a coordinator with multiple responsibilities. Divisional investigators have high workloads, often to the detriment of missing person investigations where the possibility of criminal victimization, foul play, or serious harm may not, to repeat Detective Constable Manherz's words, be "blatant." Moreover, without additional resources, it is difficult for divisions to implement additional investigative work recommended by the MPU.

As in the United Kingdom model, I favour the transition to trained civilian missing person coordinators operating at the divisional level to perform many tasks that sworn officers would otherwise perform or should not perform. The debate over the increased civilianization of policing functions has existed for some time, and its full scope need not be discussed here. But in the context of missing person investigations, it has proved to be successful elsewhere in freeing up sworn officers for true law enforcement work, improving officer morale, reducing costs, and reducing barriers between police services and diverse communities. I expand on this theme in Chapter 15. I also explain that the contingent of MPU investigators should be doubled, and a permanent administrator and analyst should be assigned to the unit.

---

<sup>21</sup> Detective Mary Vruna has accomplished an impressive record, given the limited resources available to her unit.

### ***Risk Assessment and Search Response***

In recent years, the Service has been revising its risk assessments in missing person cases. That is as it should be for two reasons. First, a risk assessment is the most important function in responding to the report of someone's disappearance. Assessing the degree and nature of the risk to which a missing person might be exposed forms the basis for triaging these cases in a prompt way and for the appropriate allocation of resources inside and outside the Service. Poor or non-existent initial and ongoing risk assessments have been a major weakness in how the Service has responded to missing person occurrences, specifically in underestimating the degree and nature of risk to which a missing person is exposed.

Second, with the high numbers of missing person cases in Toronto – and around the world – it is remarkable that so little evidence-based research in Canada has been done on risk assessment in missing person cases. We know that marginalized and vulnerable community members go missing in disproportionate numbers, and we know that certain community members, by nature of their personal identifiers or environmental factors, are at heightened risk of foul play (such as members of the trans community and sex workers) or other types of serious harm (such as children, those exposed to extreme weather conditions, those dealing with some mental health issues). We also know that certain indicia may raise serious concerns about foul play (such as leaving valued pets behind). However, there is much about the assessment of risk that remains unknown.

We must approach risk assessment with some level of humility, erring on the side of assuming higher risk unless and until the contrary is shown. In the meantime, it is important to constantly re-evaluate how these assessments are performed. This re-evaluation should be done through collaboration, training and education, and ongoing research. Against that background, the Service has introduced new risk assessment tools designed to assist officers in calibrating the response to an individual's disappearance. These tools set out factors, such as personal identifiers and environmental conditions, that are undoubtedly relevant to risk. The Service drew upon the Oppal Report in redesigning its Risk Assessment forms. Its Missing Persons Procedure now imposes an obligation on supervisors to review the assessments conducted by responding officers and do their own assessments; to identify situations involving an elevated risk; and, in consultation with the responding officers, to articulate the suggested level of response:

- level 1 search (more investigation required)
- level 1–2 search (expand investigation)

- level 2–3 search (immediate response required)

I acknowledge that the current approach to risk assessment represents an improvement to the earlier approach. The Search Urgency charts were confusing and potentially misleading because they favoured a numerical scoring approach that undervalued the significance of a smaller number of high-risk factors.<sup>22</sup> Some of the factors were miscategorized as high, medium, or low factors when they were equivocal at best or dependent on context. Critical factors were not included on the chart. It was difficult, if not impossible, to correlate the contents of the charts to the three levels of search described in the Missing Persons Procedure. At least the current procedure and forms identify a wider range of relevant factors to the risk assessment process, show greater sensitivity to the importance of a single elevated risk factor, move away from non-evidence-based numerical scoring, and reinforce the need for supervisory involvement and consultation in the process.

However, significant systemic issues remain. Unless risk assessors receive training and education, I am not confident that the changes to risk assessment that have been made, particularly at the divisional level, will necessarily improve the accuracy of risk assessments. Training and education must also address, and guard against, subtly favouring lower levels of risk to spare scarce resources. Moreover, there is nothing in the procedure and forms that assists officers in the area found most wanting during this Review – identifying indicia of foul play and avoiding a mind-set that unreasonably discounts this possibility. For certain cases, officers must fill in Missing Person questionnaires that contain very detailed questions. However, there is no reflection in the Missing Persons Procedure that these questionnaires are to be used in arriving at the risk assessment, nor is it clear that, in practice, they are being used for that purpose. Further, the risk assessment is focused on the individual who disappeared, with no apparent attention given to any patterns or correlation between this individual’s disappearance and the disappearances of others.

Although the Risk Assessment forms ask a series of questions, no guidance is provided in the form or in the procedure as to how the answers bear on risk. I said that the previous Search Urgency charts miscategorized certain factors. But the answer to the inadequacies in the previous charts is not to dispense with any guidance whatsoever. The forms and procedure do not

---

<sup>22</sup> In fairness, the Service did recognize that the Search Urgency Chart was only an investigative aid, that the urgency of the situation may not be reflected by the column with the most checkmarks, and that the situation which must be treated as most urgent is a factor that is life-threatening.

even provide examples of scenarios that elevate or reduce risk. Nor do they refer to the need to constantly re-evaluate risk as an investigation progresses.

The procedure provides that a supervisor must review the Risk Assessment Form immediately when a risk factor is indicated; if not, a supervisor need review the form only as soon as it is practicable. In my view, if responding officers misunderstand what constitute risk factors or minimize the urgency associated with an individual case, as was evidenced repeatedly during this Review, the bifurcated approach to supervision could result in unacceptable delay in identifying risk. Further, at present, the MPU may not review such risk assessments until a person has gone missing for eight days. In short, I am concerned about this institutional delay in ensuring that those with specialized knowledge make or review the assessment of risk.

Also problematic is the fact that the three levels of search preserved in the current Missing Persons Procedure are not easily correlated to the risk assessments. The descriptions “more investigation required,” “expand investigation,” and “immediate response required” are confusing and not helpful. Two of these descriptions straddle dual levels of search (e.g., “expand investigation” applies to level 1 and 2 searches), making these superficial descriptions even more difficult to understand or apply in a consistent way.

### ***Support for Those Directly Affected by Disappearances***

The current Missing Persons Procedure states that one of the key purposes of the new MPU is to ensure that the Service keeps its commitment to a victim-centred approach to all missing person cases. This language mirrors the victim-centred approach proposed by Detective Constable Manherz in December 2017 and Staff Superintendent Demkiw in March 2018. In practice, though a number of officers demonstrate compassion and sensitivity to those affected by someone’s disappearance, the Service’s approach cannot be described as victim centred. In many instances, those directly affected are not regularly contacted for updates or basic information by investigators or anyone else within the Service. As time passes, such contact often becomes even more sporadic. Significant dates, such as the anniversary of someone’s disappearance, usually go unnoticed. The Review was advised by Service members that sometimes those directly affected are not told that the missing person has been found, even when privacy interests are not of concern.

The Review was also informed that, because loved ones have little information from or contact with divisional investigators, they sometimes contact the MPU for updates on their loved ones. The MPU is, however, limited in its ability to respond because it is not always privy to the current

status of the investigation or to what information can appropriately be shared. It is better able to respond if the inquiries relate to cold or historical missing person cases that the unit has reopened. In my view, the support the Service provides to those directly affected by disappearances is wholly inadequate. A victim-centred approach to missing person investigations would involve a range of support mechanisms, including ongoing information sharing, updates by those able to provide such information, and opportunities for those directly affected to assist in advancing the investigation and providing emotional support.

The Service's approach to the loved ones and friends of those who have gone missing differs markedly from the greater attention it gives to victims of demonstrated crimes and their loved ones, and especially from the support provided by a number of other police services, such as those in the United Kingdom, Vancouver, Calgary, Australia, and elsewhere. These approaches include family liaison units embedded within the services and missing persons units. (I prefer to use language other than "family liaison units" to ensure that those directly affected are defined in the most inclusive way, consistent with the diversity of our communities and human rights values.)

### ***Community Partnership and Engagement***

This issue involves at least five components: (1) active involvement of communities, including their leaders and organizations, in advancing missing person investigations; (2) information sharing by the police with affected communities and the public at large about specific investigations; (3) accessibility of information about how to report persons missing and about available resources; (4) providing public warnings about potential danger to community members; and (5) partnering with group homes and other institutions, particularly residences involving youth, to address recurrent missing youth. I elaborate on several of these issues here and address them all in my recommendations.

### ***Active Involvement of Communities in Advancing Missing Person Investigations***

In Chapters 5 to 9, I document how the Service failed, in a number of specific instances, to avail itself of existing community resources to advance its investigations. Given its prominence, I have identified this failure as a systemic issue. Some officers did not know what resources were available to assist them. Others took an insular approach and regarded community involvement as peripheral to their core investigative work. I also recognize that, unlike the Missing People charity in the United Kingdom, some volunteer and not-for-

profit missing person organizations have limited capacity and resources to assist the police. Although their work is to be applauded and supported, this limitation must be acknowledged.

Community partnership and engagement should be a core component of how the Service conducts missing person investigations. It should foster engagement strategies and the active participation of the Service's liaison officers and neighbourhood community officers as well as the MPU and divisional representatives. Although the MPU is aware of this need, as are some individual investigators, the reality is that the existing Missing Persons Procedure does not require community partnership and engagement. Rather, it makes such engagement explicit only for level 2 and 3 searches, and, in practice, such participation is not consistently taking place. In many cases, it does not take place at all.

### ***Information Sharing by the Police***

I am concerned about the extent of secrecy around a number of investigations I reviewed, secrecy that was not needed to preserve the integrity of the investigations, and was counterproductive in building trust with marginalized and vulnerable communities. A number of officers, including those involved in the investigations I examined, lamented the Service's poor communication strategies around these investigations. Making its task even more difficult, the Service's Corporate Communications Unit was hampered by the siloing of relevant information.

### ***Accessibility of Information***

The MPU has improved public access to information about how to report someone missing – for example, it now has a webpage on the Service's website that contains information about how to report a person missing and enables people to fill out a Missing Person Questionnaire in advance of meeting with a responding officer. These developments are welcome, although some significant enhancements should be made to the webpage to make it more user friendly and accessible to diverse communities. My recommendations describe improvements that can be made to the MPU's webpage and to providing information to the public about missing person investigations more generally – for example, by creating a pamphlet or a guide to missing person investigations for the public.

### ***Partnering with Group Homes and Youth-Related Institutions***

Many officers expressed frustration with the time and resources devoted to habitual runaways, as they are described, from group homes or other youth-

related institutions. In their view, these young people are not necessarily “missing,” in the sense contemplated by the definition of missing persons under the legislation, but are temporarily absent without permission and likely to return safely. These officers are concerned that resources are better devoted to cases involving risk of serious harm and question whether institutions unnecessarily report these young people missing to fulfill their legal obligations or to avoid legal liability.

The challenge is that young people at large without permission may also be exposed to a wide range of dangerous activities, such as human trafficking and drug abuse. The other challenge is that they may be “running away” from abuse or intolerable conditions. At the other end of the spectrum, some youth-related shelters or institutions describe the complacent attitude of some officers who respond – sometimes slowly – to missing person calls for service, even when there may be legitimate concern about the young person’s safety. The MPU has made efforts to develop a consistent protocol to be adopted by group homes and shelters for situations where a person is reported missing. In February 2019, members of the unit held consultation meetings with the Toronto Children’s Aid Society, City of Toronto Shelters, and Violence Against Women Shelters to discuss missing person and reporting procedures, with a view to reducing the number of calls for service, especially where the person at large does not fit the stated definition of a missing person within the new legislation.

The unit’s presentations to shelter communities have taken place as recently as February 2021. To date, there has been no success in achieving a consensus on procedures and information sharing. I suspect that the difficulties in reaching agreement have been compounded by the fact that many of the group homes and shelters are privately owned and have their own rules and policies. As well, as Detective Vruna acknowledges, the existing relationship issues between the police and the shelter communities have their challenges. In order to share information, the shelter communities must be able to trust the police. This essential element of trust is the focus of Chapters 14 and 15.

I was impressed by the Saskatoon Police Service’s approach to similar issues. A large percentage of its missing person cases involve habitual runaways or young people who go absent from group homes and youth-related institutions. Protocols have been developed that permit such homes and institutions to record and submit the absences of young people, under certain circumstances, to the police without immediately generating a missing person investigation, and with appropriate follow-up if the person does not return within a short period. I commend this approach in my recommendations, as



long as it is accompanied by the triaging of cases and by the prevention strategies I discuss next.

### ***Prevention Strategies***

The Service's Missing Persons Procedure mandates certain steps for the police to take when a missing person is located. Unless there are exceptional circumstances, an officer must personally attend the location where the missing person is present to verify that the person is safe and to ensure that the reportee and/or next of kin have been notified. The officer must also "consider" contacting the divisional community relations officer or crime prevention officer for follow-up and prevention strategies to address repeat occurrences. There is no requirement that a return or prevention interview be attempted with the person concerned to discuss any outstanding issues that might explain the disappearance and prevent reoccurrences in the future. Such interviews are not routinely done in Toronto. They should be.

In a number of jurisdictions, return or prevention interviews form a core component of how police services respond to missing person cases. These interviews are routinely done in the United Kingdom, Calgary, and by the OPP. They are often done by social workers or social service agencies or civilians rather than by sworn officers – police officers are associated with law enforcement activities, often in relation to the communities to which missing persons belong. Detective Vruna supports the use of return interviews, particularly those conducted by trained civilians. She too feels it may well be preferable that these interviews not involve an officer, recognizing that many of these located individuals are understandably hesitant to interact with the police and may be unwilling to share sensitive information about their mental health, traumatic experiences, or personal safety with an officer. To that list, I would add information about their criminal activities while missing.<sup>23</sup> Equally important, the return interviews are likely to raise social issues best addressed by non-policing agencies.

There is evidence that such return interviews reduce the numbers of missing person cases reported to the police and, in any event, assist investigators going forward in identifying patterns and predicting the location of those who have gone missing. Return interviews are yet another instance in which the Service must recognize activities that should be at the core of missing person responses rather than peripheral to them.

---

<sup>23</sup> An OPP pilot project involving use of return interviews found that many young people were being exposed to criminality while away.

### *Jurisdiction*

The Service’s Missing Persons Procedure includes a detailed and complex set of directions for determining which division will assume jurisdiction over an investigation into a Missing Person Report.<sup>24</sup> Too much prominence is given to the place where the missing person resides, even in the face of obvious evidence that the investigation must primarily be focused on a different location where the person was last seen. In my view, the time has long passed for a re-evaluation by the Service, and by the Ministry of the Solicitor General province-wide, as to which division or service assumes jurisdiction over a missing person investigation.

### *Criminal Investigation Management Plan*

The *Policing Standards Manual* requires that investigations be undertaken or managed in accordance with the police service’s Criminal Investigation Management Plan. The Service’s Missing Persons Procedure refers to its particular plan as an associated governance document. However, the procedure fails to incorporate the requirement specific to missing person investigations – that such investigations involving a strong possibility of foul play or level 2 or 3 searches require the assignment of a specialist criminal investigator.<sup>25</sup>

In my view, properly interpreted, the plan contemplates, in relation to missing person investigations, an investigator with specialty training, education, and skills in such investigations. However, it appears that the Service does not interpret the plan in this way because, historically, there has been no specialty training and education for missing person investigators. Regardless of how the plan is interpreted, I strongly support the creation of specialty training and education in missing person investigations given their importance and range of complexity – features that distinguish such investigations from general investigative work.

The Service’s past record demonstrates inconsistencies in the quality of such investigations conducted by officers without specialized knowledge. I share Detective Constable Manherz’s expressed vision that “Toronto needs to provide a consistent, effective and efficient response to missing person investigations” and that such a response requires that missing person investigators obtain training and education specific to missing persons, so as to become experts in the field. This reform will enable them to improve their investigations and the quality of investigative outcomes.

---

<sup>24</sup> I use “jurisdiction” here as a convenient term to discuss which division assumes carriage of a missing person investigation, though Toronto police officers have city-wide police powers.

<sup>25</sup> A “specialist criminal investigator” is defined as a police officer who has received specialized training in the area to be investigated and is competent to conduct the investigation.

### ***Assignments and Continuity of Investigation and Supervision***

The Service's Missing Persons Procedure does not address the assignment of officers or the continuity of investigations as officers go off-shift or are transferred to other responsibilities. The evidence disclosed to the Review shows, however, that this breakdown in continuity represents a systemic issue as it relates to missing person investigations. The procedure states that the MPU will ensure "continuity and consistency of file management."

I accept that the unit has made some needed improvements in this area. Its head sends regular reminders to divisional detective sergeants to review their missing person occurrences to ensure that they are assigned to an officer on duty. If the unit learns that an occurrence is not being actively worked on, its members reach out to the assigned officer and to the detective sergeant of the relevant division. If one of the unit's officers works on a missing person case while the assigned divisional investigator is off duty, the unit's officer sends the divisional investigator an update to let him or her know what has transpired in the case. My recommendations support and add to these improvements. In particular, divisional full-time missing person coordinators will be better situated than members of the MPU to monitor case continuity and ensure that an assigned investigator is on duty for each active missing person investigation.

### ***Templates or Checklists for Missing Person Investigations***

Inconsistency is a recurring issue I have identified in the missing person investigations this Review has examined. Some officers were diligent and thorough; others were not. In many instances, basic investigative steps were overlooked or delayed. This issue should be addressed, in part, by specialized training and education on how to conduct missing person investigations. In my view, there is also a need for an internal guide or checklist that itemizes in detail the investigative steps that might be employed to advance missing person investigations.

### ***300 Metre Search and Ground Searches***

The evidence this Review has examined revealed that physical searches door to door for missing persons, or for relevant witnesses or video footage, were, at times, disorganized, incomplete, and poorly documented. I was also advised that officers were, on occasion, reluctant to seek the assistance of the search managers of the Emergency Management and Public Order Unit, either to coordinate such searches or, at a minimum, to provide advice on how they

should be conducted. The Review heard that, more recently, there has been some improvement in how such searches are conducted.

Nonetheless, in my view, it is important that the procedures contemplate a more significant role for search managers either to provide advice on such searches or to coordinate them, regardless of the designated level of search. This view also accords with the emphasis on trained search coordinators in the *Policing Standards Manual*.

## **Unidentified Remains**

The Review identified significant deficiencies in how unidentified remains cases had been investigated before the creation of the MPU. At times, there was poor coordination between the Service and the Office of the Chief Coroner / Ontario Forensic Pathology Service, leading to misinformation or incomplete information being provided to the Service about existing unidentified remains. Such information was not properly documented. Investigators had little or no understanding of provincial or national databases or supports available for both unidentified remains and missing person cases. The Service did not submit many of these cases for inclusion in the existing databases. The Service's own procedures on the discovery of bodily remains, whether identified or not, were not always followed, particularly in failing to notify the Homicide Unit in a timely way or at all. As was true for missing person investigations, investigators did not necessarily reach out to available resources within and outside the Service to advance their investigations.

Recently, the situation has much improved. The MPU's portfolio now includes unidentified remains cases, and its members now liaise with the Office of the Chief Coroner / Ontario Forensic Pathology Service on behalf of the Toronto Police Service in relation to unidentified remains. The Office of the Chief Coroner / Ontario Forensic Pathology Service has a designated liaison with the Service to avoid miscommunication and misinformation. Most significant, the MPU has worked hard to ensure that the Service's open missing person and unidentified remains cases are inputted into the national database. My recommendations acknowledge and build on these achievements.

In summary, I acknowledge the Service's achievements both in upgrading missing person and unidentified remains investigations. However, in relation to missing person investigations, these achievements can only go so far within the current model. The MPU is significantly underresourced, the quality of divisional investigations is not assured, and confidence in the Service's ability to conduct discrimination-free, efficient, and timely missing person investigations, already in doubt, has been further eroded by recent and

ongoing events. Equally important, many missing person cases have little to do with law enforcement, but everything to do with social issues, marginalization, and vulnerabilities.

## **CHAPTER 14 BUILDING BETTER RELATIONS BETWEEN THE SERVICE AND TORONTO'S DIVERSE COMMUNITIES**

Strong, healthy relationships between the Service and the communities it serves are the key to successful policing. Chapter 14 focuses on the urgent need for the Service to build better relationships with marginalized and vulnerable communities who have many reasons to distrust and even fear the police. In my view, building better relations must start with a recognition of the history and ongoing issues in the Service's relationships with a number of marginalized and vulnerable communities. Accordingly, this chapter sets out a detailed description of the relationship between the Service and those communities. Central to that description is a discussion about intersectionality and its importance, and what is common to most, if not all, marginalized and vulnerable groups, particularly given how they intersect – namely, that they have been overpoliced and underserved.

The vicious circle of overpolicing and underprotection must be broken. It must be broken to remedy systemic discrimination and to improve policing in general. First and foremost, policing requires trust. And the foundation of trust is effective and candid two-way communication between the police and the vulnerable. If the police do not gain such trust, more of the marginalized and vulnerable will turn to other agencies and groups that do have their trust.

I am concerned that the plethora of consultative mechanisms may dilute the impact of consultation. The silos that exist between the Service and the Board need to be broken when it comes to consultation.

Part XI of the existing *Police Services Act* and Part XVI of the *Community Safety and Policing Act, 2019*, soon to be proclaimed in force, require that other agencies with responsibility for housing, health, education, and social welfare must be included in meaningful consultations about community safety strategy. The Service and the Board must also play roles, but not dominant ones. The nature of community consultation needs to change in the light of the increasing recognition that intersectionality complicates who “represents” a community and who should be consulted. In my recommendations, I identify the many challenges in making community consultation more transparent and meaningful.

I have found much distrust and even fear of the police. Sex workers told me they would not report a missing person to the police. Those with irregular

immigration status told me they would not report a missing person to the police. Homeless people told me that they do not want to be seen with the police. Trans individuals told me they feared humiliation from the police. As my former colleague has written, distrust of the police undermines modern policing, which is “founded on public trust.”<sup>26</sup>

Some suggest that the situation is beyond repair and that the answer can be found only in looking to new or other institutions to perform much of the work now done by the Service. Others are more optimistic – I among them. They point to significant measures the Service has undertaken in recent years to address bias and discrimination in policing while acknowledging that much work must still be done to repair relationships. Many well-intentioned initiatives, including the very successful neighbourhood community officer program, are not well publicized. The Service must both listen and talk. It must listen to the communities and must share with the public what it is doing.

The Service’s website is one way for the Service to enlighten the public about its various initiatives designed to build and improve relationships with the communities it serves. However, the Service’s website is not effective. It is much less accessible than those of other Canadian police services, such as those in Winnipeg, Saskatoon, and Edmonton. Many of the policing policies and initiatives that are of most interest to marginalized and vulnerable groups are not readily accessible through the Service’s website. The lack of a web presence for various consultative committees or public meetings also means that the Service’s consultation with the community often lacks transparency. I identify but a few examples of how the Service website, particularly the missing person webpage, can be improved. It must be designed to serve Toronto communities rather than promote the Service.

The Service must recognize that the overpolicing and underprotection of the LGBTQ2S+ communities and other similarly and overlapping marginalized and vulnerable communities have resulted in systemic discrimination and damaged its effectiveness in serving and protecting those who live in Toronto. The public’s perception of police legitimacy also depends on the degree to which they trust the police.

True equality should be sensitive to intersecting experiences of discrimination. The Service needs to make a special effort to improve relations with communities that have suffered discrimination and have had a troubled relationship with the police. Even though liaison officers and consultative committees may play a role, often an important role, they are not enough. Each

---

<sup>26</sup> Ontario, *Report of the Independent Police Oversight Review* (Toronto: Queen’s Printer, 2017) (Michael H. Tulloch, Independent Reviewer), para 6.

member of the Service must make improved relationships a top priority. Such a transformation will not be easy. It will require the Service to move away from a hierarchical and closed police culture that has been resistant to criticism and independent evaluation.

Fortunately, there are many signs that we live at a time that is conducive to fundamental change. In my view, such change is necessary. It is also possible. In Chapter 15, I do not propose a detailed blueprint for improving relationships. The reason, in part, is because the Board, the Service, and the City of Toronto are all working, as they should be, on improving relations with marginalized and vulnerable communities. These initiatives are being given high priority. In developing new approaches to community safety, everyone involved should respect the expert knowledge of those who have lived the discriminatory realities of being both overpoliced and underprotected.

The Board, the Service, and the city should be careful not to overload vulnerable and underresourced groups with diffuse, duplicative, and ultimately diluted forms of consultation. There is a need for more comprehensive and better-resourced approaches to ensure that community engagement is transparent and meaningful for the most marginalized and vulnerable. The Service should expect, and indeed seek out, welcome, and learn from criticism. The Service should commit itself to a continual process of relationship building and improvement.

The hard reality of poor relations between the Service and a number of disadvantaged communities should not obscure the fact that, over the last three decades, the Service has made substantial efforts to improve such relationships. I am also impressed with the genuine passion and commitment of many individuals within the Service, officers and civilian members alike, and within the marginalized and vulnerable communities, who all recognize the need to improve relationships and community safety. Meaningful change in the Service will be difficult because of a culture that has too often been resistant to change. Those in the Service seeking such meaningful change have my respect and support. So too do those in marginalized and vulnerable communities who are still willing to work with the Service.

What I find lacking in the Service's sincere efforts to improve community relations is the guidance of an overall strategy. Despite *The Way Forward* plan that emphasized culture change and, somewhat belatedly, community engagement, the Toronto police still lack a clear and coherent strategy for improving relations with marginalized and vulnerable

communities.<sup>27</sup> Without clear goals for community engagement, it is not surprising that the Service has generally not evaluated its many initiatives to determine if they are achieving set goals. The notable exception in this regard is the neighbourhood community officer program, which has been subject to periodic evaluation by researchers at Humber College who have attempted to measure its effects on crime, calls for service, and community attitudes toward the police.

To be sure, some immediate concerns such as the disbandment of the Toronto Anti-Violence Intervention Strategy have been accomplished. A promising neighbourhood policing program has been introduced, expanded, and evaluated. Nevertheless, the basics of the Toronto police's community engagement remain the same. There is continued reliance on community liaison officers and consultative community committees that have been around for some time. Both of these institutions were formed before the insights about intersecting and overlapping discrimination became well known. The reality of intersectionality has complicated the idea that one liaison officer or one community can engage with the LGBTQ2S+ communities in all their diversity.

The lack of a clear and coherent strategy provides the Service and the Board with an opportunity to develop a more rational and clearly articulated approach for improving relationships with Toronto's communities. The Service and Board must engage with communities and broader community safety strategies being devised by the City of Toronto. In my view, the Service needs to accept that, without improved relationships with all of Toronto's diverse and overlapping communities, it will lack the trust that is essential for effective and legitimate policing.

Finally, with the important and shining exception of the neighbourhood community officer program, the Service's initiatives to improve community relations and policing have not been subject to independent evaluation with a focus on measures of success and failure. This type of clear articulation of goals and evaluation that accompanied the neighbourhood community officer program should become the norm, not the exception. The Service should collect, publicize, and share data and enter into research partnerships that allow independent evaluations, including those about the views that various communities have of the Service. Such evaluations should be made available to the public.

A senior member of command at the Service observed that there was a need to focus not simply on the Service's inputs into community relations, but

---

<sup>27</sup> Toronto Police Service, "Action Plan: The Way Forward" (January 2017), 4, at: <https://www.torontopolice.on.ca/TheWayForward/files/executive-summary.pdf>.



to measure the effectiveness of the outcomes produced by various initiatives, including liaison officers. The Service should hold regular town halls and smaller listening circles, perhaps even Sunday meetings in living rooms, to gain more information about the diverse communities it serves and to form closer ties with them.

These necessary changes cannot take place without changes in the culture of the Service. What is required is a more open and collaborative, and less insular and hierarchical, institution.

Most of all, the Service should recognize that it cannot provide equal and effective protection if it does not improve its relations and flow of communications with all communities, especially the most marginalized and vulnerable. The Service must also recognize that the pillar upon which improved relations and communication must be built is trust. It is profoundly disheartening for me to reflect on Arnold Bruner's words, written 40 years ago, in which he described the relationship between the police and the gay communities as a "gulf of mistrust and misunderstanding."<sup>28</sup>

As this Report reveals, there has been progress in addressing that gulf. So, too, have there been setbacks. There is clearly much to be done. The prevailing message I heard during my extensive outreach is that at this particular time there is a genuine commitment to building a new relationship between the Service and marginalized and vulnerable communities – one based on trust. I am confident we can build this new relationship.

## CHAPTER 15 RECOMMENDATIONS

In this Executive Summary, I do not intend to summarize the 151 recommendations contained in the Report. These detailed recommendations are all appended to the Executive Summary. Suffice it to say, they are broad-ranging and, if implemented, transformative. In relation to missing person investigations, they advocate new mid-term and long-term models for how such investigations are conducted. The models build on and enhance the existing Missing Persons Unit, but recognize that many missing person cases require a response by social service, public health, and community agencies as well as not-for-profit organizations. At the same time, the recommendations recognize that some cases demand effective, timely, and discrimination-free criminal investigations that give deserved priority to such cases and recognize the risks to which missing persons, particularly from marginalized and

---

<sup>28</sup> Arnold Bruner, *Out of the Closet: Study of Relations Between the Homosexual Community and the Police*, report to Toronto City Council ([Toronto], 1981).

vulnerable communities, are exposed. Still others require a multidisciplinary response involving police and communities in true partnership.

A key component of the new models is the role to be played by civilians within the Service, both as missing person coordinators and as support workers to assist those directly affected by disappearances. As well, the recommendations explain how the Service must forge a very different relationship with the diverse communities it serves if it wishes to break down barriers to reporting and information-sharing, and it must understand and draw upon marginalized and vulnerable communities to advance the investigations into disappearances within them. Given that I am advocating a holistic approach to missing person cases, my recommendations address prevention strategies to meet the needs of those who choose to go missing.

This Report finds that systemic discrimination contributed to the deficiencies in a number of the investigations I examined. This finding is not dependent on an intention to discriminate but on the effect of differential treatment on communities traditionally overpoliced and underserved. Accordingly, my recommendations address such differential treatment in investigations and, more generally, build on work already being done by the Ontario Human Rights Commission and the Board and the Service. In this context, my recommendations also address the components of an equity plan for the Service and the lack of transparency around discipline.

Building better relationships with intersecting, marginalized and vulnerable communities represents an important theme of my recommendations. The recommendations describe and address the challenges and shortcomings of the current committee consultative processes, advocate for a greatly enhanced role for full-time and part-time liaison officers, and support both the continuing expansion of the neighbourhood community officers program and the use of internal support networks to build equity internally and externally.

Many people told me that more training is not the complete answer to the issues identified during this Review. I agree. Nonetheless, my recommendations recognize the key role of training, education, and professional development, all critically important if policing aspires to be a true profession. I also recommend the creation of a regional centre for policing excellence to develop best practices in policing and in educating about policing.

Finally, I make specific recommendations on implementation. They advocate for a transparent process with timelines and deliverables led by an implementation team partnered by community representatives. I was inspired by the process of community leadership and engagement that led to this

Review, and by my own Community Advisory Group. At the same time, I explain how existing independent accountability measures and oversight should be enlisted. My recommendations also address the robust civilian oversight that should be exercised by the Board and provide the Board with the tools to do its work.

In Chapter 15, unlike here in the Executive Summary, the recommendations that follow are accompanied by extensive commentary that recaps my relevant findings and explains my recommendations. I commend the commentary to the reader, in addition to the recommendations themselves.

## **Resources**

Finally, I address the issue of cost. Any systemic review that makes significant recommendations for change must be mindful of cost implications. Many of my recommendations are cost neutral or involve modest implementation costs, including those to upgrade or enhance existing policies and procedures. That being said, some of the recommendations, particularly those that call for a new model for how missing person investigations are conducted, require significant investment.

I fully realize that the potential of the Missing Persons Unit must come with an appropriate investment. Recognizing the need to meaningfully partner with vulnerable and marginalized communities to build a respectful relationship with them must also come with an appropriate investment. Similarly, being a true leader in training, education, and professional development comes with a price tag.

I am well aware that these recommendations come at a time when there are pressures on the city and the Board to reduce the Service's budget. There is pressure to reallocate those monies to communities to address a range of issues. I am also aware that the pandemic has placed additional financial pressures on all levels of government to address the extraordinary reduction in revenues and the heightened expenditures the city has incurred during this period.

The most significant costs relate to those recommendations designed to enable social service, public health, and community agencies to assume greater responsibility for missing person cases and to reduce dependence on the Service to perform tasks better assumed by others – precisely what many community members and police officers would like to see. In the long term, many of my recommendations, if implemented, will reallocate resources from the Service to communities. Others will position the Service to perform its

responsibilities in a more effective, timely, and discrimination-free way. The public is entitled to no less.

## CHAPTER 16 CONCLUSION

This Report is titled *Missing and Missed*. It remembers those who went missing and who are missed. It also identifies missed opportunities. Against the background of the circumstances that prompted this Review, the Toronto Police Services Board and the Toronto Police Service now have two valuable opportunities. The first is to fundamentally improve how missing person cases are responded to. The second is to invest in strategies designed to improve their relationships with Toronto's marginalized and vulnerable communities.

However, the pursuit of these opportunities is not the responsibility of the Board and the Service, alone. To the contrary. I propose a new approach to missing person cases that builds capacity for social service, public health, community agencies, and not-for-profit organizations to play a central role – sometimes in partnership with the police – to address missing persons in a holistic way. An approach that addresses the underlying issues that sometimes explain why someone goes missing. A way that ensures that when the police are needed, they conduct effective, timely, and discrimination-free missing person investigations. Finally, a way that will contribute to the building and strengthening of relationships between the Toronto police and the communities they serve, particularly the marginalized and vulnerable.

These two valuable opportunities are intertwined. They require the police to work together with the communities they serve. This is particularly true for LGBTQ2S+, Indigenous, and racialized communities; the homeless and underhoused; and those who struggle with mental illness and addictions. Indeed, it is true for a wide range of intersecting, marginalized and vulnerable communities described in this Report. But a successful working relationship with communities cannot be realized unless the Service recognizes and thoughtfully addresses the frayed relationships it has with many marginalized and vulnerable community members.

The Board and the Service should be commended for initiatives they have taken to improve missing person investigations and to improve these relationships. But my recommendations suggest that what is undeniably needed is truly transformational change.

Such change is long overdue. Given the history of these frayed relationships as discussed in this Report, the impact of the tragic events that prompted this Review, and the momentum of the current discussions about re-imagining policing, there is but one conclusion. There is no better time than

now – and that change will be how we honour the lives of those who have been lost.



# RECOMMENDATIONS

## Civilian Oversight (Chapter 3)

### RECOMMENDATIONS

- 1** The Toronto Police Services Board and any future chief of police should publicly commit to the robust oversight by the Board recommended in the Independent Civilian Review into Matters Relating to the G20 Summit, conducted by the Hon. John W. Morden (June 2012), as explained and amplified in this Report.
- 2** The Toronto Police Services Board should adopt a policy clearly defining the types of information that the chief of police should share with the Board, including what constitutes a “critical point.” The policy should specify when and how those types of information should be shared. This policy should be prepared by the Board in consultation with the Toronto Police Service, and as originally recommended in the Independent Civilian Review into Matters Relating to the G20 Summit.
- 3** The policy outlined in Recommendation 2 should identify criteria that must be applied in determining when a “critical point” has been reached. At a minimum, such criteria should include:
  - (a) a policing operation, event, or organizationally significant issue requiring command level approval (i.e., by the chief of police or deputy chief of police) or command level advance planning,
  - (b) operations that may have a material impact on the Toronto Police Service’s relationship with, and servicing of, marginalized and vulnerable communities, including those communities in which significant numbers of community members mistrust the police. These include racialized, Indigenous, LGBTQ2S+, homeless or underhoused, and others identified in this Report, as well as the intersection of these communities. Included here are operational decisions that may have a material impact on future relationships with these communities;

- (c) operations that may impact, in a material way, on the Service's reputation or its effectiveness;
- (d) operational matters, even ones involving an individual case, if they raise questions of public policy;
- (e) internal audits or analogous documents that identify systemic issues within the Service; and
- (f) complaints against individual officers and the Service and findings about discrimination by other tribunals that raise systemic issues.

**4** The Toronto Police Service Board's "critical point" policy should also consider the non-exhaustive list Judge Sidney Linden set out in the 2007 Ipperwash Report of operational decisions that might require policy intervention by government. According to this list, an operational decision is one that may require some kind of policy intervention if it:

- requires unexpected financial or other resources
- could affect third parties or issues not directly involved in the situation / issues
- is necessary to vindicate or balance legal / democratic principles or rights with policing priorities and practices
- raises interjurisdictional issues
- could set a precedent for similar operational situations in the future
- requires intervention of higher levels of authority to resolve the operational issue
- must be made in a police or operational vacuum, where operational decision-makers do not have existing policies or protocols to guide them.<sup>29</sup>

**5** The Toronto chief of police should establish corresponding procedures to the policies outlined in Recommendations 2 and 3 for sharing information with the Toronto Police Services Board.

**6** The Toronto Police Services Board should ensure that initial and ongoing training and education of its current and future members

---

<sup>29</sup> Ontario, *Report of the Ipperwash Inquiry* Volume 2: Policy Analysis (4 vols., Toronto: Ministry of the Attorney General, 2007) (Commissioner Sidney B. Linden) 328.



should include mandatory continual education not only on the role of the Board but on how it can be effective in its governance and oversight role. Emphasis should be on topics such as the sharing of information (including “critical points”), constructive dialogue with the chief of police, systemic issues to be explored, and the scope of and limitations to “directions” to the chief of police.

- 7** The Toronto Police Services Board and the Toronto Police Service should ensure that initial and continual training and education of current and future chiefs of police, deputy chiefs, and senior officers should include what information should be provided to the chief of police and deputy chiefs to enable them to fulfill their responsibilities, including sharing information on “critical points,” with the Board.
- 8** The Toronto chief of police should establish procedures specifying what types of projects or operations have to be approved by senior command (see Recommendation 3(a)).
- 9** As explained in Chapter 3, a regulation permitting a chief of police to decline to provide information in accordance with a direction from a police services board is unnecessary, given the statutory prohibitions that already exist against inappropriate intervention by a board. The Toronto Police Services Board should urge the Ministry of the Solicitor General not to create such a regulation in the circumstances. If such a regulation is created, the scope for denying a board information about operations should be restricted, as it is, for example, in Victoria, Australia, to information whose disclosure would prejudice an investigation or prosecution or endanger the life or safety of a person.<sup>30</sup>
- 10** The Toronto Police Services Board should be allocated sufficient funding to ensure it can perform its extensive governance and oversight responsibilities under the *Police Services Act* and the new *Community Safety and Policing Act, 2019*.

---

<sup>30</sup> *Victoria Police Act 2013* (Vic), Act 81 of 2013, s. 11(3).

*Toronto Police Services Board Policies*

**RECOMMENDATION**

- 11** The Toronto Police Services Board should re-examine all its existing policies, as they pertain to the matters addressed in this Report, and ensure that they provide meaningful policy direction to the chief of police and the Toronto Police Service, consistent with the recommendations made in this Report.

**Major Case Management and Technology (Chapter 4)**

**RECOMMENDATIONS**

- 12** The Toronto Police Service should commit itself, through concrete measurable outcomes, to complying with existing provincial adequacy standards respecting major case management and the use of PowerCase, the mandated case management software, for its intended purpose. Senior command must support and drive this commitment.
- 13** To promote compliance with existing provincial adequacy standards and establish best practices respecting major case management and the use of PowerCase, the Toronto Police Service should:
- ensure that those who work on major cases and their supervisors are properly trained on major case management and on the use of PowerCase;
  - ensure that such training addresses the deficits in knowledge this Report identifies, including existing misconceptions about what PowerCase can and cannot do. Training is inadequate if it merely provides officers with what they must do to comply with adequacy standards. The training should also explain how PowerCase can meaningfully advance investigations;
  - ensure that those who work on major cases receive periodic refresher training on major case management and the use of PowerCase. Refresher training is of particular importance as PowerCase continues to be upgraded;
  - ensure, to the extent possible, that officers trained in major case management have at least some opportunity to develop their

skills through involvement in major cases so that their training is not forgotten through not being used;

- establish best practices in its procedures that support the appropriate use of major case management and the use of PowerCase;
- improve existing tracking mechanisms to enable the Service's Major Case Management Unit to ensure investigations are appropriately categorized as major cases; work with the Ministry of the Solicitor General to ensure there is a match between the number of cases annually reported as open major threshold cases and the number of open cases utilizing PowerCase;<sup>31</sup>
- ensure that, on a regular basis until compliance is the norm, the Service's Audit and Quality Assurance Unit evaluates the extent to which the Service has become compliant with provincial adequacy standards. This means, among other things, that the unit's evaluation should extend beyond the scope of its earlier, important work, and
- ensure that the Audit and Quality Assurance Unit's reports on compliance be provided to the Toronto Police Services Board.

**14** The Toronto Police Service and the Toronto Police Services Board should work in partnership with the Ministry of the Solicitor General and the Office of the Inspector General of Policing (once Part VII of the *Community Safety and Policing Act, 2019*, is proclaimed) to support periodic independent monitoring of the Service's compliance with the provincial adequacy standards respecting major case management and the use of PowerCase.

**15** The Toronto Police Service, in consultation with the Ministry of the Solicitor General, the Major Case Management Unit, and PowerCase's designer, Xanalis, should enhance the effective and cost-efficient use of PowerCase in a variety of ways, including:

- (a) addressing the inefficiencies, associated with the number of steps and the resources engaged, in transferring data from Versadex to a P Drive to PowerCase. The solution might involve

---

<sup>31</sup> At the time of writing, there was a disconnect between these numbers, although they need not perfectly match since provincial adequacy standards permit the use of PowerCase for non-major cases in some circumstances.

discontinuation of the P Drive or mechanisms for greater automatized transmittal of information from one system to another,

- (b) embedding PowerCase indexers into investigations to ensure they can categorize incoming information meaningfully and to reduce information silos. This change may also mean that a PowerCase indexer should be assigned to each Homicide Unit team (along with a file coordinator) and/or that a PowerCase indexer be assigned to each division, depending on need and available resources. Major case management is hampered by the absence of a full-time file coordinator within each division,
- (c) ensuring information is uploaded into PowerCase in a timely way to enable its use as a case management and analytic tool,
- (d) introducing enhancements to PowerCase to address the concerns expressed by users and summarized in this Report, to the extent to which those concerns reflect existing shortcomings, rather than misconceptions, of PowerCase,
- (e) moving toward making PowerCase entirely web-based, enabling it to be accessed from any computer, and
- (f) specifically addressing how information not easily uploaded into PowerCase should be dealt with to maximize its effectiveness.<sup>32</sup>

**16** The Toronto Police Service, in consultation with its own Missing Persons Unit, should also work with PowerCase’s developer to automate predetermined action lists for particular types of investigations, including missing person and unidentified remains investigations.

**17** The Toronto Police Service’s chief information officer is currently reviewing the “interoperability of systems” and the software being used by the Service. Through expert assistance and having regard to the issues identified in this Report, this review should consider whether data must be loaded onto three separate systems (Versadex, a P Drive and PowerCase) in major cases and, in any event, whether data can be uploaded in ways that reduce the time expended in this

---

<sup>32</sup> This point can be addressed, in large part, through training, rather than software improvements since the evidence revealed that other services regularly and successfully upload massive amounts of data that the Toronto Police Service does not upload.

uploading. The review should also consider whether some of the current functions can be performed automatically.

***Changes to the Ontario Major Case Management Manual***  
**RECOMMENDATIONS**

- 18** The Toronto Police Services Board and the Toronto Police Service should request that the Ministry of the Solicitor General consider the issues identified during this Review in clarifying components of the *Ontario Major Case Management Manual* and Ontario Regulation 354/04.
- 19** More specifically, the *Ontario Major Case Management Manual* should be revised
- to elaborate on the definition of “linked cases,” in the light of the issues identified during this Review and reinforce how the definition impacts the requirement to notify the serial predator criminal investigations coordinator of cases;
  - to specify where emails extracted from devices during an investigation should be filed.

Consideration should also be given to adding a forensic computer examiner, IT expert, and/or analyst to the functions and responsibilities defined in the manual.

***Records Management Systems***  
**RECOMMENDATIONS**

- 20** The Toronto Police Services Board and the Toronto Police Service should request that the Ministry of the Solicitor General revisit the need for province-wide compatible records management systems.
- 21** The Toronto Police Service should ensure, through its procedures, that information collected during a major case is available on its records management system to other officers. This availability is subject to categories of information (such as that pertaining to confidential informants) that must or should be restricted.

### *ViCLAS Reporting*

#### **RECOMMENDATIONS**

- 22** The Toronto Police Service should commit itself, through concrete measurable outcomes, to comply with existing provincial adequacy standards respecting ViCLAS submissions.
- 23** The Toronto Police Service should ensure that its Audit and Quality Assurance Unit evaluates, on a regular basis until compliance is the norm, the extent to which the Service has become compliant with provincial adequacy standards respecting ViCLAS submissions.
- 24** The Toronto Police Service should ensure that its Audit and Quality Assurance Unit's reports on ViCLAS compliance are provided to the Toronto Police Services Board.
- 25** The Toronto Police Service and the Toronto Police Services Board should work in partnership with the Ministry of the Solicitor General and the Office of the Inspector General of Policing (once Part VII of the *Community Safety and Policing Act, 2019*, is proclaimed) to support independent monitoring of the Service's compliance with the provincial adequacy standards respecting ViCLAS submissions.

### *The Serial Predator Criminal Investigations Coordinator*

#### **RECOMMENDATIONS**

- 26** The Toronto Police Service must commit, through concrete measurable outcomes, to complying with provincial adequacy standards respecting notification of the serial predator criminal investigations coordinator and to participating in multi-jurisdictional joint investigations in appropriate cases.
- 27** The Toronto Police Service should amend its existing procedures and/or issue a Routine Order to clarify those circumstances in which the serial predator criminal investigations coordinator must be notified. Such procedures and/or the Routine Order should identify the misconceptions around notifications revealed during this Review. Officers must acquire a robust understanding of why the serial predator criminal investigations coordinator is to be notified, when

the criteria have been met, and the Service's commitment to multi-jurisdictional joint investigations in appropriate cases.

- 28** The Toronto Police Service should ensure that its Audit and Quality Assurance Unit evaluates, on a regular basis until compliance is the norm, the extent to which the Service is compliant with provincial adequacy standards respecting notifications to the serial predator criminal investigations coordinator.
- 29** The Toronto Police Service should ensure that its Audit and Quality Assurance Unit's reports on compliance respecting notification to the serial predator criminal investigations coordinator are provided to the Toronto Police Services Board.
- 30** The Toronto Police Services Board and the Toronto Police Service should work in partnership with the Ministry of the Solicitor General and the Office of the Inspector General of Policing (once Part VII of the *Community Safety and Policing Act, 2019*, is proclaimed) to support independent monitoring of the Service's compliance with the provincial adequacy standards respecting notification to the serial predator criminal investigations coordinator.
- 31** The Toronto Police Service should utilize the serial predator criminal investigations coordinator in training and educating officers on major case management and the role he or she performs.

## **Missing Person Investigations (Chapters 5–9, 12)**

### *The Components of a Missing Person Strategic Plan*

#### **RECOMMENDATIONS**

- 32** The Toronto Police Services Board should prepare and adopt a new strategic plan for the provision of policing that addresses missing person and unidentified remains investigations. That strategic plan should be consistent with this Report's findings and recommendations and should meet the following objectives:
  - (a) recognize the heightened priority that needs to be given to missing person cases and the cultural change associated with this heightened priority;

- (b) recognize that many missing person cases raise social issues rather than law enforcement issues or a combination of the two;
- (c) ensure that all missing person cases are triaged, based on risk assessments, to determine the appropriate response to a person's disappearance, including whether that response should involve a combination of the police and other agencies and/or a multidisciplinary response, such as a referral to a FOCUS table<sup>33</sup>;
- (d) ensure that all missing person and unidentified remains investigations are conducted in a manner that is non-discriminatory;
- (e) recognize groups and individuals who have been overpoliced and underprotected and ensure that such recognition is reflected in the Service's missing person, unidentified remains, and associated practices and procedures, in ways to eliminate disadvantage and adverse differential treatment;
- (f) ensure that the police work in true partnerships with diverse communities in implementing changes to existing practices and procedures and in drawing on those partnerships in specific missing person and unidentified remains investigations;
- (g) promote the use of civilian Service members, rather than sworn officers, for suitable responsibilities, including as missing person coordinators and missing person support workers;
- (h) promote the use of civilian Service members and greater use of special constables for some basic tasks associated with missing person and unidentified remains investigations;
- (i) collaborate with appropriate social service, public health, and community agencies and not-for-profit organizations to promote a range of prevention and intervention strategies to reduce the likelihood that individuals, particularly those who repeatedly disappear, will choose to go missing or to ensure they are safe, even when missing;
- (j) ensure that members of the public have clear, easily accessible information about how to report a person missing and that they

---

<sup>33</sup> Currently, there are four FOCUS (Furthering Our Community by Uniting Services) or situation tables in Toronto. They are co-led by the City of Toronto, United Way Toronto and the Service. They identify individuals, groups, and places that have an extremely high probability of harm or victimization and adopt a multi-agency response or intervention to address high-risk situations.



are never prevented from doing so for any reason, including the jurisdiction where they seek to file a report or the time that has passed since the person went missing;

- (k) ensure that barriers to reporting persons missing or to providing information about missing persons or unidentified remains are eliminated or reduced in a variety of ways, including ensuring that there are clear procedures that reduce fear of law enforcement action against missing persons or those who report or provide information about missing persons or unidentified remains;
- (l) ensure, as part of a victim-centred approach to missing person cases, that those directly affected by a person's disappearance are informed of the ongoing missing person investigation, allowed, where appropriate, to contribute to such investigations, and are provided with appropriate support, based on need;
- (m) ensure that missing person occurrences are addressed in a timely way;
- (n) ensure that risk assessments are made by those with specialized training and education, such as missing person coordinators, and that risk assessments are based on evidence-based criteria, accurate to the extent possible in individual cases, updated regularly, and that they are used in deciding how each missing person investigation is conducted:
- (o) ensure that risk assessments address the types of risk involved and the suggested response to a person's disappearance, including whether that response should involve the police, social service / public health / or community agencies, and/or a multidisciplinary response;
- (p) ensure that risk assessments take into consideration the appropriate factors, including the elevated risks that are often associated with marginalized and vulnerable or disadvantaged community members, and avoid irrelevant considerations and stereotypical assumptions and misconceptions;
- (q) ensure that missing person cases are treated presumptively as high risk unless and until a risk assessment or available information reasonably supports a different approach;
- (r) recognize and respect the privacy and liberty interests of those

- who freely and voluntarily choose to disappear; and
- (s) ensure that missing person cases that raise concerns about foul play, including but not limited to potential serial killings, are both recognized as such and promptly and thoroughly investigated, regardless of the personal identifiers and circumstances of the missing persons.

In my recommendations on implementation, I explain how proposed changes should take place through a process that involves community partnership.

### *Priority of Missing Person Investigations*

#### **RECOMMENDATIONS**

- 33** Missing person investigations deserve heightened priority, consistent with this Report's findings and the priority given to these cases in a number of comparable jurisdictions.
- 34** The Toronto Police Service and the Toronto Police Services Board should ensure that the change in culture respecting the heightened priority of missing person investigations – as well as the reasons for this priority – is widely communicated within the Service. The change of culture should make the safety and well-being of missing persons a greater priority while recognizing the important role of social service, public health, and community agencies in these cases. The creation of a Missing Persons Unit represents only one step in recognizing a new priority for these cases, especially when the current unit is inadequately resourced.

### *The Mid-Term Missing Person Model*

#### **RECOMMENDATIONS**

- 35** The Toronto Police Service and the Toronto Police Services Board should adopt the mid-term model for missing person investigations outlined in this Report. The model preserves a centralized Missing Persons Unit, but with significant enhancements. It is predicated on early and ongoing risk assessment and triaging which recognizes that some of these cases are best addressed by social service, public health, and community agencies; other cases through a

multidisciplinary approach; and the balance of cases primarily through police-led criminal investigations.

- 36** The Toronto Police Services Board and the Toronto Police Service should work with the City of Toronto, provincial and federal governments, and social service, public health, and community agencies and not-for-profit organizations to build capacity for non-policing agencies and organizations to assume responsibilities consistent with the proposed mid-term and long-term models.

***Changes to the Missing Persons Unit and Divisional Staffing***  
**RECOMMENDATIONS**

- 37** The Missing Persons Unit should include a permanent analyst position as well as a permanent administrator position.

- 38** The Missing Persons Unit, each of Toronto's four quadrants, and, based on analysis and research, some if not all divisions should have a missing person coordinator. Unless the missing person investigation workload in a particular division or quadrant is limited, the coordinators should work exclusively on missing person and unidentified remains investigations.

- 39** Missing person coordinators should

- receive specialized training and education in missing person investigations;
- include civilian employees;
- perform risk assessments when individuals first go missing and regularly thereafter;
- triage missing person cases for a policing v a non-policing or multidisciplinary response;
- meet regularly to ensure consistency in approach to risk assessments and triaging;
- participate monthly in strategic meetings with social service, public health, and community agencies and not-for-profit organizations to discuss trends, patterns, and themes around the missing and to identify what can be done differently or proactively;
- provide expertise to divisional officers conducting missing

person investigations, including familiarizing them with existing community resources to assist investigations;

- monitor case continuity and ensure that an assigned investigator is on duty for each active divisional missing person investigation;
- liaise, as needed, with the Office of the Chief Coroner / Ontario Forensic Pathology Service on issues relating to bodily remains;
- liaise, as needed, with independent researchers conducting much needed research into missing persons, including testing and refinement of risk assessment instruments; and
- assist the unit's support worker, as needed, in ongoing communication with those directly affected by someone having gone missing and in developing a communication plan with them.

**40** The Toronto Police Service should double the complement of sworn officers assigned to the Missing Persons Unit to eight investigators. The Service should also consider adding a detective sergeant to the unit, as was originally the case. This additional complement of officers will lead to several needed results. First, it will enable the unit to oversee investigations done at the division level while conducting its own complex investigations, with divisional support if required, where specialized skills are critical. Second, it will enable the unit's members to participate in, and lead, training and education on missing person and unidentified remains investigations. Third, it will enable the unit to oversee Missing Person reports from inception, rather than limiting the ability of its members, owing to its restricted resources, to monitor the response to such reports within the first eight days of an individual's disappearance.

**41** The Toronto Police Service should create within the Missing Persons Unit the position(s) of missing person support worker(s). These workers are civilians, such as social workers who preferably have experience, education, and training in victim support and cultural sensitivity (also referred to in this Report as social context education). The support workers are to be dedicated exclusively to providing support for those directly affected by the disappearance of individuals, whether family members, reporting individuals, other loved ones, or close friends.

- 42** The Toronto Police Service should also make greater use of civilians (apart from missing person coordinators and missing person support workers) and special constables to perform certain necessary basic work that does not require the skills of sworn officers and/or builds on the skills of the civilians and special constables. Examples of such basic work might include obtaining relevant videotapes, canvassing hospitals and shelters, securing items for DNA analysis, and examining open source social media sites.

*Support for Those Directly Affected by Someone Missing*  
**RECOMMENDATIONS**

- 43** The Toronto Police Service should amend its Missing Persons procedures and practices, in consultation with its own and external Victim Services agencies and relevant not-for-profit missing persons organizations, to ensure that the following points are implemented.
- (a) Information about an ongoing investigation is regularly provided to those directly affected by the disappearances of missing persons.
  - (b) The Service does not erect unnecessary barriers to providing such information based on an overly broad interpretation of what must be withheld to preserve the integrity of an investigation.
  - (c) Absent exceptional circumstances, a communication plan is created for every missing person investigation, in consultation with those directly affected, that includes
    - (i) the name and contact information of the liaison person assigned to assist those directly affected, whether a missing person coordinator or a missing person support worker;
    - (ii) the names and contact information of persons designated to be updated on the progress of the investigation;
    - (iii) the frequency and type of information to be provided to the persons designated in the communication plan (e.g., the affected persons' wishes and schedule for contact, updates on the progress of the investigation, significant developments in the investigation);
    - (iv) the type of information that is to be provided to the liaison

- person by the persons designated in the communication plan; and
- (v) the means by which information is to be provided.
- (d) Generally, the directly affected persons are advised of details pertaining to the investigation that will be released to the media; they are given an opportunity to review and consent to any information or photos released to the media, unless these steps would jeopardize the investigation;
- (e) Those interviewing directly affected persons use, where appropriate, a trauma-informed approach, and are mindful of the ways in which the disappearance of a loved one may affect them. Interviewers should also be non-judgmental in their responses to a Missing Person Report and avoid appearing to blame the reporting individual for any delay in reporting.
- (f) The Service's members have a clear understanding, based on human rights principles, of who represents a missing person's families, loved ones, or those directly affected and how they should communicate with them. This understanding means, among other things, that
  - (i) the individuals who are to communicate with directly affected individuals are competent to ascertain those with whom they should be communicating;
  - (ii) they do so in a sensitive and appropriate way;
  - (iii) they are respectful of sexual orientation, gender identity and expression, and other relevant identifiers of the missing person and those directly affected; and
  - (iv) communication takes place, whenever possible, in the language of choice of those directly affected.
- (g) Service members provide emotional or logistical support, as may be needed, to those directly affected or facilitate their access to other resources. Such support might include
  - (i) contacting those directly affected on the anniversary of someone's disappearance and/or on other special dates, such as the missing person's birthday; such support, recommended in the National Centre of Missing Persons

- and Unidentified Remains *Best Practices Guide*,<sup>34</sup> does a great deal to reassure those directly affected that the police have not forgotten about their loved ones; and
- (ii) working in partnership with social service, public health, victim-service, and community agencies and non-profit organizations, including relevant charities, to facilitate access to needed resources.

- 44** The Toronto Police Service should develop, in partnership with diverse communities, a guide to missing person and unidentified remains investigations for those directly affected as well as the public at large.
- 45** The Toronto Police Service should comply with the provincial adequacy standards respecting the assignment of a victim liaison officer to major cases, including missing person cases. The Service's procedures should be amended and/or a Routine Order issued to reinforce this requirement. In the context of missing person or bodily remains investigations, the victim liaison officer will generally be the missing person support worker or a missing person coordinator.
- 46** The Toronto Police Service's Missing Persons Procedure should be amended to include the following requirement. In every missing person or unidentified remains case, the lead investigator or, in major cases, the major case manager should ensure that any support that has been or is being provided on an ongoing basis to those directly affected by an individual's disappearance is documented.

### *The Role of Not-for-Profit Organizations or Charities*

#### **RECOMMENDATION**

- 47** The Toronto Police Service and the Toronto Police Services Board should support, in partnership with the federal, provincial, and municipal governments, incentives for not-for-profit organizations, such as charities, to assist missing persons and those directly affected by their disappearances. These incentives should include start-up or shared funding for promising initiatives that might enable a not-for-

---

<sup>34</sup> This best practice has also been adopted by the Seattle Police Department. I was advised that these simple gestures are tremendously impactful in reassuring those affected by a disappearance and building trust.

profit organization to perform functions similar to those carried out by the Missing People charity in the United Kingdom. Ideally, such an organization in Ontario could perform the following roles in substitution for, or in partnership with, the Service and other agencies:

- providing 24-hour confidential support to those who have gone missing (that is, whose locations are not known but who wish to have someone to contact);
- providing support to those at risk of going missing;
- providing support to directly affected loved ones of those who have gone missing or are at risk of going missing;
- providing information to directly affected loved ones about missing person investigations;
- without violating confidentiality assurances, providing information to directly affected loved ones that a missing person is alive or safe;
- serving as a liaison between affected loved ones and the police, if needed;
- coordinating a network of people, businesses, community organizations, and media to contribute to the search for missing persons;
- providing support for those who have returned, including reconnection assistance and referrals to social agencies or FOCUS or situation tables;
- acting as a conduit to the police for those individuals who wish to assist anonymously in investigations;
- publicizing specific missing person cases;
- assisting in the training and education of those who conduct missing person investigations or who work with returning missing persons and their affected loved ones;
- championing the cause of missing persons, including serving as an advocate for needed changes in the law, procedures, or practices;
- promoting community strategies to ensure that marginalized and vulnerable individuals who go missing are noticed; and
- sponsoring or conducting research into issues surrounding those



who go missing.

### *Risk Assessments*

#### **RECOMMENDATIONS**

- 48** The Toronto Police Service, in partnership with academic institutions and its own analysts, should continually work on developing the most sophisticated risk assessment tools. This work must include evaluating and testing the existing risk assessment tools with measurable outcomes, to ensure they are evidence based.
- 49** Risk assessments should be done by those with specialized training and education in missing person investigations and risk assessment. Such experts should include, at a minimum, the members of the Missing Persons Unit and missing person coordinators, whether civilians or sworn officers.
- 50** The Toronto Police Service should build capacity to have risk assessments performed in missing person cases 24/7 so they can be done as soon as practicable and promptly reviewed. It should also ensure that risk assessments are regularly re-evaluated as new information comes forward.
- 51** The Toronto Police Service should ensure that the officials who conduct risk assessments meet regularly with each other and with non-policing agency partners (see Recommendation 52) to collaborate on current cases and to promote consistent approaches to assessments and quality control.
- 52** The Toronto Police Service should develop, in partnership with social service, public health, and community agencies, a risk assessment–based triage protocol that enables appropriate cases to be diverted to non-policing agencies or addressed through a multidisciplinary approach, including referral to FOCUS tables.
- 53** The Toronto Police Services Board and the Toronto Police Service should work with the City of Toronto, provincial and federal governments, and public health, social service, and community agencies to build capacity for non-policing agencies to share or assume responsibilities for missing person cases in ways consistent with the proposed mid-term and long-term models outlined in this

Report.

**54** Risk assessments should identify and document:

- (a) the types of risks, if any, associated with a person's reported disappearance;
- (b) existing factors that elevate or diminish these risks, while recognizing that a single factor that elevates risk may determine the level of response to a person's disappearance;
- (c) the recommended investigative or other response to a person's reported disappearance;
- (d) whether, and to what extent, the disappearance should be addressed by the police, social service, public health, or community agencies or through a multidisciplinary response, including but not limited to referral to a FOCUS table.

**55** In amending the current Risk Assessment forms, the Toronto Police Service should continue to design them to be user-friendly, so as to enable types of risk and risk factors to be identified, with the ability to supplement them as needed.

**56** The Toronto Police Services Board and the Toronto Police Service, with their agency partners and the City of Toronto, should consider whether to create a dedicated missing person FOCUS table or dedicated FOCUS tables or to build added capacity more generally for FOCUS tables to enable them to play a more active role in missing person-related situations. If such a dedicated missing person FOCUS table or dedicated FOCUS tables are created, the Service and its partners should develop different, but analogous criteria for intervention in missing person-related situations, based in part on the issues identified during this Review.

**57** The Toronto Police Services Board's policies and the Toronto Police Service's Missing Persons Procedure and related Risk Assessment forms should be re-evaluated and upgraded in the light of the systemic issues identified by and the lessons learned through this Report. Explicit reference to the issues and lessons should be incorporated into these documents and/or into training and education. The list includes the following issues and lessons.

- (a) In accordance with the National Centre of Missing Persons and Unidentified Remains *Best Practices Guide*, the need to treat missing person cases as presumptively high risk, unless and until a risk assessment or available information reasonably supports an alternative approach.
- (b) In accordance with Recommendation 61, the need to incorporate a clear definition of the “strong possibility of foul play,” together with specific direction to address continuing misconceptions about when the strong possibility of foul play exists.
- (c) The need to provide direction, including lists on potential “red flags” of foul play or exposure to serious bodily harm, informed by the deficiencies identified in this Report.
- (d) In accordance with Recommendations 61-62, the need to provide further direction as to when missing person cases should be treated as major cases, whether or not mandated by provincial adequacy standards.
- (e) The need to provide clear direction and lists on the types of risks to be considered, apart from foul play, again informed by the deficiencies identified in this Report.
- (f) The need for risk assessments to be informed by the disproportionate number of marginalized and vulnerable people who go missing; by how those people are also disproportionately the victims of violence and criminal exploitation; and how, as a result, their marginalization and vulnerabilities may, and often do, elevate the risks associated with their disappearances; merely directing officers to determine whether missing persons are members of certain communities, without more information, is inadequate.
- (g) The need to ensure that the fears and concerns of those who report someone missing or are directly affected by their disappearances are taken seriously, given their familiarity with the missing persons, and that their fears and concerns are not responded to in a dismissive or insensitive way.
- (h) The need to ensure that the affected communities’ concerns – for example, about community safety and perceived patterns of disappearances or the possibility of a serial killer – are taken

seriously and inform any investigative response.

- (i) On a related point, the need specifically to consider patterns of disappearances, where potentially correlated, as part of a risk assessment, rather than focusing exclusively on a single disappearance.
- (j) The need to avoid a mind-set that unreasonably discounts the possibility of foul play or serious bodily harm.
- (k) Similarly, the need to ensure that risk assessments are not based on institutional or systemic reluctance to elevate the risk assessment because of extraneous concerns about resource implications.
- (l) As partially reflected in the Service's current Missing Persons Procedure, the need to ensure that risk assessments are not based on or influenced by stereotypical assumptions or misconceptions about missing persons with certain personal identifiers, such as sexual orientation, gender identity, and gender expression, or missing persons who have certain perceived or actual lifestyles. In this regard, examples of such stereotypical assumptions or misconceptions should be informed by this Report.
- (m) The need to ensure that risk assessors are provided direction or guidance not only on the questions to be asked but also on how the answers bear on risk.
- (n) Though not currently articulated in the Service's Missing Persons Procedure, the need to ensure that the contents of Missing Person questionnaires are used in making risk assessments.
- (o) The need to ensure that risk assessors are provided examples of scenarios that elevate or reduce risk.
- (p) The need to ensure that clear direction is provided as to the need constantly to re-evaluate risk as an investigation progresses. When and if a lead investigator or major case manager is assigned, this ongoing re-evaluation should take place collaboratively with these officers.

**58** The Toronto Police Service should amend its Missing Persons Procedure to abolish the bifurcated approach to the time within which a supervisor must review an initial risk assessment (described in the commentary that precedes this recommendation) that currently

exists.

- 59** In the light of the concerns and deficiencies identified in this Report, the Toronto Police Service should re-evaluate the usefulness of the levels of search currently set out in its Missing Persons Procedure. The investigative response to a particular disappearance should be based on the circumstances of the disappearance that exist or as they evolve. The search response to a missing person should be closely correlated both to the risk assessment process and to the criteria set out in the *Ontario Major Case Management Manual* – or any additional criteria identified by the Service for determining when a missing person occurrence constitutes or should be treated as a major case.
- 60** The Toronto Police Services Board and the Toronto Police Service (the Service) should support continuing research on risk assessment, including the creation of predictive models, based in part on disaggregated data collected by the Service and on analytical work.

### *The Major Case Designation in Missing Person Cases*

## RECOMMENDATIONS

- 61** The Toronto Police Service should ensure, through a combination of amended procedures, Routine Orders, and training and education, that its officers understand when a missing person occurrence must be designated as a major case. The amended procedures should
- (a) dispel misconceptions around the meaning and interpretation of a “major” missing person case and “the strong possibility of foul play”;
  - (b) further draw on and acknowledge the issues identified during the Review and the lessons to be learned as a result;
  - (c) specifically indicate that “strong possibility of foul play” does not require definitive proof of foul play or even the probability of foul play; in missing person cases, the “strong possibility of foul play” will be based, almost invariably, on circumstantial information, such as “red flags” that elevate concerns about the missing person as a victim;

- (d) specifically indicate that the “strong possibility of foul play” includes the strong possibility of being victimized by crime involving a missing person’s death, abduction, or serious bodily harm; and
- (e) specifically indicate that any uncertainty about whether “a strong possibility of foul play” exists should be resolved in favour of its existence.

**62** The Toronto Police Service should amend its procedures to permit or require lead investigators and their supervisors to treat missing person occurrences as the functional equivalent of or analogous to major cases when:

- (a) foul play cannot reasonably be excluded; or,
- (b) the missing person’s life or safety may be at serious risk for reasons unrelated to the strong possibility of foul play.

**63** The Toronto Police Service should outline in its procedures the operational implications of the designation of a missing person occurrence as a major case or as analogous to a major case, most particularly when the designation is based on the strong possibility of foul play or analogous concerns. Such procedures should specifically address the following issues:

- (a) who decides whether the case involves a strong possibility of foul play or analogous concern;
- (b) how that decision is to be documented;
- (c) how the decision is to be effectively and regularly monitored and updated when appropriate;
- (d) how the review of the decision is to be documented;
- (e) when a missing person occurrence involves a strong possibility of foul play or analogous concerns, how the decision will be made whether the investigation is led by the Homicide Unit, the Missing Persons Unit, or the relevant division’s Criminal Investigations Bureau, with or without investigative support from other units; and
- (f) regardless of which unit leads these cases, how the decision will be made as to whether a command triad will be set up or whether major case management will be employed without the

assignment of three separate officers.

- 64** The Toronto Police Service should recognize that divisional criminal investigations units may be ill equipped or resourced to conduct complex, lengthy missing person investigations. In some instances, giving such investigations to the criminal investigations bureaus sets them up for failure. These investigations should often be done or led by the Missing Persons Unit itself, unless the occurrences meet the criteria for referral to the Homicide Unit for investigation. The Missing Persons Unit can lead the investigations, with work delegated to the divisional criminal investigations bureau officers as needed.

*Jurisdiction*<sup>35</sup>

**RECOMMENDATIONS**

- 65** The Toronto Police Service’s procedure that defines which division or service investigates a missing person case is outdated and, in partnership with the Ministry of the Solicitor General, should be revisited. Among other things, revised procedures should be informed by the following considerations:
- (a) Where the police reasonably believe that the focus of the investigation will largely, although perhaps not exclusively, be within the jurisdiction where the person was last seen, if known, and the investigation is not to be conducted by the Missing Persons Unit, it should generally be conducted by the division where the person was last seen. This approach is subject to a determination by the Missing Persons Unit that the particular circumstances warrant a different approach.
  - (b) In the above circumstances, where the missing person resides in the jurisdiction of another police service, the relevant police services should liaise with each other to determine jointly the most appropriate service to lead the investigation. That determination should be documented and should be made based on where the investigation would most effectively be conducted, rather than on extraneous considerations.
  - (c) Where more than one division or service must perform the

---

<sup>35</sup> Though Toronto police officers have city-wide police powers, I use “jurisdiction” here as a convenient term to discuss which division assumes carriage of a missing person investigation.

actual investigative work, efforts should be made to avoid duplication and other inefficiencies. There should be clear lines of reporting and coordination, and, in cases involving more than one police service, the province should create a process for facilitating these investigations, even if they do not meet the criteria for multi-jurisdictional joint investigation

- 66** The Toronto Police Services Board and the Toronto Police Service should urge the Ministry of the Solicitor General to adopt province-wide guidelines on jurisdiction to be exercised in missing person and unidentified remains investigations. Consideration should be given to the National Centre of Missing Persons and Unidentified Remains *Best Practices Guide* respecting jurisdiction; the guide treats the place a missing person is last seen, if known, as the lead criterion for assuming jurisdiction.

### *Criminal Investigation Management Plan*

#### **RECOMMENDATIONS**

- 67** The Toronto Police Service should amend its Missing Persons Procedure to ensure that it complies with its Criminal Investigation Management Plan respecting the assignment of specialist investigators in missing person investigations. The Service may consider and incorporate within its Missing Persons Procedure and its Criminal Investigation Management Plan whether there are categories of such investigations, particularly those of less complexity, that need not be assigned to a specialist investigator if overseen by the Missing Persons Unit. The Criminal Investigation Management Plan should also incorporate a process for supporting a multi-jurisdictional investigation that is not a major case.
- 68** The Toronto Police Service should create a process, reflected in its procedures and its Criminal Investigations Management Plan, for a decision to be made, where appropriate, to merge investigations otherwise being conducted in multiple divisions and to avoid unnecessary duplication of investigative work. Where the decision is made to maintain separate investigations, the lead investigators should coordinate their efforts to ensure that they are not duplicating investigative steps.



***Assignments and Continuity of Investigation and Supervision***  
**RECOMMENDATIONS**

- 69** The Toronto Police Service should amend its Missing Persons Procedure to ensure full continuity in missing person investigations when lead investigators go off-shift. Such continuity means
- (a) investigations should continue even in the absence of the lead investigator;
  - (b) an officer assumes carriage of the investigation in the lead investigator's absence; and
  - (c) changes in the identity of the lead investigator, are documented in the investigative file and made known to those closely associated with the missing person's disappearance.
- 70** The Toronto Police Service should amend its Missing Persons Procedure to ensure full continuity in missing person investigations when lead investigators are reassigned or retire. Such continuity means
- (a) the investigation should be reassigned promptly;
  - (b) the reassignment should be documented in the investigative file and made known to those closely associated with the missing person's disappearance; and
  - (c) when feasible, the former lead investigator should take steps to familiarize the new lead investigator with the investigation and document the fact that this step has been taken.
- 71** The Missing Persons Unit or, on adoption of the mid-term model proposed in this Report, missing person coordinators should assume responsibility for continuity and consistency of file management. Missing person coordinators should have lines of reporting within their division or quadrant as well as to the head of the Missing Persons Unit.
- 72** The Toronto Police Service should amend its applicable procedures, in accordance with the recommendation contained in the 2019

Inspection Report of the Ministry of the Solicitor General, to require

- (a) the officers assuming the responsibilities of the command triad in major cases to be clearly identified, and
- (b) the assigned officers in missing person and unidentified remains investigations, or the officers who assume the responsibilities of the assigned officers in their absence, to be easily accessible to the public, most particularly those closely associated with the missing persons or, potentially, to the unidentified remains.

### *Assignment of Specific Investigators*

#### **RECOMMENDATION**

**73** The assignment of investigators or interviewers to a missing person investigation should be informed by their individual skills and competencies. In making such assignments, supervisors should be mindful of, and informed by, the dynamics in individual cases. These dynamics may include

- (a) the nature of the investigation; and
- (b) the personal identifiers relevant to the missing person, those who report that person missing, or those being interviewed.

### *Community Partnership and Engagement*

#### **RECOMMENDATION**

**74** The Toronto Police Service should strengthen its existing Missing Persons Procedure to ensure that the investigators make themselves aware of existing community resources that can advance their missing person investigations and fully use those resources as needed. The Service should work proactively with community groups and leaders to establish processes for community partnership and engagement in missing person investigations.

**75** The Toronto Police Services Board and the Toronto Police Service should develop, in partnership with community groups and leaders, an information-sharing strategy that institutionalizes ongoing communication with community leaders and groups and with the public at large about the Service's missing person investigations. The information-sharing strategy should draw upon the systemic issues

this Review identifies and the related lessons learned. In particular, the strategy should promote:

- (a) information sharing about specific investigations with affected communities and the public at large;
- (b) community partnership in how and what information is shared, including use of community resources for messaging;
- (c) a process for decision making around public warnings that includes, to the extent possible, confidential input from community leaders or groups;
- (d) police participation in community meetings, and town halls, both to inform communities about existing missing person processes and about specific investigations of concern to those communities, and to address potential barriers to information-sharing;
- (e) ongoing feedback from communities about the Service's successes or failures in its communication strategy and, more generally, in its ongoing relationships with diverse communities;
- (f) consideration of the impact on marginalized and vulnerable or disadvantaged communities in failing to communicate information;
- (g) the development of a user-friendly missing person and unidentified remains webpage;
- (h) the development of a coherent and comprehensive approach to the use of posters and both, social and traditional media to share information;
- (i) recognition that not every community member has equal access to the internet or electronic communication, as well as the need to address linguistic barriers, and to accommodate those with disabilities; and
- (j) the creation of missing person awareness days (see Recommendation 87).

**76** The Toronto Police Service should incorporate the information-sharing strategy into the missing person strategic plan described in Recommendation 32 and in the Toronto Police Service's Missing Persons Procedure.

**77** The Toronto Police Service should amend its procedures relating to both missing person and unidentified remains investigations to ensure that, where appropriate, timely media releases are issued in relation to such investigations.

**78** Where the state of unidentified remains prevents the release of a photograph or where efforts will be made to reconstruct the facial features of the deceased, a media release should nonetheless be issued, in the absence of exceptional circumstances. The media release should provide information about the location where the remains were found, when they were found, and potential identifiers such as articles of clothing that were found.

*Accessibility of Information*

**RECOMMENDATIONS**

**79(a)** The Toronto Police Service should improve the webpage relating to missing persons in ways that might include:

- providing cellphone access to a workable version of the Missing Person Questionnaire,
- creating a more “assistive” questionnaire with “explanation” and “help” icons for every question,
- introducing measures to overcome linguistic barriers,
- through the GPS, directing members of the public to the division closest to them,
- introducing an explanatory video with multilingual captioning to outline the missing person reporting process and the work of the unit,
- using more sensitive language, in keeping with the anticipated state of emotional distress of a member of the public accessing the webpage,
- offering an overview as to what a missing person investigation typically entails.
- incorporating a “Frequently Asked Questions” section,
- offering additional practical tools to empower individuals to participate in missing person investigations, such as an “auto create missing person poster” link,

- alerting members of the public to the Service's diverse membership and allow reporters to request that an officer from a given community (Indigenous, LGBTQ2S+, female-identifying, etc.) respond to the Missing Person Report,
- featuring profiles of historical or ongoing missing person cases, when feasible, with the consent of the family.
- allowing those within affected communities to subscribe for regular search updates through text or email,
- providing better guidance as to which ones to contact in which situations, and
- providing accessibility capabilities for the visually and hearing impaired.

**79(b)** The Toronto Police Service should evaluate or ensure that an evaluation is done of the extent to which the online Missing Person Questionnaire is being used by members of the public, how helpful it is to investigators, and whether members of the public find it accessible and user-friendly.

**80** The Toronto Police Service should study the feasibility of a dedicated call-in number for missing person information, which should ultimately be staffed by civilians with specialized training and education.

### *Public Warnings*

#### **RECOMMENDATION**

**81** The Toronto Police Service should re-evaluate its existing decision-making processes for issuing public safety warnings. At a minimum, in relation to major case investigations, the major case manager should make the ultimate decision, in consultation with the Service's Corporate Communications, as to whether a public safety warning is required. These types of decisions should be made, whenever possible, in partnership or in consultation with community leaders.

*Partnerships with Group Homes and Youth-Related Institutions*

**RECOMMENDATION**

**82** The Toronto Police Service should take steps to introduce a new and complementary approach to cases involving youth who go missing from group homes, shelters, and other youth-related institutions. This approach should be designed to proactively reduce the number of young people who leave their care homes or institutions; ensure that issues explaining their departure are addressed by social service, public health, or community agencies; implement measures to ensure that such young people are safe when away from their care homes and institutions; and appropriately triage cases involving young people who leave care homes or institutions. Such an approach may involve, as it does in Saskatoon, reporting to the police that a young person is missing from care without immediately activating a missing person investigation.

*Use of Liaison and Neighbourhood Community Officers*

**RECOMMENDATIONS**

**83(a)** The Toronto Police Service should fully use its liaison officers and its neighbourhood community officers to advance missing person and unidentified remains investigations.

**83(b)** The Toronto Police Service should revise its Missing Persons Procedure, as well as relevant job descriptions, to explicitly recognize that its liaison and neighbourhood community officers may

- (a) facilitate information being made available, particularly from marginalized and vulnerable community members otherwise reluctant to come forward;
- (b) create a safe and welcoming environment for those who want to report a person missing and for potential witnesses who want to come forward;
- (c) dispel existing mistrust and provide needed assurances;
- (d) familiarize investigators with the significance of information they are being provided;
- (e) correct stereotypical assumptions or preconceptions that can

- infect investigations;
- (f) access street-level community members, otherwise inaccessible to investigators, who may be well situated to assist an investigation;
- (g) address concerns about the potential misuse of information provided to police, including privacy issues around sexual orientation, gender expression, or identity; and
- (h) ensure that appropriate language is employed in media releases and by investigators in their interactions with community members.

### *Prevention Strategies*

#### **RECOMMENDATION**

- 84** The Toronto Police Service should modify its Missing Persons Procedure to require, in the absence of exceptional circumstances, that a “return” interview be sought with a person who chose to go missing. The return interview should address whether there are underlying issues, particularly those unrelated to law enforcement, that explain why the person decided to go missing, and how to avoid the person repeatedly going missing, thereby reducing the number and costs of future missing person cases. To the extent possible, these return interviews should be conducted by non-policing agencies or civilian missing person support workers. Uniformed sworn officers should be involved as little as possible. In some instances, return interviews should result in referrals to multidisciplinary FOCUS tables to address underlying social issues that explain the person’s disappearance. The Service and the agencies involved in such interviews should create a template of questions to assist the process.
- 85** The Toronto Police Service, in partnership with community organizations, should also support a service modelled on the United Kingdom’s TextSafe program.
- 86** The Toronto Police Service should support the creation of a diverse survivor working group, consisting of those who have previously gone missing or their loved ones. Such a working group can assist in building community awareness about missing persons and how to respond when a person goes missing.

### *Missing Person Awareness Days*

#### **RECOMMENDATION**

**87** At regular intervals, the Toronto Police Service should conduct a Missing Person Awareness Day in which Service members explain to the community the approach taken to missing person cases, provide information on how to report missing persons, what websites to access for information about missing persons or missing person investigations, including who to contact with questions about how missing person investigations have been conducted or how to provide relevant information. In this regard, the Toronto Police Service should consider the Ontario Provincial Police's model, with necessary modifications.<sup>36</sup>

### **Specific Investigative Issues (Chapters 5–13)**

#### *Electronic and Internet Searches*

#### **RECOMMENDATIONS**

**88** The Toronto Police Service) should address the systemic issues associated with how it collects electronic evidence, including the content of devices and internet and social media use. In particular, the Service should amend (or improve) its existing internet procedure and practices to promote:

- (a) clarity on what electronic searches should be done by investigators and what electronic searches should be done through the Technological Crime Unit and/or the Cyber Crime Unit;
- (b) timely access to technological support when it is needed for major investigations;
- (c) clarity on when and how needed information should be obtained through Mutual Legal Assistance Treaties, production orders under the *Missing Persons Act, 2018*, the Criminal Code, or other means.

---

<sup>36</sup> The OPP model is described in Chapter 13.



- 89** The Toronto Police Services Board and the Toronto Police Service should urge the provincial and federal governments to address and streamline the Mutual Legal Assistance Treaty process for collecting electronic information. The criteria for obtaining such information should remain the same, but the bureaucracy associated with this process needs to be streamlined.

### *The Use of Analysts*

#### **RECOMMENDATION**

- 90** The Toronto Police Service should ensure that civilian analysts are fully integrated into major investigations to which they are assigned. They should not be treated as secondary participants but ideally have full access to the information available to the assigned investigators.

### *Communication with Another Service*

#### **RECOMMENDATIONS**

- 91** The Toronto Police Service should amend its procedures, including the Missing Persons Procedure, and disseminate a Routine Order to address the systemic issue represented by the Service's failure to respond to the attempts of another police service to interest the Service in a potentially connected investigation. More specifically, the procedures should require:
- that a Toronto police officer, advised of a potential connection between a case in Toronto and another jurisdiction, document the information provided and ensure that it is followed up on, and that the follow-up is documented in the relevant investigative file.
- 92** The Toronto Police Services Board and the Service should request that the Ministry of the Solicitor General draw the issue of lack of communication between services to all Ontario police services and identify a contact person (or position) at the ministry in the event that any officer or service is concerned about the failure to respond appropriately to such information being communicated.

*Templates or Checklists for Missing Person Investigations*

**RECOMMENDATIONS**

- 93** The Toronto Police Service should create templates or checklists for missing person investigations to reflect the deficiencies identified by and lessons learned during this Review. The checklists should be fully accessible on the officers' mobile workstations and upgraded as needed.
- 94** The Toronto Police Services Board and the Toronto Police Service should recommend to the Ministry of the Solicitor General that a missing person checklist form part of provincial adequacy standards.
- 95** The Toronto Police Service should amend its Missing Person Procedure to provide that (i) DNA evidence should be collected as soon as practicable. Absent exceptional circumstances, DNA evidence should be collected within 48 hours; and (ii) the Dental Chart form should be completed as soon as practicable in all instances, and in any event, within 30 days if the missing person is not located.

*Interviewing*

**RECOMMENDATION**

- 96** The Toronto Police Service should amend its Missing Person Procedure to address, in a more helpful and thorough fashion, the need to interview key witnesses pertaining to the report of a missing person and the subsequent investigation.

*300 Metre Searches and Ground Searches*

**RECOMMENDATIONS**

- 97** The Toronto Police Service should amend its Missing Person Procedure to
- (a) explicitly address which officers, in addition to the "first police officer" or the responding officer, are responsible for conducting the appropriate 300 metre search and to ensure that a supervisor approve the nature and location of any such search (although not necessarily before it has been conducted). The supervisor should ensure that any decision not to conduct such

a search is documented, together with the reason no search was conducted; and

- (b) explicitly identify the potential role of trained search managers to either coordinate searches or to provide advice on searches, regardless of the level or type of search being conducted; and
- (c) strengthen the current language pertaining to support for missing persons and coordination with volunteers and community agencies, consistent with the recommendations in this Report.

**98** The Toronto Police Service should ensure that all physical searches for missing persons, or canvassing for witnesses or relevant evidence, be conducted in a comprehensive and coordinated way that includes:

- (a) detailed search or canvassing plans;
- (b) systematic reporting to a search manager or lead investigator;
- (c) use of appropriate technology, such as GPS, Global Search, or social media;
- (d) use of grid searches, mapping tools, or other techniques to ensure completeness;
- (e) support, when appropriate, of outside agencies; and
- (f) coordination with civilian activities and organizations.

This approach should be reinforced through training, education, and Routine Orders. In this regard, the Service might consider the United Kingdom's search and canvass team model, a model that the Vancouver police have adopted.

### *Video Footage*

#### **RECOMMENDATIONS**

**99** The Toronto Police Service should ensure that video footage is sought and viewed in missing person investigations in a timely, comprehensive, and coordinated way. This obligation should be reinforced through a Routine Order, training, and education.

**100** The use of a grid search or mapping tool, such as that used by members of the Emergency Management and Public Order Unit and

other officers, more recently, represents a best practice to be employed for conducting a comprehensive, coordinated search for video footage.

### *Access to Hospital-Related Information*

#### **RECOMMENDATIONS**

- 101** On a priority basis, the Toronto Police Services Board and the Toronto Police Service should address, with the provincial and municipal governments, inefficiencies in obtaining information from hospitals, correction facilities, and other institutions about whether a missing person is located in those facilities. The current practice of calling hospital to hospital or jail to jail or analogous institutions is very costly. It involves an unnecessary expenditure of substantial human resources and results in investigative delay.
- 102** The Toronto Police Service should develop additional social media or other effective tools, such as cross-platform mechanisms or apps that effectively reach hospitals – as well as others who have regular contact with those who come into contact with a vast number of people, such as those involved in transportation services, and similar services, locations, or agencies, through which the police can place notifications about missing persons.

### **Memobooks (Chapters 5–9)**

#### **RECOMMENDATIONS**

- 103** The Toronto Police Service should evaluate the continuing use of officer memobooks, having regard to the issues identified during this Review.
- 104** The Toronto Police Service should reinforce, through its procedures and Routine Orders, that all memobooks are Service property and must be retained as its property. All memobooks relating to specific investigations must be preserved in the investigative files pertaining to those investigations.

## Unidentified Remains (Chapters 9, 13)

### RECOMMENDATIONS

- 105** The Toronto Police Service should develop, in partnership with the Office of the Chief Coroner / Ontario Forensic Pathology Service, protocols on addressing unidentified bodily remains. These protocols should provide, among other things, that:
- (a) the Office of the Chief Coroner / Ontario Forensic Pathology Service should designate a person or team with sole responsibility for informing the police about unidentified bodily remains at the morgue;
  - (b) the direct contact information for that person or team should be provided to the Missing Persons Unit and other appropriate units or officers;
  - (c) any information exchanged between that designated person or persons and the police should be memorialized in writing by both parties;
  - (d) civilians who make inquiries about people who have gone missing are dealt with in a consistent and helpful way. Civilians should be clearly advised as to the specific person or unit to contact with such inquiries and the relevant contact information;
  - (e) the Office of the Chief Coroner / Ontario Forensic Pathology Service should ensure that prompt notification is provided to the Service, including the Missing Persons Unit, regarding the bodies that have arrived at the morgue that day, detailing their approximate age, sex, and distinguishing features; and
  - (f) the Missing Persons Unit should continue to be the liaison in relation to unidentified remains investigations (other than homicide cases) with the Office of the Chief Coroner / Ontario Forensic Pathology Service and with the provincial Missing Persons and Unidentified Remains.
- 106** The Toronto Police Service, in consultation with the RCMP and the OPP, should request that one of its analysts be seconded to the provincial Missing Persons and Unidentified Remains to assist in

ensuring that missing person cases in Toronto are appropriately overseen.

### *Notifications to the Homicide Unit*

#### **RECOMMENDATION**

**107** Through a Routine Order and other effective methods, the Toronto Police Service should reinforce with all relevant officers, the circumstances under which the Homicide Unit should be advised of a death or the discovery of bodily remains.

**108** The Toronto Police Service should amend its procedure on preliminary homicide investigations to clarify when unidentified remains investigations meet the criteria for a threshold major case.

### **Internal Review of Investigations and Supervision (Chapters 5–9, 13)**

#### *Reviews of Investigations*

#### **RECOMMENDATION**

**109** The Toronto Police Service should commit itself to the professional use of multi-disciplinary case reviews or case conferences, as contemplated by the *Major Case Management Manual*, to evaluate investigations objectively and thoroughly. In some circumstances, as is the case in the United Kingdom, serious issues in the conduct of an investigation should lead to an independent review accompanied by a public report. This recommendation calls upon the Service to be far more introspective about its own failings and to correct them.

#### *The Approach to Supervision Generally*

#### **RECOMMENDATION**

**110** The Toronto Police Service should evaluate whether existing supervision and oversight of major investigations should be re-examined. This evaluation involves a more fundamental and introspective questioning of the lines of supervision within the Service and whether they are serving its needs.

## **Removing Barriers (Chapters 5–9, 12–14)**

### **RECOMMENDATIONS**

- 111** The Toronto Police Services Board and the Toronto Police Service should re-evaluate, in partnership with the City of Toronto, what protections currently exist for those with precarious legal status who wish to report people missing or provide information about them; whether the Service has misinterpreted its existing enforcement obligations, particularly under immigration legislation; and whether its current procedures and practices are consistent with the city’s sanctuary city policy and related directions. This re-evaluation, supported by an independent legal opinion, should lead to enhanced, well-communicated protections that will assist in reducing barriers to reporting or information-sharing with the police.
- 112** The Toronto Police Service should consider incorporating into its Missing Persons Procedure, a third-party or “distance” reporting system (where trusted community leaders, organizations, or agencies are designated to transmit, anonymously if necessary, missing person reports or information to the police).

## **Acknowledgements of Deficiencies (Chapters 7, 12, 14)**

### **RECOMMENDATION**

- 113** The Toronto Police Service and the Toronto Police Services Board should consider whether they wish to acknowledge the deficiencies identified in this Report, together with the adverse impact they have had on those communities and individuals directly affected. Such an acknowledgement should be made only if heartfelt, if it is accompanied by a detailed action plan for change that is subject to independent monitoring, and if the content of the acknowledgement and the action plan is developed in partnership with communities. Any such acknowledgement should form part of a comprehensive re-evaluation by the Service and the Board of the urgent need to improve relationships with Toronto’s diverse communities, including those who suffer intersecting and overlapping grounds of systemic discrimination and disadvantage.

**114** The Toronto Police Service should consider whether to acknowledge the problems associated with Chief Saunders’s statements on December 8, 2017, and later to the *Globe and Mail* and how they contributed to the elevated mistrust that followed the McArthur-related investigations

## **Training, Education, and Professional Development (Chapters 4–14)**

### *Minimum Educational Requirements for Recruits*

#### **RECOMMENDATION**

**115** The Toronto Police Services Board and the Toronto Police Service should reflect, in their recruitment policies, the following standards:

- (a) recruits must have a minimum of 30 credits of post-secondary education (or such higher minimum as the Board and Service might determine);
- (b) post-secondary education need not include policing-related courses, but may well include courses that promote communication, problem-solving, and relationship-building skills and cultural understanding and humility; and
- (c) diversity and equity in hiring continue to be supported.

### *Training and Education of Cadets and the Service’s Members*

#### *The Current Regime*

#### **RECOMMENDATION**

**116** The Toronto Police Services Board and the Toronto Police Service (the Service) should commit the Service to becoming a recognized national, if not global, leader in police training, education, and professional development both for recruits and the Service’s sworn officers and for its civilian employees, with particular emphasis on those who perform functions relevant to this Review’s mandate, such as community engagement, equity, inclusion, and human rights.



### *Training and Education Based on the Review's Findings*

**117** The systemic issues identified by and lessons learned during this Review should inform the content of the training and education of the Toronto Police Service on the following topics:

- (a) risk assessment in missing person cases;
- (b) the use of technology to advance investigations and the importance of such use;
- (c) the use of existing internal resources and community partnerships to advance investigations involving diverse marginalized and vulnerable communities;
- (d) communication strategies to ensure that investigations are, to the fullest extent possible, transparent;
- (e) interviewing techniques and appropriate preparation for interviews, including the nature and scope of work-ups for interviewees;
- (f) trauma-informed interview techniques for those emotionally traumatized by a disappearance or the discovery of a deceased person;
- (g) how and when to effectively access relevant electronic information, the internet, and social media personally, through the assistance of the Technological Crime Unit or the Cyber Crime Unit, or through legal process;
- (h) how and when to utilize the *Missing Persons Act, 2018*;<sup>37</sup>
- (i) how to determine whether a case meets the criteria for a major case, whether threshold or non-threshold, and what the designation as a major case means;
- (j) major case management, and the use of PowerCase;
- (k) when the Homicide Unit should be advised that bodies or unidentified remains have been found;
- (l) when the Homicide Unit should be consulted or engaged in relation to a missing person investigation;
- (m) tunnel vision;
- (n) what is and is not available to officers on the Service's records management systems;

---

<sup>37</sup> SO 2018, c 3, Schedule 7.

- (o) the uses that can and cannot be made of underlying conduct relating to a record suspension (previously known as a pardon) for investigative purposes;
- (p) the role of the Emergency Management and Public Order search managers and unit members insofar as they relate to urban canvassing and searching, and how they can be called upon to assist in missing person investigations; and
- (q) the criteria that define when missing person investigations become major cases subject to major case management, as well as how to interpret those criteria.

### *Specialized Training and Education*

#### **RECOMMENDATIONS**

**118** The Toronto Police Service should develop specialized training and education on missing persons and unidentified remains investigations. Such specialized training and education should:

- (a) be made available, at a minimum, to those who become members of the Missing Persons Unit, including the analyst and missing person support workers, all missing person coordinators, those who are expected to serve as lead investigators in missing person or unidentified remains investigations of any complexity, and supervisors expected to review risk assessments in missing person cases. The Service is best situated to decide how such training and education should be integrated into either the existing or any new training and education regime.
- (b) be informed, in part, by the systemic issues identified during this Review and the lessons learned as a result, as well as the objectives of the strategic plan outlined in Recommendation 32. Examples of the content of such training and education would include:
  - how to respond to, and take seriously, the concerns expressed by community members or those directly affected when someone has gone missing. It undermines confidence in the police for officers to minimize or dismiss, whether or not well-intentioned, the concerns expressed about a missing person;

- the heightened risks that are associated with marginalized and vulnerable groups and how that should inform an investigation;
- the availability of internal and community resources to assist in overcoming barriers to obtaining relevant information from marginalized and vulnerable community members in a safe environment, and “red flags” associated with possible foul play or factors that elevate risk of serious bodily harm or victimization.

**119** Although it is not expected that every officer will receive the specialized, more intense, training and education set out in Recommendation 117, it is important that all officers have a basic understanding of the new model for missing person investigations the Toronto Police Service adopts and how unidentified remains investigations should be conducted.

*Critical Thinking and Social Context Education*

**120(a)** The Toronto Police Service should place much greater emphasis on continuing education for its members that addresses reasoning and problem-solving skills, empathy and understanding, and cultural humility.

**120(b)** The Toronto Police Service should partner with those who work with marginalized and vulnerable communities and community members to design and provide mandatory social context education that can, where possible, be integrated into all forms of training and education. Social context education would include:

- (a) the history of the Service’s relationship with the LGBTQ2S+ communities, and marginalized and vulnerable communities generally, and how that history should inform policing;
- (b) the diversity of Toronto’s communities, including its most marginalized and vulnerable members and the concept of intersectionality and its importance to policing; and,

- (c) where possible, experiential, interactive and place-based learning: this learning could include land-based learning about Indigenous people and placements with community agencies that work with marginalized and vulnerable groups.

### *Measurable Outcomes in Training and Education*

#### **RECOMMENDATIONS**

- 121** The Toronto Police Service should place much greater emphasis on evaluating the effectiveness of training and education through measurable outcomes. This emphasis might be reflected, for example, in auditing the extent to which officers have incorporated their training and education on discrimination-free policing into their interactions with community members.

### *Professional Development and Promotion*

#### **RECOMMENDATION**

- 122** The Toronto Police Services Board and the Toronto Police Service should, to a significant degree, through policy and procedures, link promotions to demonstrable competency in developing and sustaining community relationships, particularly with marginalized and vulnerable communities. The evaluation of such competencies can be based on prior activities, community support, and/or responses to case scenarios that raise issues around engagement with such communities.

### *A Centre for Policing Excellence*

#### **RECOMMENDATIONS**

- 123** The Toronto Police Services Board and the Toronto Police Service should support the creation of a regional centre for policing excellence, housed within an academic institution. The centre would, through research and ongoing evaluation, promote excellence in policing through developing best practices on policing, including training, education, and professional development; itself provide some leadership training and education for senior officers and board members; offer “training the trainers” or “educating the educators” programming; create an environment for policing to be regarded as a

profession; and, based on the research produced, recommend evidence-based statutory or regulatory changes. Ideally, the Centre would also be established in partnership with other regional police services and police services boards, the Ministry of the Solicitor General and the Office of the Inspector General of Policing, and community, private sector, and not-for-profit stakeholders.

- 124** The Toronto Police Service should publicize, at a minimum on its website, the mandatory and optional programming provided to its employees. Community members are often uninformed about the programming that is currently offered. Such transparency is also consistent with the treatment of policing as a profession.

## **Research and Academic Institutions (Chapter 13-14)**

### **RECOMMENDATION**

- 125** The Toronto Police Services Board and the Toronto Police Service should proactively explore additional partnerships with academic institutions to promote independent research on policing and on the systemic issues and research-deficits identified in this Report.

## **Bias and Discrimination (Chapters 12 and 14)**

### *Psychological Testing*

#### **RECOMMENDATION**

- 126** The Toronto Police Service should consider introducing recently developed psychological testing in hiring and recruiting, in order to assist in eliminating applicants who have discriminatory views and attitudes.

### *An Equity Plan and Framework*

#### **RECOMMENDATIONS**

- 127** The Toronto Police Services Board and the Toronto Police Service should ensure that the Service develops a robust equity plan as soon as practicable. Whether included in the Service's equity plan or in an "equity framework" that guides the Service's internal operations and

external relations, or both, such documents should, among other things,

- (a) facilitate the use of an “inclusion lens” whenever the Service creates or amends procedures and practices,
- (b) develop a tool for decision-making that considers the impact of procedures and practices on marginalized and vulnerable communities and on Toronto’s diverse communities more generally,
- (c) create a mechanism to ensure that the Equity, Inclusion and Human Rights Unit and the Community, Partnership and Engagement Unit play important roles in evaluating the Service’s procedures and practices, insofar as they impact marginalized and vulnerable communities, and diverse communities generally,
- (d) develop equity-based management strategies to embed equity, inclusion, and human rights throughout the organization, so that senior command and supervisors are responsible and held accountable for ensuring that equitable and inclusive practices are ingrained in their work and in the work of those they supervise.<sup>38</sup> The Equity, Inclusion and Human Rights Unit should play a key role in developing, implementing, and evaluating equity-based management strategies, in consultation with a variety of stakeholders within and outside *the Service*, such as *the Service’s* Internal Support Networks, and
- (e) explicitly recognize the important connection between equity within the Service and equity in the Service’s interactions with the diverse communities it serves.

**128** The Toronto Police Services Board and the Toronto Police Service should consider whether the critical goal of advancing equity would be enhanced by merging or placing the Service’s two units devoted to equity, under the same chain of command. These units are the Equity, Inclusion and Human Rights Unit and the Community Partnership and Engagement Unit.

---

<sup>38</sup> The assignment of Toronto’s senior officers to equity portfolios, as has been done, represents an important step in implementing this part of the recommendation.

*Equity Audits***RECOMMENDATIONS**

**129** To complement recommendation 127, the Toronto Police Service should develop additional mechanisms to measure how community members, particularly members of marginalized and vulnerable communities feel about their interactions with the Service. Such mechanisms might include equity audits of divisions or specialty units, through surveys, focus groups, and analytics, to determine how many people interacted with the Toronto police, how those people self-identify, and whether they felt they were treated in a respectful fashion. The audits should be designed to enable community members to provide their perspectives in a safe and confidential environment. Respondents should feel able to include suggestions for change and what worked well or poorly in their interactions with police.

**RECOMMENDATIONS**

**130** The Toronto Police Services Board and the Toronto Police Service should ensure that the Service's Equity, Inclusion and Human Rights Unit is adequately resourced to facilitate implementation of the recommendations respecting bias and discrimination contained in this Report and to build competencies within the unit to engage with LGBTQ2S+, trans, racialized, and Indigenous communities.

**131** The Toronto Police Services Board and the Toronto Police Service should ensure that the Service's Wellness Unit is adequately resourced to build competencies within the unit to provide culturally specific wellness resources and support to diverse members of the Service.

*Discipline and Discrimination***RECOMMENDATIONS**

**132** The Toronto Police Services Board and the Toronto Police Service should take steps, through a strategic plan or strategy, to address issues around transparency and accountability in how conduct by the Service's members is addressed that raise concerns about discrimination, including harassment, and differential treatment based on human-rights personal identifiers. This recommendation

applies regardless of whether the conduct raises concerns about discrimination against the Service's members or against members of the public. Such steps should include, at a minimum:

- (a) timely and transparent identification by the Service of complaints that raise concerns about discrimination, whether overt or intentional or systemic;
- (b) timely and transparent identification by the Service of findings by courts or tribunals that raise concerns about discrimination;
- (c) the creation or amendment of policies and procedures to provide for a consistent, comprehensive and transparent strategy for dealing with these cases;
- (d) involvement of the Equity, Human Rights and Inclusion Unit in developing and implementing such a strategy, advising the Professional Standards Unit, and monitoring compliance with relevant policies and procedures;
- (e) consideration of the enhanced role that marginalized and vulnerable communities that are the subject of discrimination can play in the investigative, resolution, and disciplinary processes, including feedback on resolution and community victim statements to be filed with the discipline tribunal, consistent with existing legislation and procedural and substantive fairness to those accused of misconduct; and
- (f) regular reporting to the Board on implementation of the strategic plan or strategy, consistent with the role of the Board as described in Recommendations 1-4.

## RECOMMENDATIONS

**133(a)** The Toronto Police Services Board and the Toronto Police Service should ensure that Service-related disciplinary decisions (in addition to those appealed to the Ontario Civilian Police Commission) are easily accessible to and searchable by the public and/or indexed for the public's use. Lack of transparency in decision-making contributes to mistrust, particularly on the part of marginalized and vulnerable communities. It also undermines accountability of the Toronto Police Service for how discipline is being addressed.



**133(b)** The Toronto Police Services Board and the Toronto Police Service should also urge the minister of community safety and correctional services to make regulations, pursuant to s. 148(2) of the *Community Safety and Policing Act, 2019*, as yet unproclaimed, to ensure that all the decisions from adjudication hearings under the Act are published on the Internet and moreover, easily searchable.

**134** The Toronto Police Services Board and the Toronto Police Service should facilitate, preferably together with the Ministry of the Solicitor General and the Office of the Inspector General of Policing, the publication of the ability of any person to make complaints under s. 107 of the *Community Safety and Policing Act, 2019*.

## Relationship Building (Chapter 14)

### *Community Consultative Committees*

#### RECOMMENDATION

**135** In the light of the issues this Report identifies, the Toronto Police Services Board and the Toronto Police Service should re-evaluate and rationalize, in partnership with the diverse communities they serve, the ways in which community consultation takes place, especially in relation to marginalized and vulnerable communities. In particular, they should take into consideration these points:

- (a) The need to ensure that the intersecting requirements of Toronto's marginalized and vulnerable communities are fully addressed in the consultative process and that intersectionality should figure centrally in how the consultative process takes place. These goals might be accomplished through a process modelled on Seattle's Community Police Commission; a process whereby existing committees regularly interact and share information on common issues; and/or a process that ensures that intersectionality forms part of the selection criteria for each committee. The process might also involve greater inclusiveness to ensure that marginalized and vulnerable groups, such as the homeless and sex workers, are heard.

- (b) The need to avoid unnecessarily duplicative consultations that result in consultation fatigue, unwise use of limited human and financial resources, and diluted or unclear messaging from communities.
- (c) The need to ensure that the Board is able to provide appropriate civilian oversight of the Service, in part through reducing or eliminating the divide between community consultations with the Board and the Service. The Board must always be aware of “critical points” that may affect its policies and the Service’s reputation.
- (d) The need to rationalize how communities that are spread throughout the city and those that are located in particular geographic sectors are consulted in relation to both city-wide and local divisional issues, while avoiding unnecessarily duplicative consultations.
- (e) The need to ensure that the consultative processes of the Service and the Board complement the development of the city’s community safety and well-being plan and related consultations.
- (f) The need to build community confidence in the consultative process through measures such as
  - (i) transparency in how committee members are selected – for example, through an advertised search;
  - (ii) outreach to those not regarded as “pro-police”;
  - (iii) facilitating participation by those most marginalized and vulnerable through the provision of remuneration and/or accommodation;
  - (iv) holding meetings in community spaces;
  - (v) holding meetings, in some instances, in public;
  - (vi) the ability and independence of committees to report publicly and to offer recommendations or commentary; and
  - (vii) the ability of senior officers to participate in community consultative committees as members or invitees, but not as co-chairs.<sup>39</sup>
- (g) The need to promote an effective consultation process through measures, in addition to those set out above, such as
  - (i) fixed, renewable terms for committee members;

---

<sup>39</sup> It has also been suggested that liaison officers remain well situated to serve as co-chairs.

- (ii) appropriate administrative and research support;
- (iii) regular setting of goals, with measurable outcomes;
- (iv) a credible evaluation process; and
- (v) a web and social media presence.

The Board and the Service might also consider, in this regard, features of the model for community policing committees proposed by the Commission on Systemic Racism in the Justice System.

### *Broader Community Engagement*

#### **RECOMMENDATION**

**136** The Toronto Police Services Board and the Toronto Police Service should develop a strategy specifically directed to communicating effectively with the public, particularly diverse communities, about what they are doing. This strategy should include the following:

- (a) The initiatives the Board and the Service are making to build relationships, and independent evaluations of these initiatives should be well publicized in a variety of ways.
- (b) Greater use should be made of town halls, which the Board has recently organized effectively, as well as interactive small-group discussions in community spaces.
- (c) The Service's website should be completely redesigned (over and above the missing person webpage) to be truly user-friendly, having the users' needs foremost in mind, and to overcome barriers such as language and accessibility.
- (d) Full-time and part-time liaison officers should have a greater social media presence.

### *Liaison Officers*

#### **RECOMMENDATION**

**137** The Toronto Police Services Board and the Toronto Police Service should support and significantly enhance the liaison officer program in the following ways:

- (a) increasing the number of liaison positions consistent with the full range of responsibilities this Report proposes and the critical

importance of building relationships with Toronto's marginalized and vulnerable communities;

- (b) using a combination of sworn officers and civilian members of the Service to fill additional liaison positions;
- (c) as elaborated on in Recommendation 139, including a cadre of part-time liaison positions at the divisional level within a strategy to embed relationship building into all aspects of policing in Toronto;
- (d) providing enhanced training, education, and professional development for full-time and part-time liaison officers and civilian members of the Service, to ensure that they can address issues of intersectionality through familiarity with a range of intersecting, marginalized and vulnerable communities;
- (e) developing additional strategies to enable liaison officers and civilian members of the Service to potentially serve multiple marginalized and vulnerable communities, including team approaches to intersecting communities;
- (f) regularly reallocating liaison resources to address evidence-based needs – for example, assigning several liaison officers and/or civilian members of the Service to address the needs of a particular community or communities otherwise underserved by the program, such as the homeless or the underhoused;
- (g) expanding the Aboriginal Peacekeeping Unit and/or the current complement of a single liaison officer dedicated to the Indigenous communities. The current complement is inconsistent with existing Board policy and the priorities identified in the *Community Safety and Policing Act, 2019* (SO 2019, c 1, Schedule 1, not yet proclaimed);<sup>40</sup>
- (h) providing analytic support for the liaison program to enable it to allocate resources appropriately;
- (i) explicitly recognizing in the mandate and job descriptions relating to the liaison program, the responsibilities articulated in this Report over and above the current duties of liaison officers, including:
  - (i) the responsibilities set out in Recommendation 56;

---

<sup>40</sup> Toronto Police Services Board, *Aboriginal Policing – Statement of Commitment and Guiding Principles* [no date], at <https://www.tpsb.ca/policies-by-laws/board-policies/send/5-board-policies/121-aboriginal-policing-statement-of-commitment-and-guiding-principles>.

- (ii) participation in equity-related issues within the Service, such as responding to internal discrimination or harassment that may affect the Service's ability to build better relationships;
- (iii) assisting, where appropriate, in remedial or restorative measures associated with informal discipline;
- (iv) assisting in designing and participating in the training and education of Service members and part-time liaison officers or civilian liaison members of the Service relating to the lived experiences of intersecting marginalized and vulnerable communities; and
- (v) in partnership with communities, assisting the Service in designing and offering training, education, and professional development relating to marginalized and vulnerable communities; in building relationships with such communities; and in identifying for investigators resources inside and outside the Service to advance investigations relating to these communities; this training, education, and professional development, some of which the current liaison officers are involved in, would also be provided to part-time liaison officers and civilian liaison officers.

### *Part-Time Liaison Officers at the Divisional Level*

#### **RECOMMENDATIONS**

**138** The Toronto Police Service should create part-time liaison positions in each division composed of officers and/or civilian members of the Service who receive special training and education in relation to their duties. Their responsibilities should be similar to those of full-time liaison members of the Service, with appropriate modifications to reflect their part-time status. They should also work with full-time liaison officers or civilian members of the Service on issues that arise at the divisional level.

**139** The Toronto Police Service should enable liaison officers, civilian liaison members, and neighbourhood community officers to spend modest amounts to promote relationship building with marginalized and vulnerable communities. The Service should reimburse expenses that have been approved.

**140** The Toronto Police Service should arrange for an independent evaluation of the liaison program within a reasonable time frame after modifications of the program have been introduced. The independent evaluation should assist the program in identifying underserved marginalized and vulnerable communities and reallocate resources, commensurately. Such an evaluation should be made public.

*The Neighbourhood Community Officer Program*

**RECOMMENDATION**

**141** The Toronto Police Services Board and the Toronto Police Service should continue to support and expand the Neighbourhood Community Officer Program as an effective means of promoting community safety while also building relationships with marginalized and vulnerable communities.

*Internal Support Networks*

**RECOMMENDATION**

**142** The LGBTQ2S+ and other internal support networks should be recognized as important assets in community engagement and in the Service itself.<sup>41</sup> Network members, either individually or collectively, should participate in community outreach and other activities that serve their communities. Allowing the support networks to play an external role may help inform the public, the Toronto Police Services Board, and the Toronto Police Service of the problems confronted by minority groups within the Service and also advise them of reforms these officers propose based on their lived experiences. This approach will also contribute to a positive change in culture within the Service and signal greater support for the Service's own vulnerable members.

---

<sup>41</sup> In Chapter 14, I suggest that liaison officers and internal support network members may also play a remedial role within the Service when informal discipline is appropriate to deal with discrimination-related conduct.

*Need to Involve Other Community Safety Partners***RECOMMENDATIONS**

- 143** The Toronto Police Services Board and the Toronto Police Service, in consultation with Toronto's Indigenous communities and agencies providing services to them, should develop a formal response to the call to action from the National Inquiry into Missing and Murdered Indigenous Women and Girls.
- 144** The Toronto Police Services Board and the Toronto Police Service, in order to improve relationships with marginalized and vulnerable communities and the groups that represent them, should recognize that such groups have expert knowledge, networks, and skills that the Board and the Service cannot replicate easily or cost effectively. They should consider partnerships with community agencies that can help fund promising community safety initiatives such as the Bear Clan and SAFE. They should also encourage research into the effectiveness of such community programs, with attention to having clearly articulated goals, gathering baseline statistics, and measuring the success of these programs in both quantitative and qualitative terms, as well as to identifying any improvements that can be made in them.

**Pride (Chapter 14)****RECOMMENDATION**

- 145(a)** The Toronto Police Service should consider partnering with the LGBTQ2S+ communities to establish a committee to assess, on an annual basis, whether members of the Service have earned their way back into the Pride parade. Among other things, the assessment should be based on the extent to which the Service has implemented this Report's recommendations. Depending on the assessment, the Service may have to defer discussions on whether and under what conditions its members might be welcome to march in the parade or, based on demonstrable outcomes in establishing a positive relationship with the LGBTQ2S+ communities, engage in such discussions.

**145(b)** The committee could include leaders in the LGBTQ2S+ communities and current and past members of the Service who are also members of the LGBTQ2S+ communities.

## **Implementation RECOMMENDATIONS**

**146(a)** On or before June 30, 2021, an implementation team comprised of a diverse team of community representatives and Service members should be assembled. This team should be responsible for developing an implementation plan, to be modified as circumstances warrant, and for monitoring and reporting on progress in implementation.

**146(b)** The implementation team should be co-led by a community representative and a past or present member of the Service's senior command.

**146(c)** The implementation team's community members should be representative of the diversity of Toronto's communities, with appropriate attention given to the LGBTQ2S+ and marginalized and vulnerable communities addressed in this Report.

**146(d)** The implementation team may create subgroups with subject matter expertise and/or relevant lived experiences, although the team should always remain mindful of the significance of intersectionality in defining expertise and relevant lived experiences.

**146(e)** The community members should ideally include some individuals who have already acquired knowledge of the issues this Report identifies, either as members of the advisory group that recommended this Review and drafted its Terms of Reference or as members of the Review's Community Advisory Group.

**146(f)** The policing members should ideally include members of the Service's Missing Persons Unit Procedures Working Group.

**146(g)** Community members should be remunerated for their participation as members of the implementation team.

**147(a)** On or before September 30, 2021, the implementation team should complete its implementation plan and post it on the Toronto



Police Service's website or some other suitable venue. The plan should specify goals, timelines, and measurable outcomes.

- 147(b)** The implementation team should issue progress reports at least once a quarter that should be posted on the Toronto Police Service's website or some other suitable venue. The first progress report should be issued no later than December 31, 2021. The team might also consider the use of an online tracking tool for implementation, as has been used by the City of Toronto.
- 148** On or before April 30, 2022, the Toronto Police Services Board and the Toronto Police Service should publicly release a detailed report on the extent to which each recommendation has been implemented. If the Board and/or the Service decides that a particular recommendation should not be implemented, or be delayed or modified, the report should set out why this decision has been made and how the underlying objectives of the recommendation are being met in another way.
- 149** When Part VII of the *Community Safety and Policing Act, 2019* is proclaimed, the Toronto Police Services Board and the Toronto Police Service should support the role to be played by the Office of the Inspector General of Policing in independently monitoring the implementation of this Report's recommendations.
- 150** The Toronto Police Services Board, the Toronto Police Service, and the implementation team should consult regularly with the Ontario Human Rights Commission in relation to the implementation of this Report's recommendations, insofar as they relate to the Commission's mandate.
- 151** As a last resort, the civilian members of the implementation team should be made aware of the option to file a complaint under the *Human Rights Code* or under the *Community Safety and Policing Act, 2019*, when proclaimed, to the Office of the Inspector General if they believe that either the Toronto Police Services Board or the Toronto Police Service are not prepared to make needed changes to address the systemic issues this Report identifies.