



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

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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

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Chapter 15

RECOMMENDATIONS

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.

– Detective Constable Joel Manherz, 2017

Organizationally, we continue to work on our relationship with the police because we do believe it is a very important one. I think that the police are under a tremendous amount of pressure. But there needs to be a seismic shift and demonstrable change in the culture, the organization, and I think too the leadership of the police for our community to even begin to reach out a hand to say we're even open to a conversation. I think people have just felt abused for decades.

– Community stakeholder, 2020

This Report is titled *Missing and Missed*. *Missing* refers to those who have gone missing and whose disappearances must be addressed in bold new ways. *Missed* refers both to those individuals whose memories we honour, and to the missed opportunities in the investigations under review and past missed opportunities for change. Given the circumstances that prompted this Review, and the importance of recent events, the opportunity presented now cannot be squandered.

In the previous chapters, I find serious deficiencies in how the Toronto Police Service (the Service) has conducted missing person investigations. These deficiencies were manifested in a number of the investigations¹ into the disappearances of Bruce McArthur's victims, as well as in the investigations relating to Tess Richey, Alloura Wells, and others. Although overt or intentional discrimination does not explain those deficiencies, I conclude that

¹ As I explain in Chapter 7, Project Prism was, in large measure, effective in the investigation of several of McArthur's victims, and ultimately in identifying him as the person responsible for eight murders.

systemic differential treatment contributed to them. I document recent, significant improvements in how missing person investigations are being conducted – most notably in the creation of a centralized Missing Persons Unit – but much remains to be done:

- in giving these cases the priority they deserve;
- in creating a new model that gives civilians within the Service and social service, public health, and community agencies critical responsibilities for responding to disappearances;
- in ensuring that those disappearances requiring a law enforcement response be investigated in an effective, timely, and discrimination-free way;
- in redefining the relationship between the Service and the LGBTQ2S+ and marginalized and vulnerable communities and addressing, head-on, systemic discrimination; and
- in ensuring effective civilian oversight, accountability, and transparency in relation to what the police do.

The Review has been successful in engaging on a broad basis with many members of diverse communities and groups, many past and current police officers in and outside Toronto, as well as experts from around the world. No one who sought to speak to me was turned down. At the Review’s initiative, I and other members of the team spoke to many others. We also received written submissions from a number of organizations. Many were posted on the Review’s website.

My mandate was undoubtedly complicated – and often complemented – by the wealth of new ideas. These ideas came from initiatives, legislation, policies, procedures, and practices introduced or discussed during the Review, including those that arose in the summer of 2020 with renewed demands to defund or de-task the police after the police killing of George Floyd that May.

In drafting my recommendations, I have also considered the findings and recommendations made in earlier reports, which I have summarized in Chapter 11. For example, in many ways, the investigations into the disappearances of Robert Pickton’s victims in British Columbia were strikingly similar to those I have identified in this Report. In Chapter 12, I refer to Judge Wally Oppal’s findings of systemic discrimination in the investigation of marginalized women in Vancouver’s Downtown Eastside, many of whom were Indigenous. He also found that the police did not respond urgently to reports of these women’s disappearances and did not conduct some key interviews for months and others not at all. The police did not share

investigative steps taken with those close to the missing women and, at times, dismissed the families' belief that something was wrong with their loved ones. There was no consistency in the investigative avenues taken or in their follow-up. The police reliance on the "no body, no crime" theory contributed to inaccurate risk assessments. In their public communications, the police took the position that there was no evidence of a serial killer. The police interviews of Pickton were completely unplanned. The police ignored crucial evidence about a female survivor's horrifying encounter with Pickton. Judge Oppal placed heavy emphasis on the ineffectiveness of the investigations because of the failure of the police to actively seek out the assistance of community leaders to advance their investigations.

It is troubling that every one of these findings can equally be said about a number of the Service's investigations that I evaluate in this Report. I point out that the Oppal Report was publicly released in 2012 – during Project Houston. Even a superficial review of the Oppal Report's findings and recommendations should have prompted the Service to evaluate its own investigations or at least question whether these investigations could be flawed in the same ways. This lack of introspection explains, in part, why my recommendations on implementation are pointed and detailed.

The missed learning opportunities were not limited to the Oppal Report. Closer to home, the Toronto police seemed to have not learned the lessons of the 1981 bathhouse raids when, in 2016, a few months after Chief Mark Saunders apologized for them, the Service conducted Project Marie. Project Marie resulted in the ticketing of gay men in the Marie Curtis Park that further strained relationships with the LGBTQ2S+ communities. This was especially true because, as many officers within the Service recognized, Project Marie could have been avoided altogether through community dialogue and solutions, rather than resorting to the law enforcement measures taken. In 2000, the Service, including male officers, raided a lesbian bathhouse. Despite a 2004 settlement of a human rights complaint about this raid, the Service subsequently faced another human rights complaint relating to its failure to respect the gender identity and expression of trans women, resulting in a settlement in 2016 that is only now being implemented. These events all took place in the context of the Service's legacy and ongoing issues in its relationships with Black, LGBTQ2S+, South Asian, Indigenous, and other marginalized and vulnerable communities.

However, I would be remiss in failing to mention that I met with many officers and many civilian members of the Service whose commitment to equity, diversity, and high-quality policing was nothing less than outstanding.

My recommendations follow. They are designed to address the systemic issues identified during the Review and provide a plan for their implementation in a way that ensures transparency and accountability. They are accompanied by commentary, some of which has been taken from earlier chapters, that explains their rationale.

The recommendations are divided into categories that correspond with the topics the Report addresses. It is important to bear in mind that many of my recommendations pertaining to missing person investigations and to bias or discrimination are also designed to enable the Service to build and improve its relationships with marginalized and vulnerable communities. Nonetheless, I also outline additional measures to meaningfully improve those relationships that apply to all the Service's work.

Civilian Oversight (Chapter 3)

The importance of effective civilian oversight of the police cannot be overemphasized. As I explain in Chapter 3, effective civilian oversight 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 that affects communities with a troubled relationship with the police, including racialized, LGBTQ2S+, Indigenous, homeless or underhoused, and others this Report identifies.

The evidence discloses that the Service failed to share with the Board operational matters that potentially impacted on the Service's reputation, its relationship with diverse communities, and on potential Board policies as well as appropriate advice or direction to the chief of police. For example, I was quite troubled to learn that the Board and its chair were never advised that Project Houston was taking place or had taken place. It is beyond doubt that Project Houston was precisely the type of operation, especially once it wound down its operations, that passed the "critical point" Judge John W. Morden described during the *Independent Civilian Review into Matters Relating to the G20 Summit*. During the period I examined, there continued to be a misunderstanding about information that must be shared with the Board. As a result, important information was not shared. For example, reports from the Service's Audit and Quality Assurance Unit that raised reputational or systemic concerns were not shared with the Board, despite their obvious relevance to policy-making, establishing priorities for the Service, and appropriate direction to the chief of police. (See Chapter 3).

A police services board cannot fulfill its statutory oversight responsibilities if it is not informed about “critical points” in policing or is overly deferential to its chief or its police service. Equally, a board oversteps its statutory responsibilities if it attempts to usurp the chief’s role or to interfere with the service’s protected core of independence around specific investigations.

My recommendations build upon Judge Morden’s important work. They provide clarity on what constitutes “critical points.” They are designed to promote greater oversight of the Service in a way that is consistent with the Board’s responsibilities and the relevant sections of the current *Police Services Act* and the as yet unproclaimed *Community Safety and Policing Act, 2019*. When proclaimed, that new legislation will reinforce the Board’s important role in police governance and the need for the Board to be responsive to diverse communities.

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.

A concrete example of an operational matter that raised questions of public policy and had a significant impact on the Service's reputation and relationship with the LGBTQ2S+ communities was Project Marie, the undercover operation in Marie Curtis Park in 2016 referred to in Chapters 3 and 14.

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.²

- 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 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.

As explained in Chapter 14, the latter point is part of a larger, important conversation about cultivating a more open culture throughout the Service by sharing more information and removing barriers to raising systemic issues with superiors.

- 8** The Toronto chief of police should establish procedures specifying what types of projects or operations have to be approved by senior

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

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.³

I have compared the Board’s limited budget to the Service’s large budget. I recognize that the Service’s budget will continue to undergo close scrutiny, based both on existing resources and on the movement to reallocate funds to community agencies. However, the Board cannot begin to exercise the substantial civilian oversight necessary if its budget is not commensurate with its responsibilities.

- 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*.

The above recommendations do not merely impact missing person investigations. They are intended to redefine the Board’s relationship with the Service. This redefinition is of critical importance at this moment in time. It comes in the aftermath of George Floyd’s death as well as other highly publicized disturbing interactions with police in Canada and the United States. Public discussions around the role of the police and their relationship with the communities they serve – discussions that are long overdue – have been dramatically heightened. Systemic racism figures prominently in them. Questions are raised about whether police services should be “defunded,” “de-tasked,” or “re-allocated,” as the issue has been variously framed. These questions involve considering whether the police should continue to perform

³ *Victoria Police Act 2013* (Vic), Act 81 of 2013, s. 11(3).

some of their current functions, not merely in relation to missing person investigations, but with respect to a range of functions, such as responding to people in crisis.

Whatever terms are used to describe the movement in support of re-allocating police responsibility, I see the Board being of critical importance in ensuring and overseeing needed changes.

Toronto Police Services Board Policies

At this point, I will comment more generally on the Board's policies. A police services board is responsible for establishing policies for the effective management of its police service. The chief of police creates procedures or practices to implement those policies. However, in practice, a police services board's policies will often do no more than state that the chief or its service shall create procedures on a certain matter, leaving it entirely to the chief or the service to give content to the procedures. I observed a number of instances in which the Toronto Police Service Board's policies were exactly as described here, providing no direction or guidance as to what the Toronto Police Service's procedures should look like, other than as mandated by provincial adequacy standards. Board policies that merely direct the creation of procedures may technically comply with existing legislation but do not represent true policy-making. More recently, the Board has developed policies in several matters, such as race-based data collection, that place its imprimatur on the Service's procedures.

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)

In Chapter 4, I outline provincial adequacy standards pertaining to major case management and the mandated case management software, PowerCase. I also describe some of the technological tools available to the Service to conduct its investigations.

The evidence disclosed that, in many ways, the Bruce McArthur–related investigations did not comply with provincial adequacy standards respecting major case management or in relation to the use of PowerCase. For example, officers before and during Project Houston were apparently unaware that provincial adequacy standards mandated that Mr. Skandaraj Navaratnam’s case be treated as a major case given he had been missing for more than 30 days. During Project Houston (and to a lesser extent during Project Prism), a great deal of information collected was never uploaded into PowerCase. McArthur’s name was not entered into PowerCase during Project Houston, even after he was interviewed. Similarly, many officer assignments or “actions” were not recorded or tracked in PowerCase, impeding supervision and follow-up. This non-compliance represents a longstanding systemic issue within the Service. Non-compliance does not merely reflect some “technical” deficiency – it affects the quality of the Service’s investigations, sometimes in critical ways this Report identifies (see Chapter 4). Moreover, as I state in Chapter 4, the Service is undeniably pouring substantial human and financial resources into uploading data, however imperfectly, into PowerCase. This expenditure makes no sense if the program is not being used appropriately, as often happens. I reject the proposition that, unlike other large police services, the Toronto Police Service cannot effectively use PowerCase. It is hardly surprising that officers express dissatisfaction with PowerCase when it is misused or underused or its limitations exaggerated.

In the light of the findings contained in this Report, the Service must take appropriate steps to become compliant with provincial adequacy standards respecting major case management and the use of PowerCase in ways that promote effective, efficient, and timely investigations. My recommendations are designed to ensure that the Service does precisely that.

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;⁴
- 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

⁴ 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.

- ensure that the Audit and Quality Assurance Unit’s reports on compliance be provided to the Toronto Police Services Board.

I refer in this recommendation and others to “best practices.” I use the term with some reticence. “Best practices” is a term used to reflect the highest or high performance standards. However, best practices are always evolving, as we learn more through research and experience. As a result, I recognize that the “best practices” identified in this Report will change through time.

- 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.

I recommend independent monitoring of the Service’s compliance with provincial adequacy standards in a number of areas. Such independent monitoring is necessary to restore confidence in the Service and the Board. Frankly, the need for independent monitoring also reflects the inability or unwillingness of the Service, to date, to rectify these non-compliance issues, despite their being identified in the Audit and Quality Assurance Unit’s reports or in reports generated by previous external reviews. However, the *current* need for independent monitoring does not relieve the Board of its own responsibility to ensure that the Service complies with provincial adequacy standards. We have to be careful to recognize that the Board is best situated, if it performs the important role I (and the applicable legislation) contemplate, to provide long-term sustainable oversight of the Service.

- 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 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.⁵

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

⁵ 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.

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

Changes to the Ontario Major Case Management Manual

The evidence disclosed that Service members have, at times, misinterpreted the provincial adequacy standards contained in Ontario Regulation 354/04 and the *Ontario Major Case Management Manual*. For example, senior officers have interpreted the definition of “linked cases” in the manual so narrowly as to severely limit the situations in which the serial predator criminal investigations coordinator is notified of cases. In some instances, the evidence also supported some minor refinements to the manual. For example, the manual is currently unclear on where evidentiary emails (as opposed to emails generated during an investigation)⁶ should be filed. Inconsistent practices exist inside and outside the Service about where such emails should be filed.

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.

⁶ Emails generated during an investigation would include emails between investigators or between investigators and civilians on non-evidentiary matters.

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

Ontario police services continue to operate within an environment in which their records management systems often do not speak to each other. As a result, information is often siloed between police services.

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.

In Chapter 7, I identify the systemic issue arising from the fact that McArthur's interview with the police during Project Houston was not entered into Versadex. Accordingly, in 2016, when McArthur was investigated for choking a man, the investigating officer had no indication that McArthur had previously been interviewed, during Project Houston. As a result, the investigating officer in 2016 had no opportunity to ascertain whether Project Houston had information about McArthur relevant to his investigation. Of course, such an inquiry might have prompted the former Project Houston officers to scrutinize McArthur closely.

- 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

The evidence disclosed that the Service was often not in compliance with provincial adequacy standards respecting the mandatory submission of ViCLAS Crime Analysis Reports to the Ontario Provincial Police (OPP) ViCLAS Unit when the criteria have been met. At times, these failures were based on misconceptions about when the criteria have been met; at times, these failures took place despite the beliefs of Toronto investigators (sometimes

expressed in court documents) that obviously met – indeed, surpassed – the reporting criteria. These failures were aggravated during Project Houston because the Toronto police chose not to submit booklets even in the face of the OPP ViCLAS Unit’s request that they do so. To the detriment of the public, the Service’s approach undermined the ability of the OPP ViCLAS Unit to assist in the identification of victims, in its analysis of unsolved missing persons, or its analysis of unidentified bodies cases.

This non-compliance is troubling. Over 20 years ago, the “Review of the Investigation of Sexual Assaults, Toronto Police Service,” by Toronto Auditor Jeffrey Griffiths, identified related issues. These issues included the Sexual Assault Unit’s failure to use management information to its full potential to link connected cases, non-compliance with ViCLAS provincial adequacy standards, inconsistency and uncertainty among officers about ViCLAS submission requirements, and a lack of commitment to ViCLAS training.

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

The evidence disclosed that the Service does not notify the serial predator

criminal investigations coordinator when mandated to do so under existing provincial adequacy standards. This failure is based on misconceptions as to when the criteria for notification have been met, as well as attitudinal issues around the need or desirability for such notification. In this regard, the Service does not compare favourably to a number of other Ontario police services (see Chapter 4).

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)

To begin this section, I set out the components of a missing person strategic plan and then go on to address many of those components with greater specificity. I also outline a mid-term and a long-term model for future missing person investigations.

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 table⁷;

⁷ 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

- (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 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

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.

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

In Chapter 5, I summarize evidence that low priority is generally given to cases of missing adults. As I reflect in Chapter 13, this approach represents a systemic issue – one that has not been given the attention it deserves.

The low priority the Service often gives to missing person investigations manifested itself in a number of ways, including missing person investigations having access only to limited resources, delayed assignments, a lack of ongoing communication with those directly affected when a loved one goes missing, and no continuity when assigned officers go off-shift. It is hardly surprising that those affected by a disappearance often feel unheard and sometimes regard the Service and its officers as dismissive or inattentive.

In future, missing person investigations must consistently be given higher priority both generally and in individual cases (see Chapter 13). I recognize that the police response to some missing person cases, such as those that generate an Amber Alert, is already one of high priority. My focus here is on the balance of such cases. The low priority given to many of these cases in Toronto, and indeed in a number of jurisdictions nationally, compares unfavourably to the approach taken in the United Kingdom and Australia and in some Canadian jurisdictions.

The Service's current approach devotes inadequate resources, human and financial, to missing person investigations. Even after the welcome creation of the Missing Persons Unit (MPU), the inadequate resources devoted to the unit generally, and to these investigations specifically, stands in contrast to other jurisdictions. At present, the MPU is not sufficiently staffed even to oversee such investigations across the Service, let alone conduct its own investigations as it often should.

I am well aware of the challenges created by limited financial resources. However, these challenges offer little mitigation for the low priority these cases are given. The problems associated with inadequate resources must be considered in the light of the following issues:

- the number of such cases;
- the proportion that legitimately raises safety concerns about marginalized and vulnerable individuals, even when foul play is not involved;
- how resources devoted to prevention strategies can reduce the number of

- missing person cases;
- the importance of such investigations to affected communities; and
- the disproportionate number of marginalized and vulnerable individuals who go missing and the impact of poorly conducted missing person investigations on those most mistrustful of the police.

I specifically address the issue around financial resources at the end of this chapter.

I acknowledge that the most recent amendments to the Service's Missing Persons Procedure recognize, for the first time, that missing person occurrences are a high-risk area of policing and, from the outset, must be given appropriate levels of priority and resources. The challenge is to convert that recognition to tangible action.

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

As I state earlier, the approach to missing person investigations I am proposing includes a mid-term model and a long-term model. Both preserve a centralized MPU, with 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 the fact 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. The model introduces civilians from both inside and outside the Service to these investigations to serve as coordinators and as support providers for those directly affected by the missing as well as the missing themselves. A long-term model would, in many of these investigations, move further along the continuum of reducing the involvement of sworn officers in favour of social service, public health, and community agencies.

In Chapter 13, I describe the approach largely adopted in the United Kingdom respecting missing person investigations. The United Kingdom is working toward a broader, more inclusive approach in which the police continue to assume primary responsibility for missing person investigations but, in which the police force's civilian missing person coordinators together with social service agencies and not-for-profit organizations are best suited to support a victim-centred, holistic response to these cases. The theory is based on government support for a police culture that attaches high priority to the missing, a priority that attracts commensurate police resources coupled with collaboration with external agencies and organizations.

The proposed mid-term model is also informed by elements of how missing person investigations are now conducted in other jurisdictions, including Vancouver, Calgary, Saskatoon, Edmonton, and Winnipeg, and by the OPP. In Chapter 13 and throughout this chapter, I outline some key components of how investigations are conducted in those jurisdictions. However, I regard my proposed model to be ground-breaking and consistent with “reimagining” the role of sworn officers to focus on the type of police work they do best (and, often, prefer), to introduce civilian Service members where appropriate, and to recognize the critical role of social service, public health, and community agencies and not-for-profit organizations in addressing social issues.

I recognize that my proposed models for missing person cases will require a significant amount of work to transition from the current regime in which the Service assumes responsibility for such cases, with limited involvement of other agencies and organizations. It will be necessary for other agencies to build capacity for assuming significant responsibilities in these cases and for participating in the triaging that allows cases to be diverted from a policing response to a response by outside agencies or a multi-disciplinary response involving the police and such agencies and organizations. However, my recommended models are consistent with the momentum to approach community safety and well-being in a holistic way, as contemplated by both the *Police Services Act* and the *Community Policing and Safety Act, 2019*.

They are also consistent with the creation by the City of Toronto of the Alternative Community Safety Response Accountability Table and the Community Crisis Support Service Pilot to address people in crisis (both described in Chapter 13). As well, they are consistent with the successes of FOCUS tables in Toronto and their equivalents in other jurisdictions. Several chiefs of police and a large number of Toronto officers of all ranks expressed the willingness and desire to dramatically reduce policing involvement in missing person cases that do not require a criminal investigative response. All this to say, Toronto now has the opportunity to lead the way on missing person cases.

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.

There was significant support for the proposed mid-term model among police officers and others who the Review met with and consulted. I acknowledge that some community members advocated removing all missing person investigations from the Service. They raised concerns that the police are primarily interested in missing persons “as a vector of crime” and that civilian investigators would be better suited to missing person investigations. There was a sense that many officers are ill-suited, unskilled, untrained, or unmotivated to find missing persons and are more likely to be dismissive or discriminatory in dealing with missing persons reports. There was also a sense

that officers in uniform are intimidating, feared, and less likely to be trusted. Their involvement in criminal law and immigration law enforcement created barriers to reporting and information sharing. I accept the existence of these perceptions and that they raise important issues, even while I recognize that many officers are highly motivated to find missing persons and embrace change to reduce existing barriers and to generally improve missing person investigations.

I also fully understand the deep, legitimate concerns that many in the LGBTQ2S+ and marginalized and vulnerable groups have about the police in general. Indeed, many of these concerns have influenced both the long-term model I outline here as well as the mid-term model. Both models recognize that community agencies and organizations can play a critical role in missing person investigations, though they need assistance in building capacity. At the same time, I cannot accept that the police can or should play no role whatsoever in missing person investigations. As I reflect throughout this Report, a significant percentage of missing persons are exposed to the risk that they will become victims of foul play or of other crimes or criminal exploitation. McArthur's horrendous crime spree reinforces the need for effective, timely, and discrimination-free professional criminal investigations when warranted.

Although suggestions that the police be removed from all missing person investigations informed my thinking, I am not convinced that the creation of a new agency, as some proposed, would ultimately lead to a better result. The creation of a new agency would require buy-in and significant legislative changes initiated by the provincial government. I prefer to test a model that incorporates involvement of external agencies but does not require legislative change. In my view, as long as the Service continues to perform law enforcement functions, it would be counterproductive to create a model that attempts to avoid any interaction between the police and disadvantaged communities. It is essential that the Service build positive relationships with all the communities it must serve regardless of the extent to which its role is reduced in matters better addressed by other agencies.

The differences can be exaggerated between the community stakeholders who advocate for new civilian agencies and those within the Service and others who believe that the police must have a continuing role in missing person investigations. Many in the Service recognize that using more civilian employees within the Service and referring more cases to external agencies could alleviate the crushing workloads experienced by sworn officers. Some in the Service also recognize that barriers between the police and some community members may be reduced through the use of civilians. The Toronto

Police Association also supports the increased use of civilians, under some circumstances. For a variety of reasons, then, there was broad consensus that civilians, both civilian members of the Service and members of external agencies, should play an enhanced role in missing person investigations.

The enhanced role of both civilian employees of the Service and external agencies is central to my proposed models for mid-term and long-term implementation. In the recommendations that follow, I explain how civilian missing person coordinators and missing person support workers within the Service would promote high-quality responses to missing person occurrences and greater confidence in the processes by marginalized and vulnerable communities. I also explain how the enhanced role of social service, public health, and community agencies can similarly promote appropriate, non-policing responses to missing person occurrences.

The mid-term model I propose emerged from the Review's extensive outreach and engagement, and I elaborate on that model in this chapter. I say much less about the long-term model for two reasons. First, in my view, the long-term model should be crafted in partnership with a community implementation committee, discussed later in this chapter. Neither I nor the Service should impose on the communities a detailed blueprint for the long-term model. Second, I believe in decision making rooted in evidence and measurable outcomes. An independent evaluation of the implementation of the mid-term model should inform the precise contours of the long-term model. Nonetheless, it was important to articulate a long-term vision for missing person investigations that involves a move along a continuum to ever increasing involvement of agencies other than the police, as circumstances permit.

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.

In one United Kingdom jurisdiction, all risk assessments are reviewed by a “risk hub” comprised of civilian missing person coordinators who independently examine the circumstances surrounding disappearances and draw on patterns and related research, together with their accumulated

experience and calls to social service agencies to obtain more information about the missing person. These risk assessments are loaded onto the police records management system within two hours of the reported disappearances. My proposed model draws on the United Kingdom experience with suitable modifications.

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.

I elaborate on the support to be provided to those directly affected by missing person cases in Recommendation 43.

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

The Service's current Missing Persons Procedure identifies the commitment to a victim-centred approach to all missing person cases as one of the purposes of the new MPU. This language mirrors the victim-centred approach proposed by Detective Constable Joel Manherz in December 2017 and Staff Superintendent Myron Demkiw in March 2018.

In practice, although a number of officers demonstrate compassion and sensitivity to those affected by someone's disappearance, the Service's approach cannot be said to be victim-centred. In many instances, those directly affected are not regularly contacted by anyone within the Service with updates or basic information about the investigations. As time passes, such contact often becomes even more sporadic. Significant dates, such as the anniversary of someone's disappearance, usually go unnoticed by the Service. The Review was advised by Service members that sometimes those directly affected are not even advised that the missing person has been found, even when privacy interests are not of concern.

The Review was also advised that family members contact the MPU about ongoing divisional investigations because they have little information from or contact with divisional investigators. The unit is limited in its ability to respond because it is not privy to the current status of the investigation or to what information can appropriately be shared. The unit is better able to respond if the inquiries relate to cold or historical missing person cases that it has reopened and taken some ownership of.

In Chapter 13, I emphasize that many loved ones and friends are victimized when someone disappears. Among other things, I refer to the unimaginable pain arising out of the "ambiguous loss" they suffer and the stigma they experience, especially when a person is missing for an extended period. In terms of providing support, the Service's Missing Persons Procedure⁸ requires only that officers "consider" obtaining the assistance of

⁸ Procedure 04-31.

Victim Services Toronto.⁹ The Review was told that, in practice, those affected by the disappearance of a loved one are regularly referred to Victim Services Toronto, which in turn provides referrals to additional resources.

In my view, the support the Service provides to those directly affected by disappearances is often poor, at times non-existent, and at best uneven. As I explain in Chapter 6, this uneven support stems in part from a variety of reasons – that, for example, as cases remain unresolved, loved ones and friends are often not seen as victims; or, in the context of LGBTQ2S+ missing persons, a failure to recognize who the affected loved ones and family members are, who need support. The police may fall back on “heteronormative” concepts of who a missing person’s family is or place undue emphasis on the missing person’s biological relatives, to the exclusion of others.

The Service’s approach differs 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 to the families and loved ones of those who have gone missing – for example, in the United Kingdom and other jurisdictions in Canada. In Australia, most police departments have a Families and Friends of Missing Persons Unit. The Calgary Police Service has a Family Liaison Team. The Saskatoon Police Service has introduced a civilian missing person liaison officer. The Winnipeg Police Service has embedded social workers within its Missing Person Unit to do much of the family liaison work and relies heavily on civilian missing person coordinators to perform intake and initial management of the file. The Vancouver Police Department has protocols for high-risk missing person cases that require it, within two weeks, to develop a communication plan with affected families and other loved ones which includes certain components I have adopted in the recommendation that follows. In Chapter 13, I elaborate on the approaches taken by these various jurisdictions.

I pause here to observe that some jurisdictions refer to Family Liaison units embedded within the services and within their missing person 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.

Heidi Illingworth, the ombudsperson in the Office of the Federal Ombudsman for Victims of Crime, is familiar with the perspective of those whose loved ones have gone missing. I can do no better than reproduce part of

⁹ Victim Services Toronto is a Toronto-based organization with a mandate to provide short-term crisis response, intervention, and prevention services that respond to the needs of individuals, families, and communities in the immediate aftermath of crime and sudden tragedy.

her written submission to the Review:

Police services tend to focus their attention on the investigation rather than on the families and associates of the missing person. This can make missing person investigations more difficult and frustrating for all concerned.

In its 2005 report, *Developing a Strategy to Provide Services and Support Victims of Unsolved Serious Crimes*, the Canadian Resource Centre for Victims of Crime (CRCVC) summarized the research on victims' needs for information about unsolved cases, including missing persons. In its research for this report the CRCVC surveyed families of unsolved homicide and missing person cases, and noted that respondents said police were not immediately responsive when family members reported someone missing. The Centre also noted that police treated the missing person as a runaway or someone who had left on their own. This was difficult for families to accept, and made many feel that they were not important; they could not understand why police did not believe them.

About two thirds of victims (64 percent) said they were unsatisfied with the police investigation, and many felt there was lack of timely action, sensitivity and communication. Seventy-four percent of respondents said police did not keep them regularly informed about what they were doing. Victims felt they had to initiate the contact with police in order to stay informed. One family member said, "nothing to report is something to report."

This research demonstrates, as do victim services reports, that police provide little specialized support to families of missing persons. Although they have experienced traumatic incidents, families are often not considered victims of crime. Consequently, they do not qualify for programs or services designed for crime victims. The report concludes that receiving information about the status of the investigation is crucial to the state of mind of family and community members whose loved one has gone missing. Experts in the field agree that denying victims access to information has a strong negative effect on their ability to cope with the situation. Conversely, offering regular updates not only provides victims with available facts about the investigation, but reassures them that neither they nor their loved one has been forgotten. While some details may need to be withheld for reasons relating to an eventual prosecution, other information can be shared freely.

The ombudsperson also pointed out that in missing person cases, inadequate communication with families represents the number one cause of dissatisfaction with police services, often accompanied by dissatisfaction with *how* police communicate with them. The ombudsperson supported a multidisciplinary missing persons team, as proposed in my Report,

incorporating non-investigative and civilian personnel including social workers “to provide a holistic and compassionate response in missing person cases.” The ombudsperson elaborated as follows:

This team could recognize and navigate the mosaic of contributing factors that may lead to a person going missing without blaming the victim or relying on stereotypes or misconceptions. There are many intersecting, systemic factors that affect people who go missing, such as mental health, poverty, neglect, substance abuse, domestic violence, prostitution, human trafficking, historical trauma and victimization, location or jurisdiction. It is essential to understand the victimology – and the victim’s life and relationships – as part of the investigation.

I note that the Ontario *Major Case Management Manual* requires that a victim liaison officer be assigned in every threshold major case, which includes certain missing person investigations, to perform various listed functions and duties (see Chapter 13). Although not all these functions and duties have equal application to all missing person investigations, this approach truly focuses on the victims – so long as it is complied with. I further note that no victim liaison officer was assigned during Project Houston or during any other missing person investigation I reviewed.¹⁰

In my opinion, there is no reason why such support should be available only when a missing person investigation is designated as a major case. Indeed, smaller police services elsewhere have recognized the importance of strong support for all those directly affected by someone’s disappearance. This support must be integrated in a holistic response to missing persons, and capacity must be built for the provision of meaningful and consistent support.

As I reflect in the recommendation immediately below, the support for affected persons should be multifaceted. Not surprisingly, one component of that support is information sharing. When police fail to communicate promptly their investigative efforts to those directly affected by the disappearances of individuals, it is understandable that those affected believe the police are uninterested and unmotivated. Prompt and effective communication is one antidote to such perceptions.

A related component concerns the officers’ actual messaging. Officers often attempt to minimize the concerns expressed about a missing person with comments such as “He’s probably just partying with friends” or “She’ll come

¹⁰ 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.

back – she’s young.” These types of comments may be motivated by the desire to give someone hope, but they can reveal stereotypical notions about certain missing persons. They feed into a perception that the police are not taking a Missing Person Report seriously. Similarly, police may make assumptions, based on lifestyle, that missing persons caused or contributed to their disappearance. Police will sometimes dismiss the fears and concerns of those who report someone missing. But in many instances, the reporting individual is better situated than the police to know whether the disappearance of a loved one or a friend is of concern.

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*,¹¹ 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.

In relation to Recommendation 43(g), I agree with the federal ombudsperson for victims of crime that police services are not always familiar with the existing supports available to those directly affected by someone who goes missing. She provides two examples of programs at the federal level that might assist – the Family Information Liaison Unit,¹² which assists the families of Indigenous women and girls dealing with the loss of loved ones; and the Canadian Benefit for Parents of Young Victims of Crime, which provides

¹¹ 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.

¹² In my view, the Family Information Liaison Unit can also play an important role as a agency that might assist as part of a community-based, non-policing response to a missing Indigenous person (see Chapter 14).

federal income support for parents who take time from work to cope with the death or disappearance of a young person under the age of 25 resulting from a probable crime. However, it is also important to understand that the eligibility criteria for these programs exclude most families affected by a missing loved one from benefiting from them.

The Role of Not-for-Profit Organizations or Charities

Several charitable organizations in Canada and the United States provide assistance to the public and those directly affected by missing persons. However, in Canada – particularly in Ontario – their partnerships with the police and the roles they perform are far less pronounced than in the United Kingdom. There, the Missing People charity performs a daunting range of functions that would otherwise be left to the police and/or to far less well resourced charities or not done at all. The province of Ontario, and ultimately Canada, would benefit from a vibrant missing person not-for-profit organization to complement the work of missing person coordinators and support workers and to provide a system whereby missing persons themselves who have chosen to go missing can contact someone, even when their whereabouts remains unknown.

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-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.

One important reason why the Missing People charity is so successful in the United Kingdom is the high priority given to missing person cases there. The profile and importance given to these cases undoubtedly promote public support for this charity.

Risk Assessments

In Chapter 13, I make the point that 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 prompt triaging of these cases 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. In Chapters 5 to 7, I explain how the police often failed to appreciate the level of urgency that should have accompanied the reported disappearances of McArthur's victims. This failure was connected directly to how the police assessed risk, whether related to possible foul play or other safety concerns. In Chapter 8, I also identify a series of systemic issues associated with risk assessments that had particular application to the Tess Richey investigation. The Search Urgency Chart, in use at the time, did not reflect an evidence-based approach to risk assessment. The distinction among level 1, 2, and 3 searches is outdated and prone to inconsistent interpretation or application. 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.

In Chapter 9, where I address the Alloura Wells investigations, I observe there was no correlation between how Search Urgency charts were completed and how an investigation was conducted. Their contents were not being filled in across the Service in a consistent way, nor were the somewhat rudimentary assessments contained in these charts truly evidence based. It was even difficult to reconcile the high urgency reflected in the Search Urgency Chart relating to Ms. Wells with the categorization of the required level of search. Sometimes these forms were not filled in at all or not retained in the investigative files.

In Chapter 8, I also point out that, apart from assessing the risk associated with a particular missing person, the urgency associated with a search should also be connected to the concerns expressed by community members. Although those concerns may not, in and of themselves, be determinative of how an investigation is conducted, they should inform the Service's approach. For example, during Ms. Richey's missing person investigation, local community members were feeling unsafe because of the number of unexplained disappearances in the Village over the previous few years. Some believed that Ms. Richey's disappearance was related to the other disappearances. This belief turned out to be inaccurate, but the pronounced – and frankly justified – community fears about safety should have figured prominently in how urgently the police responded to her disappearance.

With the high numbers of missing person cases in Toronto – and elsewhere in Canada 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 of these 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, and those dealing with certain mental health issues)¹³. 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. As I state in Chapter 13, 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, through a combination of collaboration, training and education, and ongoing research, how these assessments are done.

Against that background, the Service has introduced new risk assessment tools designed to assist officers in calibrating the response to someone's disappearance. They set out factors, such as personal identifiers and environmental conditions, that are undoubtedly relevant to risk. However, with respect to some factors (such as membership in certain communities), it would not be obvious without further explanation how they affect risk. The Service's Missing Persons Procedure now imposes an obligation on supervisors to review the assessments conducted by responding officers and do their own assessments, identify situations involving an elevated risk, and, in consultation with the responding officers, 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

¹³ The Review's engagement survey showed a substantial percentage of respondents who reported people missing identified mental health as a relevant identifier.

high-risk factors.¹⁴ Some of the factors were miscategorized as high, medium, or low factors when they were often equivocal at best or dependent on context. Critical factors were not included on the Search Urgency 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 a numerical scoring system that was not evidence-based, and reinforce the need for supervisory involvement and consultation in the process.

However, as I discuss in Chapter 13, significant systemic issues remain, and I address them in the recommendations that follow.

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.

As I state in detail in Recommendations 117 and 119, more basic training and education should be provided to all sworn officers and certain civilian members of the Service. This basic training is important, as well, during any transition to the proposed mid-term model because, at that time, risk assessments might still be performed by those without specialized training and education.

- 50** The Toronto Police Service should build capacity to have risk assessments performed in missing person cases 24/7 so they can be

¹⁴ 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 must be treated as most urgent if even one factor is life-threatening.

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.

In relation to item (e), there is a correlation between degree of risk and the marginalized and vulnerable status of community members who go missing. As I outline in Chapter 12, we know, for example, that LGBTQ2S+ community members are at greater risk of being the victims of certain crimes. The statistics on violence against trans individuals are frightening. As well, the already frayed confidence of these community members in the Service can only be enhanced through robust investigations when their fellow community members go missing.

The current Missing Persons Procedure provides that a supervisor must review the Risk Assessment Form immediately when a risk factor is indicated, but, if no risk factors are indicated, the 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 I saw 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. I am concerned about the institutional delay in ensuring that those with specialized knowledge in risk assessment make or review the assessment of risk in the early days of someone's disappearance, especially if the Service transitions to the mid-term model I propose.

As well, current supervision of risk assessments is problematic because supervisors are not trained and educated in this area. I address this problem in my recommendations on training and education.

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.

As I state in Chapter 13, the three levels of search that have been preserved in the current Missing Persons Procedure are not easily correlated to the risk assessments. A disappearance may require a response that includes some components of each of a level 1 search, level 2 search, and level 3 search. The descriptions "more investigation required," "expand investigation," and "immediate response required" are vague, confusing, and not helpful. Two of these superficial descriptions straddle multiple levels of search (e.g., expand investigation applies to both levels 1 and 2 searches), making them even more difficult to understand or apply in a consistent way.

The procedure states that level 1 will be implemented when "there are no extenuating circumstances." The meaning of "extenuating circumstances" is unclear. The procedure also states that, at level 1, "there are minimal concerns regarding the issue of foul play or the infirmity or limitations of the missing person." However, it is clear that foul play or the infirmity or limitations of the missing person are not the only criteria for elevated risk. In addition, the strong possibility of foul play has been frequently misinterpreted and requires some definition.

Level 2 is to be implemented when a missing person is under 16 and judged likely to be incapable of self-care, mentally challenged, over 65 years old or infirm, or where there is evidence of foul play. There are a variety of circumstances sufficient to elevate the urgency of a search beyond these criteria. However, such circumstances are unspecified in the procedure. The procedure does not explain how investigations into those who have gone

missing for over 30 days fit into these levels, other than reflecting that such investigations are mandatory major cases. Ultimately, it is difficult to see why these levels of search should be preserved. In identifying an ongoing risk assessment, the focus should be on the circumstances of each case. These circumstances should dictate the specific resources that should be devoted to the case. As well, a number of investigative steps, especially those that involve community engagement and the use of external supports, Victims Services, and prevention strategies, are largely framed in discretionary terms. They should not merely be considered but should be central to every high-quality investigation.

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.

The federal ombudsperson for victims of crime stated, “Despite the fact that missing persons are a social phenomenon that encompasses vast areas of interest, relatively little is known about those who go missing, what happens to them while they are missing, or what can be done to prevent these incidents from occurring.” There is a need for such research to be done to enhance the accuracy of risk assessment tools.

During the Review, I also examined the use of artificial intelligence to potentially enhance risk assessment. A detailed discussion of the use of artificial intelligence is beyond the scope of this Report, but it is well recognized that current uses of artificial intelligence by law enforcement, particularly in the United States, have been problematic and at times, skewed to perpetuate pre-existing marginalization and to target already discriminated-against groups and individuals. The use of artificial intelligence must be approached with appropriate caution. I welcome the research being done elsewhere on the use of artificial intelligence to assist in risk assessments.

However, I am convinced that even the creation of discrimination-free algorithms to assist in assessing risk will never obviate the need for skilled personnel to evaluate risk. As has been recognized in academic papers, the time may come when the optimal approach to risk assessment may be the judgment of an experienced detective that takes into account a risk coefficient that is created by a discrimination-free algorithm.

- 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.

I return to the topic of research later in this chapter.

The Major Case Designation in Missing Person Cases

Since 2013, the definition of a major case has included cases where a person's disappearance remains unsolved for more than 30 days. Although the Service's Major Case Management Unit currently tracks the expiry of 30 days in at least some missing person cases, it is obvious to me that Toronto investigators have been unaware of or have failed to act on the 2013 change in the definition of a major case to include missing person cases outstanding for over 30 days. More generally, apart from whether the definitions are known to officers, I found that officers failed to recognize when missing person cases must be designated as major cases based on the strong possibility of foul play. In my view, "foul play" involves being victimized by crime involving a missing person's death, abduction, or serious bodily harm. A "strong possibility" of foul play is a significantly lower threshold than a "probability," "reasonable grounds," or "reasonable and probable grounds." Unlike the grounds required to exercise police powers or seek judicial orders, a strong possibility of foul play need not be based on admissible evidence. 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. As I state earlier, this interpretation does a disservice to those missing, and to their families and friends.

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.

Under provincial adequacy standards, the “strong possibility of foul play” and the passage of 30 days from the date a person is reported missing provide the criteria for the designation of a missing person occurrence as a major case. However, the Service is not prohibited by provincial adequacy standards from treating additional missing person occurrences in the same way as cases involving these criteria.

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.

In addition to the lack of clarity and uncertainty over when a missing person occurrence should be designated as a major case, there is a lack of clarity over what that designation means in practice – that is, when it is operationalized. Such a designation, if made, does not resolve questions over who or which unit conducts the investigation or whether a command triad is needed (not all major cases require the assignment of three different officers to perform the command triad functions in a major case).

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.

I stress that this recommendation does not compel the Service to craft procedures that are so rigid as to prevent the above decisions from being made case by case. However, the status quo is simply unacceptable. Other than relying on "limited resources," officers were often unable to articulate to the

Review a principled basis for any of these decisions. Equally important, my research disclosed missing person occurrences that unquestionably deserved heightened attention. But they never got it. The designation of an occurrence as a major case, if employed properly, makes it more likely that the ensuing investigation will be given appropriate priority, identify links to other major cases, and attract additional resources.

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*¹⁵

The evidence disclosed several instances in which the choice of jurisdiction impeded the effectiveness of a missing person investigation. In relation to Tess Richey’s disappearance in November 2018, the Service’s Missing Persons Procedure dictated, as it does now, that the division where Ms. Richey resided should conduct the missing person investigation (see Chapter 8). However, it made more sense for the investigation to be conducted by the division where she was last seen. In relation to Abdulbasir Faizi’s disappearance, the Peel police conducted the missing person investigation because Mr. Faizi lived within their jurisdiction (see Chapter 5). However, much of the investigative work was done in Toronto because he was last seen there.

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. The procedure also provides direction where a Toronto resident is reported missing to another police service (see Chapter 13 and the Reporting Reference Guide). As I state in Chapter 13, the Service’s procedure relating to jurisdiction can only be described as confusing at best and ineffective at its worst. Too much prominence is given to the place where the missing person resides, even in the

¹⁵ 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.

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 is long overdue for the Service to re-evaluate jurisdiction when missing person investigations are to be done at the division level rather than by the centralized Missing Persons Unit. In my respectful view, the Ministry of the Solicitor General should consider whether this re-evaluation should form part of a larger examination of how and when Ontario police services should assume jurisdiction in cases that have a multi-jurisdictional dimension, although not necessarily qualifying as major cases.

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 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 investigations.

- 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

The Missing Persons Procedure refers to the Service's Criminal Investigation Management Plan as an associated governance document. However, the procedure fails to incorporate the requirement specific to missing person investigations that investigations involving a strong possibility of foul play or level 2 or 3 searches in turn need to be assigned to a specialist criminal investigator.¹⁶ The plan also identifies other types of cases requiring a specialist criminal investigator.

In relation to missing person investigations, I am of the view that, properly interpreted, the plan contemplates an investigator with specialty training, education, and skills. However, it appears the Service does not interpret the plan in this way because, historically, no specialty training and education has been available for missing person investigators. As I explain in Chapter 13, regardless of how the plan is interpreted, I strongly support the creation of specialty training and education in missing person investigations. I base my support on the significant number, the importance and the range of complexity of these investigations, features that distinguish them from general investigative work, as well as the demonstrable inconsistencies in the quality of such investigations conducted by officers without specialized knowledge.

In addition, the *Policing Standards Manual's* sample police services policy suggests that every police service should establish a crime management system that includes, among other elements, a process for supporting a multi-jurisdictional investigation that is *not* a major case, including liaising with other law enforcement agencies. However, the Criminal Investigation

¹⁶ 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.

Management Plan does not incorporate this requirement. It should.

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.

In Chapter 9, I observe that two parallel investigations at two different divisions took place simultaneously in relation to Ms. Wells's unidentified bodily remains and her reported disappearance. At one point, the steps in both investigations were duplicated – for example, Detective Randy Wynia and Detective Constable Guy Kama interviewed some of the same witnesses. Clearly, this duplication does not represent best practice. Rather, it represents an unnecessary use of police resources even as it imposes a burden on witnesses, who must tell their stories twice. I recognize that some duplication is inevitable when a connection has not been made between two seemingly unrelated cases. But, in my view, when a tentative connection between investigations is known, the Service should at the very least take steps to determine whether the investigations should be merged.

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

The evidence disclosed that in many missing person cases, unacceptable delays occurred in assigning an officer in charge. For example, it took two days after Tess Richey was reported missing for a lead investigator to be assigned (see Chapter 8). The absence of a lead investigator made it less likely that the search would be conducted in a comprehensive coordinated way. In other instances, investigative work stopped altogether when a lead investigator went off-shift for a period of time. Similarly, there was an unacceptable delay in assigning the lead investigator to the unidentified remains investigations involving Alloura Wells (see Chapter 9). Indeed, in relation to the second investigation involving Ms. Wells – the missing person investigation – the identity of the assigned lead investigator remains unclear even today. Moreover, the records the Review examined were unclear at times as to the lead investigator in relation to the disappearance of Mr. Navaratnam.

As I explain in Chapters 8 and 9, the delay in the assignments of serious matters, or uncertainty in relation to the assignment of an investigation, adds to the unfortunate impression that the police regard these investigations as unimportant. That in turn undermines the investigation and may adversely impact supervision and accountability.

The evidence discloses that these assignment issues have been systemic at the Service insofar as they relate to missing person investigations. Community members have had difficulty reaching those directly involved in the investigations, either to make inquiries or contribute information. Investigations often ground to a halt when the lead investigator went off-shift. Longstanding or “cold” missing person investigations fell into an abyss as investigators were reassigned. In some instances, the identity of the assigned lead investigator was not clear even in the Service’s own records.

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. In general terms, the procedure does state that the Missing Persons Unit (MPU) will ensure “continuity and consistency of file management.” I am pleased that the unit has taken significant steps, outlined in Chapter 13, to address the systemic issues surrounding continuity of investigations. I support these initiatives. My recommendations below supplement them further.

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.

Pursuant to the model contained in this Report, missing person coordinators and/or missing person support workers may be the ones who most accessible to the public or to those closely associated with the missing person or, potentially, to the unidentified remains. The point here is that those directly affected by a disappearance should never have to struggle to figure out who, if anyone, has carriage of the missing person investigation or, more generally, struggle to reach someone who can meaningfully communicate with them. The National Inquiry into Missing and Murdered Indigenous Women and Girls¹⁷ also identified this issue as a country-wide problem, recommending that protocols be developed to recognize that a high turnover among officers assigned to investigate missing person cases may negatively affect progress on the investigations and relationships with family members.

Assignment of Specific Investigators

The Service modified its existing procedures, in the aftermath of the Jane Doe¹⁸ case, to allow complainants in sexual offence cases to choose the gender of their interviewer. One member of senior command has suggested that, in the future, an analogous approach should be taken for investigations involving LGBTQ2S+ community members. The extent to which this analogy applies may depend on the nature of the investigation; the relevance of someone's sexual orientation, gender identity, or gender expression; and the extent to which this choice will reduce barriers and create a safe and welcoming environment for community members. I am also mindful of the desirability that all officers (not just selected officers) treat community members with respect and dignity and be as exposed as possible to the lived experiences of our diverse communities.

¹⁷ Canada, National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* [Ottawa: Privy Council Office, 2019], online resource.

¹⁸ 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.

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

In Chapter 9, I examine the investigation into Alloura Wells’s unidentified remains. Ms. Wells was a member of Toronto’s trans community. She was also Indigenous, a sex worker, and struggled with drug abuse. As I state earlier, she was marginalized and vulnerable in several ways that intersected, though she was also engaged with her communities and well known. However, the investigator was unaware of the resources available to assist him – community resources and the Service’s own resources, including the LGBTQ2S+ liaison officer. With one or two notable exceptions, officers in the McArthur-related investigations similarly failed to use available resources and to partner with affected communities to advance their work.

This type of community engagement cannot be regarded as peripheral or optional as the Service has often regarded it. It is at the core of effective investigative work, especially for missing person and unidentified bodily remains cases involving marginalized and vulnerable individuals. All told, this issue requires a fundamental shift in how the community becomes engaged in the Service’s work.

In 1999, the Griffiths Report found that Toronto front-line officers had little experience or understanding of communities of colour, cross-cultural communities, immigrants and refugees, and communities where language barriers existed.¹⁹ The Report also found, in the context of sexual assault investigations, that effective co-operation with community service providers by Toronto police was an issue. Such co-operation was described as essential to these investigations, not simply a public relations exercise.

More recently, Judge Oppal observed that the steps taken by the police

¹⁹ Jeffrey Griffiths, “Review of the Investigation of Sexual Assaults, Toronto Police Service” (Toronto: Toronto Audit Services, October 1999).

in British Columbia respecting the Pickton-related investigations were largely ineffective because the police failed to educate themselves about the dynamics of the Downtown Eastside community and did not actively seek the assistance of community and Indigenous leaders to build the trust necessary to overcome barriers to police-community communication. He added that, to investigate reports of missing women successfully, the police need the assistance of family members, friends, the community, and the media, especially in circumstances where foul play cannot be ruled out and where there is no crime scene. Strategies for proactively involving these external sources of information are key.

I make similar observations with respect to the Toronto police investigations relevant to this Review. Investigators should work in partnership with communities to advance missing person and unidentified remains investigations. Community members have important information. They have expert knowledge about their communities that most investigators will not have and are likely unable to access. However, community members cannot provide such information if they don't know an investigation is taking place. If the police are to act in meaningful partnership with affected communities, the police must provide those communities with basic knowledge to enable them to assist. As I state in Chapter 7, 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, in part, because they feel the police do not trust them, investigations will inevitably suffer, and public confidence and support for the police will be eroded. A fundamental shift is required in how the police share information with communities. With respect to marginalized and vulnerable communities, this shift is also necessary to overcome barriers of distrust and even fear of the police.

To its credit, the Service has recently used town halls to provide communities with an opportunity to be heard regarding their issues and concerns. What is remarkable is, as one deputy chief acknowledged, that very little community engagement such as town halls took place after the McArthur-related investigations were over. The deputy chief frankly did not know why. The Service was, in many ways, tone-deaf about the impact these cases had on the public and the affected communities.

The evidence disclosed that the police were anxious to keep Project Houston secret on the theory that transparency would harm the investigation. However, as I observe in Chapter 6, the secrecy around Project Houston far exceeded anything needed to preserve the investigation's integrity. This extreme secrecy set the Service up for heightened mistrust when community

members later learned they were misled or, at a minimum, shut out.

The Service must commit itself to a robust communication strategy in missing person investigations. Distributing posters, issuing press releases, and holding meetings where virtually nothing is shared with the community do not represent meaningful and respectful communications. I was told that, at one point in the McArthur investigation, in order to respond to the criticism that nothing had been done to investigate the mounting disappearances of members of the Village communities, the Service created an information pamphlet that listed what had, in fact, been done. The pamphlet was too little, too late. It reflects a mind-set where many members of the Service see communicating as counterproductive to their investigations or as a necessary evil, rather than a way of enhancing their investigations and building confidence in their work. Moreover, Corporate Communications, whose members are responsible for media relations, cannot communicate what they don't know or provide effective advice in a vacuum. Virtually every officer agreed that the Service does a poor job of letting the public know what is being done behind the scenes or, in fact, much about the Service at all.

In Chapter 13, I discuss five components of effective missing person investigations under the rubric of community partnership and engagement: (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) provision of public warnings about potential danger to community members; and (5) partnerships with group homes and other institutions, particularly residences involving youth, to address the problem of recurrent missing youth. Here, I add another component, highlighted in earlier chapters: (6) use of the Service's liaison and neighbourhood community officers to facilitate missing person and unidentified remains investigations. I briefly comment on each before setting out my recommendations.

Active Involvement of Communities in Advancing Missing Person Investigations

The *Policing Standards Manual* recommends that a service's missing persons procedure include a "requirement" that officers liaise with voluntary or community agencies involved in locating those who have gone missing.

The Service's Missing Persons Procedure currently requires the supervisory officer in a level 2 search to "consider" obtaining assistance from

the Community Partnerships and Engagement Unit – Auxiliary Program²⁰ as well as community organizations. The new Missing Persons Unit (MPU) is also said to be a “collaboration of all partners to leverage all available resources that may be utilized as a resource for investigative assistance, information and community mobilization.”

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

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.

As reflected in Recommendation 83, the Service’s liaison and neighbourhood community officers can assist investigators (as can missing person coordinators) in identifying existing community resources.

Information Sharing by the Police

The *Missing Persons Act, 2018*, provides broad authority for the chief of police, or individuals the chief designates, to disclose information about missing person investigations to the public at large. Apart from the legislation, the police undoubtedly have authority to share information with affected communities and their members in order to advance investigations and

²⁰ The Community Partnerships and Engagement Unit – Auxiliary Program deploys trained volunteers to support the Service in various roles, particularly community-oriented policing initiatives.

promote public safety.

The Service's Missing Persons Procedure is largely silent on the issue of information sharing with the public. It states that a citizen requesting information, either electronically or by telephone, about another citizen's whereabouts shall be directed to the officer in charge. The officer in charge shall determine whether it is appropriate to release the requested information. Aside from this direction, the procedure provides no guidance as to when or how members of the public should be updated about an ongoing missing person investigation.

The procedure does require officers to "consider" using a poster or bulletin to assist in locating the missing person. In the case of a level 2 search, divisional investigators are also required to "consider" requesting assistance from the media and to "consider" communicating the relevant information on social media. There are no suggested timelines for issuing a media release at the outset of an investigation or on any ongoing basis. However, the procedure does incorporate the Service's News Media Procedure as an associated governance document, and some valuable direction is provided there.

I recognize that procedures cannot contemplate or address every scenario. However, in my view, the existing procedures can better address identified systemic flaws. Several of those flaws involve failing to issue timely media releases in missing person cases and overly restrictive information sharing with communities generally. As well, those directly affected should have a greater say in the contents of media releases or social media messaging, subject to overriding public interest concerns. That greater say reflects the justifiable concern some family members expressed to me about the missing persons whose disappearances the Review investigated. In those cases, some media information, whether coming from the Service or the media, showed a lack of sensitivity to the missing persons and those closely associated with them. Although the Service cannot control how the media depict a missing person, it can at least alert the media to issues of sensitivity and compassion. I have already addressed the role of those directly affected in media releases in Recommendation 43(d).

RECOMMENDATIONS

- 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.

The strategy should also incorporate Recommendation 43(d), which provides for the input of those directly affected, where feasible, before information about or photos of the missing person are given to the media.

A senior member of the Service suggested that for major crimes involving equity-seeking groups, the Service should aim to be “as proactively transparent as possible with the information provided to the communities during the investigative stage.” It was suggested that this approach might mean, for example, that the Service take the initiative in seeking to unseal information in high-profile criminal cases involving equity-seeking groups, rather than merely reacting to media requests for unsealing orders.²¹ I agree with this suggestion, which has application, by analogy, to high-profile missing person investigations.

The proposed communication strategy should ensure that information sharing does not undermine the integrity of an investigation, while recognizing that the Toronto Police Service has, at times, unduly restricted information sharing based on this principle.

Regarding media releases, I observe in Chapter 8 that the police failed to issue a timely media release in relation to Tess Richey’s disappearance. In Chapter 9, I find that the police also failed to issue a timely media release with respect to Ms. Wells’s unidentified remains. Timely media releases are important, particularly where the missing person is at risk. I recognize there are circumstances in which a media release may undermine the safety of a missing person – for example, where a missing person may be the specific target of a criminal organization. For that reason, I am not recommending that media releases be issued in every case.

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

²¹ Courts frequently order that documents be sealed, prohibiting access by the public, including those suspected of crimes. The media or another party may seek an order unsealing some or all of the documents’ contents.

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

The MPU has improved the public's access to information about how to report someone missing. For example, the Missing Persons Unit (MPU) now has a webpage on the Service's website: <http://www.torontopolice.on.ca>.²² The MPU's webpage is <http://www.torontopolice.on.ca/homicide/missing-persons-unit.php>.²³ The webpage is a welcome development, although, as I reflect below, some significant enhancements should be done to make it more useful, more user friendly, and more accessible particularly to diverse communities. As well, from my community outreach and engagement, I learned that members of the public remain mystified about who they should speak to, at or outside the Service, about the disappearance of their loved one, both at the outset and while their loved one remains missing. The current webpage has not alleviated the public's confusion. Accordingly, as reflected in Recommendation 79, the webpage presents a valuable opportunity, one of many, to share information.

The unit does not currently have the budget or resources to create and host its own website. The webpage 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. It also indicates that there is no waiting period to report someone missing and contains links to external organizations and agencies that support missing person investigations and the loved ones of missing people. However, the number of organizations listed leaves the reader uncertain as to which organization to contact and what each one can realistically provide.

Information about individual missing person cases is not published on the unit's webpage. Instead, the unit relies on the National Centre for Missing Persons and Unidentified Remains webpage for publication of eligible cases.²⁴ A link to this webpage is available on the unit's webpage.

²² The website contains other useful information, including links to general information about the Service, links to the Service's social media profiles (including Twitter, Facebook, and YouTube), and links to assist the public in finding information or obtaining police assistance.

²³ Users can navigate to the Missing Persons Unit webpage by clicking on the "Find a Unit" button in the "About TPS" drop-down menu on the main page of the Service's website.

²⁴ <https://www.canadasmising.ca/index-eng.htm>

The unit's webpage may be the first point of contact for many people looking to report a disappearance. It can and should be improved. In many ways, the Service is underusing the power and potential of internet and smartphone technology to improve public interaction with the police and increase the efficiency of missing person investigations. For example:

- Although the MPU's webpage is accessible on a cellphone, the Missing Person Questionnaire cannot be filled out and submitted using a phone. Given the ubiquity of cellphone usage (and the reality that not all cellphone users own or have access to a computer), cellphone access to a workable version of the Missing Person Questionnaire should be prioritized. The questionnaire could also be more "assistive" with "explanation" and "help" icons for every question.
- The information on the webpage is only in English. The webpage could easily include a readily available function that instantly translates the content of the webpage (and the Missing Person Questionnaire) into languages commonly spoken in Toronto. Such a function would remove linguistic barriers in reporting and improve the accuracy and value of information provided on the Missing Person Questionnaire. The fact that the questionnaire is in English only was identified in my community engagement as a barrier to members of the South Asian communities.
- The webpage could direct members of the public to the division closest to them. On a smartphone and most computers, this task could be accomplished through the GPS.
- Similarly, accessibility could be increased by linking an explanatory video with multilingual captioning to outline the missing person reporting process and the work of the unit. Properly produced, this video too could assist in calming the reportee and improving the public's perception that the unit truly wants to help those in all segments of the city.
- A member of the public accessing the webpage should be assumed to be in a state of emotional stress. The wording of the webpage should reflect an understanding of that reality. Changes might include acknowledging the pain and uncertainty of the situation, affirming the Service's commitment to prioritizing missing person cases, and offering an overview as to what a missing person investigation typically entails.
- The webpage could incorporate a "Frequently Asked Questions" section to provide answers to common questions. Providing this resource online may reduce the amount of time officers spend answering basic questions.
- The webpage could offer additional practical tools to empower

individuals to participate in missing person investigations. For example, the webpage could offer an “auto create missing person poster” link. Using a photograph and information provided by the reportee, the webpage could produce a poster and send it back electronically to the reportee for electronic or hard-copy distribution.

- The webpage could alert members of the public to the Service’s diverse membership and allow reportees to request that an officer from a given community (Indigenous, LGBTQ2S+, female-identifying, etc.) respond to the Missing Person Report, if doing so would facilitate trust between the reportee and the Service and create a safe environment within which to engage with the police.
- The webpage could feature profiles of historical or ongoing missing person cases.²⁵ They could, for example, be posted on the birthday or anniversary of the disappearance of a missing person. Such exposure might raise the profile of a given investigation, just as it might also provide a sense of comfort for the loved ones of the missing person and enhance confidence in the police investigation. Any posting should be done, when feasible, with the consent of the family or other loved ones.
- Options could be provided for those within affected communities to subscribe for regular search updates through text or email.
- The webpage could, after consultation with external organizations and agencies, provide better guidance as to which ones to contact in which situations.
- The webpage should also provide accessibility capabilities for the visually and hearing impaired.

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

²⁵ The MPU does place some profiles on Facebook.

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

In Chapter 7, I discuss the Service’s decision in mid-July 2017 that it should not issue a public safety media release in relation to gay men using social media dating sites to arrange sexual liaisons. It appears the director of corporate communications made the decision not to issue that release 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, when there was no evidence to establish that connection. The Service issued a public safety release only in December 2017. As I state in Chapter 7, I see no impediment to issuing such a warning regardless of whether the evidence had 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, such a release was unlikely to jeopardize the ongoing investigations in any meaningful way. In my view, the investigators directly involved, rather than Corporate Communications, should make the decisions around the propriety of a public warning, mindful of the lessons learned from the Jane Doe case.

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

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 the view of the officers, these young people are not necessarily “missing” in the sense contemplated by the definition of missing persons under the legislation, but instead are temporarily absent without permission and likely to return safely. They are concerned that resources would be better devoted to cases involving risk of serious harm, and they question whether institutions unnecessarily report these young people missing to fulfill their legal obligations or to avoid legal liability. The challenge, of course, is that young people at large without permission may also be exposed to a range

of dangerous activities, such as human trafficking and sex work. The other challenge is that they may be “running away” from abuse or other intolerable conditions. As well, 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.

To its credit, the Missing Persons Unit (MPU) has tried to develop a consistent protocol for group homes and shelters to use when a person is reported missing. As I explain in Chapter 13, to date there has been no success in achieving a consensus on procedures and information sharing.

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 these homes and institutions. Protocols have been developed that, under certain circumstances, permit such homes and institutions to record the absences of young people with the police without the record immediately generating a missing person investigation. Such protocols include appropriate follow-up if the person does not return within a short period of time. I endorse this approach, as long as it is accompanied by appropriate triaging of cases and prevention strategies outlined elsewhere in my recommendations. After all, so-called runaways can also be at high risk depending on the circumstances.

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

The Service must do a much better job in fully using the skills and knowledge of its liaison officers and neighborhood community officers in advancing its missing person and unidentified remains investigations. The role of such officers in major investigations has been undervalued. They have often been brought into situations only when damage has already been done, rather than proactively to ensure that the frayed relationships with community members and groups are not exacerbated.

As one officer stated to the Review and as discussed in Chapter 14, a true community policing model means that liaison and neighbourhood community officers perform core functions. One chief of police shared a powerful endorsement of these officers. In his view, the relationship the liaison and neighbourhood officers have with those in the communities with which they are connected creates trust and gives them access to information. As a result, such officers become the most important members of a police service when it comes to any issue that has arisen in the area to which they are assigned. “If a service has a truly ‘embedded front-line,’ these officers become a service’s most significant information resource.” At the same time, liaison officers should not be conscripted to engage in activities that will undermine, rather than solidify, their relationships with marginalized and vulnerable communities.

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.

Here I am addressing the important role of liaison officers and neighborhood community officers in assisting investigators in overcoming barriers, particularly with marginalized and vulnerable communities, and thereby enhancing the quality of missing person and unidentified remains investigations – indeed, investigations generally. In my later recommendations, I discuss the larger role of these officers unrelated to specific investigations but in building community relationships.

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 has been notified. The officer must also “consider” contacting the divisional community relations officer or the crime prevention officer for follow-up and prevention strategies to address repeat occurrences. There is no requirement that a return or prevention interview be conducted with the person who went missing 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 and in Calgary, as well as by the Ontario Provincial Police. They are often done by social workers, social service agencies, or civilians rather than by sworn officers, for the

obvious reason that sworn officers are associated with law enforcement activities, sometimes in the missing person's community. Detective Mary Vruna, the Missing Persons Unit's (MPU's) head, supported the use of return interviews, particularly those conducted by trained civilians. She felt that, preferably, the interviews should not involve an officer, because many of these located individuals are 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.²⁶ 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 number of missing person cases reported to the police and, going forward, assist investigators in identifying patterns and predicting the location of those who have gone missing. This evidence is yet another instance in which the Service must recognize activities that should be at the core, rather than the periphery, of missing person responses.

In the United Kingdom, "safe and well" checks, the equivalent of "return interviews," are considered to be as important as investigations themselves. Officers debrief the returned person in a one-to-one conversation in which the questions are drawn from a template and the discussion is confidential. The debriefing helps identify why the person went missing and what underlying problems continue to exist. Consistent with broader community safety strategies, the debriefing may lead to a referral to a social agency.

The Calgary Police Service attempts to conduct return interviews to determine why the located persons went missing, where they have been, who they were with, what they were doing, and whether they were victimized. Return or prevention interviews, standard policy for the Ministry of Social Services, are also a common practice in Saskatoon.

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,

²⁶ An OPP pilot project involving use of return interviews found that many youth were being exposed to criminality while away.

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.

The template should merely be a guide or checklist, rather than rigidly adhered to.

TextSafe is a service in the United Kingdom that engages young people by text. If someone goes missing, the police will ask the Missing People charity to send a TextSafe message inviting the young person to text the organization. This system allows a message to be sent to the missing person with advice about available support services.

RECOMMENDATIONS

- 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.²⁷

Specific Investigative Issues (Chapters 5–13)

Electronic and Internet Searches

Project Houston and other investigations relied heavily on electronic and internet searches. During Project Houston, the officers spent an extraordinary number of hours examining James Brunton's computer, including emails, his online search history, websites he visited, and his chat messages. Yet, no one comprehensively examined each missing man's involvement in social media and the internet. This was not simply a problem that related to priorities. Officers in Project Houston and other investigations had varying abilities to access electronic media. They sometimes sought assistance from the Technological Crime Unit and, after its inception, the Cyber Crime Unit. Sometimes they did not. Sometimes the technological support was available. Sometimes it was delayed.

The Review met with many officers who had an incomplete understanding of how to obtain a comprehensive internet and social media profile of missing people. This was the case regardless of whether the task involved forensic searches of computers, tablets, 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. The evidence disclosed no uniform approach to this work. It also revealed that officers had varying understandings of technical support or resources available to assist them in accessing or obtaining electronic information, including social media and internet use.

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,

²⁷ The OPP model is described in Chapter 13.

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.

I recognize that investigators have varying skills in collecting electronic information, and that “one size may not fit all.” This recommendation is to ensure that electronic information is not left undiscovered either because officers are unfamiliar with how it can be successfully accessed or because technological support is unavailable when needed.

Even when it is clear that Mutual Legal Assistance Treaty (MLAT) applications are required to collect such evidence, the MLAT process is burdensome and may significantly delay investigations. This is, of course, not an issue confined to the Service.

- 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

The evidence disclosed that, to the prejudice of the investigation, the civilian analyst assigned to Project Houston was underutilized. In fairness, it was apparent that during Project Houston the assignment of an analyst to an investigation was the exception, rather than the rule. - Frequently analysts are not fully integrated into major investigations.

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.

Some of the Service's civilian employees described a culture that favours the views of sworn officers over civilians. Some civilian employees regard themselves as marginalized within the Service. Without attempting to quantify the extent to which this represents a larger systemic issue, I wish to stress that any manifestation of this culture should not only be resisted but also proactively addressed. There are a number of ways to do this including through lines of reporting that integrate civilians fully into the Service's decision-making and give those who have supervisory responsibilities equivalent ranks to uniformed officers. I saw examples of that approach within the Service. Ultimately, it is incumbent on senior command to take responsibility for supporting and protecting civilian employees when and if they encounter resistance. As the Service moves away from a paramilitary culture and embraces a holistic approach to community safety and well-being, it is more likely that civilians and sworn officers will be valued and treated equally within the Service.

Communication with Another Service

The evidence disclosed that Peel police unsuccessfully attempted to interest the Toronto Police Service in the possible connection between the disappearances of Mr. Faizi and Mr. Navaratnam. The failure of the Service to identify the potential connection between these two cases – when presented to them by the Peel police – represented a failure of epic proportions. As I state in Chapter 5, this failure speaks to systemic deficiencies in how missing person cases were dealt with, and a failure to learn the lessons from the Paul Bernardo tragedy when services did not work together to solve his crimes. The Service's failure to respond to the Peel police potentially reinforces community perceptions, whether accurate or not, that the Toronto police were largely indifferent to the disappearances of gay men of colour. It was another missed opportunity to solve this case earlier.

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

In Chapters 5 to 7, I find significant inconsistencies, among the various missing person investigations, in the investigative steps that were pursued. A similar finding prompted the 2019 *Report* of the National Inquiry into Missing and Murdered Indigenous Women and Girls to develop a checklist for the minimum investigative tasks to be considered and undertaken during a missing person investigation. Other jurisdictions, such as Scotland, have developed such checklists.

I identify inconsistency as a recurring issue in the missing person investigations this Review examined. Some officers were diligent and thorough. Others were not. In some instances – sadly, in too many instances – basic investigative steps were overlooked or delayed. Inconsistencies, of whatever nature, should be addressed, in part, by specialized training and education on how to conduct missing person investigations. However, there is also a need for an internal guide or checklist that contains a detailed list of investigative steps available to be employed to advance a missing person

investigation. The Missing Persons Procedure outlines some investigative tasks specific officers at the various levels of search should undertake. However, these tasks are far from complete and, in fact, might be regarded as misleading if, to the detriment of the investigation, officers rely on them as a complete list of steps that need to be taken to advance an investigation. In my view, a detailed guide or checklist should be a “living document.” It should be regularly updated based on experience, investigative outcomes, ongoing learning, analysis, and research. This guide or checklist should be easily accessible on officers’ mobile workstations and updated as required. As reflected in Recommendation 16, such predetermined checklists (also described as action lists) should be automated on PowerCase for particular types of investigations, including missing person and unidentified remains investigations. These checklists should also serve as a teaching aid during training and education. The 2019 Missing Persons Unit year-end report references the development of such a guide / checklist. Unfortunately, to date, it does not exist.²⁸

Such checklists or templates support best practices, including in countering unconscious biases. One senior Crown attorney recognized and saw first-hand some of the stereotypical assumptions and misconceptions that investigators continue to hold, particularly in relation to the LGBTQ2S+ communities. That Crown attorney suggested that procedures must limit individual discretion in how to conduct investigations, most specifically by mandating basic steps for every missing person investigation. In that person’s view, limiting discretion represents one strategy to counter unconscious biases. The checklists or templates I recommend reduce inappropriate investigative discretion. They also address my finding that, depending on various factors including the skill sets of the investigators, there was an unacceptable degree of variation in many of the investigative steps taken in missing person investigations. Checklists reduce the risk of errors and facilitate the ability of multiple officers to quickly ascertain what has and has not been done at a particular point in the investigation.

In Chapter 13, I also comment on two tasks identified in the current Missing Persons Procedure (DNA / fingerprint and dental record collection) and suggest several modest changes to the procedure in relation to those tasks

²⁸ There is a useful checklist that Records Management Services created to identify for responding officers the information required to complete the phone-in process for the initial Missing Person Occurrence Report. The Missing Persons Unit also created a list of resources to consider in conducting a missing person investigation.

(see Chapter 13). Those changes are incorporated into the recommendations below.

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

The sample guidelines of the *Policing Standards Manual* recommend that Missing Persons procedures include a requirement to interview the reporting individual *and associates* (emphasis added) of a missing person as soon as practicable. The Toronto Police Service's Missing Persons Procedure requires, where possible, the first police officer in a level 1 investigation to interview the last person to see the missing person. At level 2, the first supervisory officer is required to ensure that relatives of the missing person are interviewed. In my view, the direction provided in the procedure on whom to interview, when to interview, and how to interview is misguided and inadequate. I recognize that the procedure is not intended to serve as an investigative manual for missing person cases, but, in the absence of such a manual, the minimal direction provided in the procedure is unhelpful and potentially harmful if treated as setting out the minimal requirements for an adequate investigation. This deficiency is particularly glaring given the instances in which missing person investigations the Review examined reflect failures to interview key witnesses, including those who initially reported the disappearance, in a timely way or at all; incomplete or superficial interviews; failures to adequately record the

information provided by reporting individuals; and poor interviewing techniques.

In Chapter 13, I reproduce the Guide on point of the National Centre of Missing Persons and Unidentified Remains.

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

The *Policing Standards Manual* recommends that Missing Persons procedures “require” that “any searches undertaken during a missing persons investigation be supervised by a trained search co-ordinator and conducted in accordance with the police service’s procedures on ground searches for lost or missing persons.” The Service does not have a stand-alone procedure for ground searches for lost or missing persons. Instead, the Service has chosen to integrate the requirements for ground search into those Service procedures that are directly impacted. I take no issue with the Service’s choice to integrate ground search procedures, as needed, into its Missing Persons Procedure. However, in Chapter 13, I express concerns about this aspect of the contents of the Missing Persons Procedure.

For a level 1 search, the “first police officer” is responsible for thoroughly searching the home and immediate area, and for completing a 300 metre radius search of the place the missing person was last seen, if known. The supervisory officer is responsible for ensuring that the 300 metre radius search of the place last seen, if known, is commenced. As I explain in Chapter 8, at the time Tess Richey was being searched for, there was no explicit requirement under the procedure that a 300 metre radius search of the place the missing person was last seen had to be conducted, although this was already known to be a best practice. This addition represents an improvement. However, an issue arose in relation to the Tess Richey investigation as to which officers were properly regarded as first police officers or responding officers, and which officers were obligated to conduct the 300 metre radius search. The failure to conduct such a search during the Tess Richey investigation led to a tragic conclusion – Christine Hermeston’s discovering her daughter’s body. Supervision failed to detect the investigative deficiency.

Under the current procedure, for a level 2 search, the supervisory officer must consider the nature of the area to be searched (e.g., ground, urbanized, ravine, water) and assign adequate personnel to conduct the search. The supervisory officer must also consider obtaining assistance from support units, such as the Emergency Management and Public Order Unit, as well as community organizations. The officer in charge must ensure adequate and appropriate resources are obtained to conduct the search.

At level 3, the role of a search manager is introduced. Upon being notified by the officer in charge of the requirement for a level 3 search, the duty inspector is to notify the search manager. The search manager then becomes responsible for coordinating the search for the missing person.²⁹

The evidence this Review has examined reveals that door-to-door physical searches for missing persons, or for relevant witnesses or for video footage, were, at times, disorganized, incomplete, and poorly documented. I was advised that, on occasion, officers were reluctant to seek the assistance of the Emergency Management and Public Order Unit's search managers either to coordinate such searches or, at a minimum, to provide advice on how those searches should be conducted. The Review was advised that there has been some improvement in how such searches are carried out. Nonetheless, in my view, it is important that the procedures contemplate a more significant role for search managers, who have a wealth of search experience, either to provide advice or to coordinate searches, regardless of the designated level or type of search. This view also accords with the emphasis on trained search coordinators in the *Policing Standards Manual*.

On this topic, I also question whether the Service's procedure and practices adequately address the components of the *Policing Standards Manual's* recommended ground search procedures, particularly as they relate to support for victims, and to coordination with volunteers and community agencies.

RECOMMENDATIONS

97 The Toronto Police Service should amend its Missing Person Procedure to

²⁹ I note that the procedure also requires level 2 and 3 searches to be governed by the Service's Incident Management System. The Incident Management System is a model of police on-site response to emergencies and disasters.

- (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

In a missing person investigation, it represents best practice for officers to obtain relevant video footage as soon as possible and promptly view such

footage. Many businesses and residences have surveillance cameras, and video footage often yields critical evidence. Critically, the footage is frequently retained for only short periods of time. The evidence made available to this Review disclosed that, in a number of the missing person investigations, video footage was not obtained or viewed in a timely way or at all, sometimes to the detriment of the investigations. Moreover, the video footage was often not sought out in a comprehensive, coordinated way.

Procedure 04-21 addresses the gathering or preservation of evidence. However, I am concerned about repeated issues relating to timely and comprehensive searches for and viewing of video footage. These issues need to be addressed.

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

One of the time-consuming but essential components of a missing person investigation is to determine whether the missing person has been admitted to any hospital, particularly in the Greater Toronto Area. At present, officers or special constables must contact each hospital one by one. Moreover, they must often do so more than once, since the missing person's status may, of course, change.

In October 2018, members of the Missing Persons Unit met with the Ministry of Health in an attempt to develop a process by which police officers across Ontario could access hospital admissions and related records without having to contact each hospital and medical facility, separately. In February 2019, the unit had a follow-up meeting with the Ministry of Health. At the end of the meeting, the Ministry of Health agreed to take the unit's recommendations to the ministry's legal team for review and approval. Unfortunately, this process stalled. The Review was told that the plan was

abandoned owing to practical limitations. Hospitals across Ontario are not all on the same network, so a “one-step” process for determining whether a given individual has been admitted is difficult to achieve. My recommendations address this important issue. It has significant resource implications for all police services in Ontario.

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)

One superintendent advised the Review that officers’ memobooks have not appreciably changed since the 1950s. In my view, the traditional police memobooks represent a poor way to record, store, and access information. As well, during the Review, there were important instances in which officer memobooks were not retained with the major case files or were accessible only several years after the investigations concluded. This is unacceptable. It was beyond the scope of my mandate to revisit the use of officer memobooks, how the information contained in those memobooks is and often is not uploaded into a records management system, and how these memobooks are or are not retained by the Toronto Police Service, and how they are later made accessible. However, the use of these memobooks represents a systemic issue that impedes the Service’s ability to conduct and be accountable for its investigations. This is far from a new issue. Indeed, it was identified in the 1998 *Report* of the

Commission on Proceedings Involving Guy Paul Morin led by Commissioner Fred Kaufman (Recommendation 100, Vol. 2, 1212–16).

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)

In Chapter 9, I describe the two investigations relating to Alloura Wells – the investigation into her unidentified bodily remains and the investigation in response to Ms. Wells’s being reported missing. Before Alloura Wells’s remains were identified, both her father and the police contacted the Office of the Chief Coroner to ascertain whether Ms. Wells’s body was at the morgue in Toronto. There is no reliable record of precisely what Mr. Wells was told. Nor is there a record of who spoke to him and to the police when they initiated inquiries. It appears that the answers the chief coroner’s representative gave were inaccurate, incomplete, or both. Whatever they were, the answers led both Mr. Wells and the police to believe that the morgue did not have bodily remains that could belong to Ms. Wells. A similar issue arose in relation to Kenneth Peddle, whose remains went unidentified for a month when his loved ones and the police were looking for him.

The Review identified significant deficiencies in how unidentified remains cases had been investigated before the creation of the Missing Persons Unit (MPU). At times, there was poor coordination between the Service and the Office of the Chief Coroner / Ontario Forensic Pathology Service. Misinformation or incomplete information was provided by someone at the Office of the Chief Coroner / Ontario Forensic Pathology Service about existing unidentified remains. This information was not properly documented. Investigators had little or no understanding of provincial or national databases or supports available for both unidentified remains cases and missing person cases. The Toronto Police 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, most particularly in failing to notify the Homicide Unit promptly 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.

The situation has been much improved. The MPU's portfolio now includes unidentified remains cases. Its members now liaise with the Office of the Chief Coroner / Ontario Forensic Pathology Service on behalf of the 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 input into the national database.

I support these steps, but some additional work needs to be done. It is critically important that the loved ones of missing persons not be burdened by the uncertainty of the missing person's whereabouts and feel compelled to embark on an inevitably fruitless and emotionally draining search when the authorities have already found the missing person's remains. Nor does it represent appropriate use of resources for the police to engage in or continue unnecessary missing person investigations.

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

The evidence disclosed that the Service's Homicide Unit should have been promptly advised when Tess Richey's body was discovered. This was an unexplained sudden death of a young woman. The Service's existing Preliminary Homicide Investigations Procedure imposed this obligation. Similarly, as I explain in Chapter 9, the discovery of Alloura Wells's remains should have triggered an immediate report to the Homicide Unit. Either death might have required the expertise of the Homicide Unit. The unit cannot lend its expertise to the investigation or, where appropriate, assume carriage of it, unless it is aware of the death. The unit's ability to evaluate the situation is also potentially impaired when its officers are prevented from promptly going to the scene.

Although my focus is on missing person investigations and how the police investigate unidentified bodily remains, it is obvious to say that missing

person investigators must ensure that their own conduct does not adversely affect sudden death or homicide investigations.

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.

In Chapter 9, I explain that it is unclear whether the Service's procedure on preliminary homicide investigations – most particularly, on treating unexplained bodily remains as suspicious deaths – means that the unidentified remains investigation meets the criteria for a threshold major case under provincial adequacy standards.

RECOMMENDATION

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

In interviews with senior command, certain flaws in the specific investigations formed the subject of some questioning. Those senior members of the Service appeared to be largely surprised by the nature and extent of the flaws. Indeed, during the Review, some senior officers touted the investigations as models for how to catch a serial killer. Although I find that Project Prism, on balance, was an effective investigation, the deficiencies in Project Houston and the investigations that preceded it were profound. It is clear that these deficiencies were unknown to senior command and to the Board. Putting the flaws aside for the moment, this ignorance represents a systemic failing to self-identify and self-correct investigative deficiencies. To illustrate, I outline in Chapter 6 the substantial shortcomings in how the police interviewed McArthur, shortcomings not only attributable to the well-intentioned officers who actually conducted the interview, but also to those who supervised them. I find it surprising that the Service failed to identify and address the underlying

shortcomings. It should have done so. There is no evidence that anybody reviewed the contents of the McArthur interview until years later. Professional case management requires an ongoing assessment of work done.

Project Houston was active for about 17 months. The Service invested substantial human and financial resources to advance the investigation. This was a Toronto project because of the purported connection between James Brunton or the cannibal ring and a Toronto missing man. There turned out to be no connection, and the project was unsuccessful in solving the disappearances of the missing men. As I reflect in Chapter 6, despite all the resources invested in Project Houston, no case review or case conference was convened, as contemplated by the *Ontario Major Case Management Manual*, to evaluate the investigation objectively and thoroughly, particularly in the light of the many deficiencies and shortcomings I have identified. What the Service missed was the opportunity to consider the lessons to be learned from the failure of Project Houston.

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

The evidence disclosed that supervision of a number of missing person investigations I examined during this Review were seriously deficient. This lack of supervision was particularly evident during the latter stages of Project Houston. However, it is also telling that virtually none of the deficiencies I identify during my evaluation of the various investigations were discovered through supervision of investigative work. Major case management includes thorough ongoing supervision of work being done. I recognize that limited resources explain some of these supervisory deficiencies. However, I question whether the supervisory deficiencies are also explained by the ease with which electronic reports can be approved or signed off on without meeting with the officers who prepared those reports. It is instructive that members of the

Missing Persons Unit described drastic variability in the quality of missing person documentation they reviewed from the divisions, without supervisory intervention.

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)

If friends or loved ones of a missing person feel at risk in speaking to the police because their communities have historically been overpoliced, underserved, and discriminated against, they are less likely to come forward. If people feel they are placing the missing person, if found, at risk of adverse law enforcement or immigration consequences, they are also less likely to come forward.

The Canadian Association of Refugee Lawyers submits that for those individuals who have either precarious status in Canada or no status, fears of immigration consequences inhibit their families and friends from reporting them missing. The association correctly identifies two McArthur victims, Kirushna Kumar Kanagaratnam and Skandaraj (Skanda) Navaratnam, as demonstrating this problem.

As I reflect in this Report, one barrier to reporting or otherwise sharing information with the police is the genuine fear of adverse immigration consequences either for the missing person, if found, or for those who wish to provide information to the police. Of course, if these fears result in individuals' not coming forward, even if foul play is suspected, the police are unable to investigate these disappearances. In addition, the quality of an investigation may be significantly undermined when relevant witnesses choose not to come forward. The reality of these fears is reinforced by existing research that indicates that “non-status individuals go underground because “they live in constant fear of detention, deportation, and surveillance by the authorities.”³⁰

³⁰ Peter Nyers, “The Regularization of Non-Status Immigrants in Canada: Limits and Prospects”(2005) 55 *Canadian Review of Social Policy* 109.

The association advocates for the Service to adopt a comprehensive “Don’t Ask, Don’t Tell” policy that would prohibit the police from reporting to the Canada Border Services Agency non-status individuals who come to the Service’s attention as missing, potential victims, or witnesses. The association makes several points in support of this position:

- (a) The absence of such a comprehensive policy is inconsistent with the City of Toronto’s sanctuary city policy and clear direction that immigration and citizenship information should be collected only where specifically required by provincial or federal legislation, policies, or agreements so as to ensure that undocumented Torontonians can access city services without fear.
- (b) In failing to adopt a comprehensive policy, the Service has misapprehended the law. Contrary to the Service’s position, police officers have the discretion, not the obligation, to report immigration violations to the Canada Border Services Agency.
- (c) The Toronto Police Services Board’s responsibility for providing adequate and effective policing must be read in the light of the provisions of the as yet unproclaimed *Community Safety and Policing Act, 2019*, that closely ties policing to the needs of the population, having regard to its diversity. The Board and the Service must ensure that adequate and effective policing is provided to Toronto’s diverse population, including non-status Torontonians. The association notes that there are an estimated 200,000 non-status individuals residing in Toronto alone.
- (d) Inquiries by the police into immigration status and subsequent reporting of violations to the Canada Border Services Agency exacerbate and reaffirm the existing fear and mistrust of the police among non-status communities, undermining the Service’s ability to serve and protect vulnerable community members.

The Federation of Asian Canadian Lawyers also advocates for clear guidelines and policies when it comes to issues of a victim’s / complainant’s / witness’s’ immigration status, in relation to the Canada Border Services Agency. The federation observes that individuals without status in Canada and who may have had negative experiences with law enforcement in their original country have a legitimate fear that any contact with the police will result in a report to the Canada Border Services Agency for removal. As a result, the Service should adopt a clear and well-publicized “Don’t Ask, Don’t Tell” policy.

The Criminal Lawyers' Association contends that the legislature should adopt clearly defined and legislated protections for individuals reporting missing persons or providing information aimed at locating missing persons. A model for this type of legislated immunity protection can be found in the *Good Samaritan Drug Overdose Act*.³¹ The protection could assist in improving relationships between vulnerable communities and the police, by signaling to vulnerable communities that they may come within the ambit of police protection without fearing criminal repercussions for minor non-violent offences (sex work, substance abuse).

The HIV Legal Network promotes the human rights of people living with, at risk of, or affected by HIV or AIDS. Its work pays particular attention to the rights of LGBTQ2S+ people, people who use drugs, sex workers, and prisoners. Its work is also of considerable relevance to the health and rights of Indigenous communities and racialized people.

The network forcefully submitted that the unjustified criminalization of specific populations and the role of the police in enforcing such criminalization have impeded and will continue to impede the existing relationships between those populations and the police. The network referred, in particular, to the continued criminalization of sex work, drug possession for personal use and the selling or sharing of limited quantities of drugs, and non-disclosure of HIV-positive status to sex partners. The network makes a strong case for the urgent need for legal reforms in these areas. It submitted that enforcement of the current and pre-existing criminal laws by the police has been arbitrary, discriminatory, or abusive, often targeting marginalized and vulnerable community members, resulting in the affected populations being overpoliced and underprotected.

I pause here to comment on Maggie's, also known as the Toronto Sex Workers Action Project. Maggie's supports sex workers through legal advocacy, political organizing, peer support, and education. During the half day I spent at Maggie's, in discussions with a number of sex workers, I heard heart-rending descriptions of being treated by police as criminals unworthy of equal protection.

It is well beyond my mandate to recommend changes to Canada's criminal laws, although I accept the underlying theme of the Criminal Lawyers Association's and the HIV Legal Network's submissions that fear of criminalization makes it less likely that those within certain populations will directly engage with the police – by reporting someone missing or otherwise providing information relevant to an investigation. This fear undermines the

³¹ SC 2017, c 4.

quality of missing person investigations. I also accept that existing protections, such as the *Good Samaritan Drug Overdose Act*, are inadequate to remove barriers to reporting or information-sharing with police. I add that the Service's existing protections for those who report persons missing and for the missing persons themselves have been poorly communicated to the public and have not significantly reduced barriers to reporting described above.

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).

Third-party reporting is an important alternative for marginalized and vulnerable individuals who otherwise would choose not to report or provide information about a missing person to the police. As Professor Laura Huey recognized in her report prepared for this Review, third-party reporting should be studied with respect to vulnerable populations such as homeless and LGBTQ2S+ groups.³²

Acknowledgements of Deficiencies (Chapters 7, 12, 14)

Throughout this Report, I have documented many ways in which the specific investigations named in the Review's Terms of References were defective.

³² Laura Huey, "An Absence of Evidence," 26.

These were largely explained by systemic issues, some as fundamental as the low priority given to missing person investigations, the differential treatment given to a number of these investigations, and the failure to engage or enlist affected communities to advance these investigations. These fundamental deficiencies have disproportionately impacted LGBTQ2S+ and racialized communities.

I specifically recognize in this Report that a number of officers showed skill, dedication, and compassion in their investigative work. I also acknowledge that some exceptional work was done during Project Prism to lead to McArthur's apprehension and, ultimately, his prosecution.

Nonetheless, the systemic deficiencies in most of the earlier McArthur-related investigations mean that important opportunities were missed to capture him earlier. I do not accept the inevitability of his seven-year reign of terror, that the victims' fates were sealed, or that it was only good fortune – that is, the discovery of the video of McArthur's departure with Andrew Kinsman in a red van – that could have brought about McArthur's identification as a serial killer. The police had evidence available to them as early as 2011 that, properly acted upon, should have led to closer scrutiny. McArthur's potentially meaningful connection to all three men whose disappearances were investigated during Project Houston went unnoticed in 2013, as did his relevant prior convictions. Much harm was done as a result of these missed opportunities. That lives were lost is unquestionably the most significant, but not the only, harm.

Tess Richey's mother found her own daughter's body. Alloura Wells's bodily remains would probably have been identified earlier, had some of the deficiencies I have identified not been present.

Stakeholders had mixed feelings about whether they wanted to see the Service apologize for the serious deficiencies in the investigations this Report reveals. On the one hand, an apology or acknowledgement can represent a step toward a better relationship between the police and communities. On the other hand, a compelled apology is often regarded as contrived and therefore worthless, especially if not followed by concrete and visible commitments and action plans with transparent and measurable goals designed to ensure that what happened in the past is not repeated. By way of example, a number of LGBTQ2S+ community members were deeply troubled by Chief Saunders's apology for the 1981 bathhouse raids, especially when it was followed shortly after by Project Marie.

During my consultation with the Review's Community Advisory Group, its members made all the above points. They also contrasted a forced apology

with the approach taken by the chief of the Edmonton Police Service, who, after extensive consultation both within and outside the Edmonton Police Service and the development of an action plan, apologized to the LGBTQ2S+ communities for his service's past conduct. The Community Advisory Group told me that, although the affected communities would have varied views on an acknowledgement from the Service, any such acknowledgement could only potentially assist if it is demonstrably heartfelt – the words must be sincere and heartfelt. They must be accompanied by a specific action plan for change. Such an action plan must be developed in partnership with affected communities and involve a continuing community role in its implementation.

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.

In Chapter 7, I find that Chief Mark Saunders's December 8, 2017, statement to the public, during a press conference, that the existing evidence told police affirmatively that there was not a serial killer in Toronto, was inaccurate and misleading. Although I do not attribute malevolence to this statement, it had the effect of further rupturing an already precarious relationship with the LGBTQ2S+ communities. The statement was unfortunate because it reinforced the views of some community members that the Toronto Police Service and its chief were indifferent to their fears and concerns and too willing to discount prevalent views that a serial killer was at large. Chief Saunders was later interviewed by the *Globe and Mail*. Although, again, I do not attribute malevolence to his comments, they were clumsily worded and, in some important respects, unfortunate. Chief Saunders inaccurately stated that

nobody came forward to assist the police, and that the police did everything they could do with what they were given. This statement was disheartening to those who had assisted the police. It left the impression that the chief was blaming the public for the Service's failure to apprehend McArthur. As I explain more fully in Chapter 7, the emphasis on the community's responsibility for the inability of the police to solve the disappearances was misplaced. He might have legitimately said that barriers exist that sometimes prevent marginalized and vulnerable communities from coming forward. Unfortunately, the chief's language appeared, however inadvertently, to blame the public for failing to come forward. He was also unequivocal in saying the investigation was well executed, yet no internal or external review had taken place at that point in time. It would have assisted in mending the relationship with affected communities if Chief Saunders had reserved judgment on the Service's performance. Finally, he reiterated the accuracy of what he had said at the December 8, 2017, press conference. However inadvertent, this interview made it more difficult for his own officers to repair the Service's frayed relationship with affected communities, a relationship that he was anxious to address while chief of police (see Chapter 7).

RECOMMENDATION

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)

I have heard policing referred to as a profession.

Profession: any type of work that needs special training or a particular skill, often one that is respected because it involves a high level of education ~ *Cambridge Dictionary* (online)

Policing is a challenging job. It is especially challenging in Toronto, given the size and diversity of the city's population. Training, education, and professional development of the Toronto Police Service's members are

critically important if they are to serve and protect the public, particularly its most marginalized and vulnerable individuals.

Training, education, and professional development are three distinct but interrelated concepts. Historically, police placed the greatest emphasis on *training* – that is, teaching officers technical or operational skills necessary to perform their duties. One example of such training, mandated under provincial adequacy standards, relates to use of force. *Education* involves reasoning and problem-solving skills, empathy, and understanding. As I explain below, learning cultural humility is part of the educational process. In policing circles, such education is sometimes referred to as the teaching of critical thinking. *Professional development* involves opportunities for officers to improve their skills – through on-duty use of what they learn, evaluation, and feedback – as their careers progress. In my view, all three concepts – training, education, and professional development – are closely connected to whether policing is regarded as a profession. A profession denotes high standards of practice, rooted in specialized training, ongoing education, and professional development. If the Service and its members aspire to professionalism, the complexity of modern, progressive policing requires a substantial investment not only in training, but also in education and professional development. In my recommendations, I advocate a transformative approach to these concepts. Such an approach includes at least eight components: (1) mandatory post-secondary school education for all recruits; (2) training and education that alert the Service's members to the systemic issues I identify during this Review and the lessons learned as a result; (3) specialized missing person training and education; (4) much greater emphasis on education and professional development for the Service's members, addressing reasoning and problem-solving skills, empathy and understanding, and cultural humility; (5) greater emphasis on social context education designed and offered in partnership with communities; (6) measurable outcomes for training, education, and professional development; and (7) promotions that place greater emphasis on competencies in relationship-building and community engagement. Finally, as the eighth component, I advocate the creation of a regional centre for policing excellence housed in an academic institution that, among other things, promotes, through research and ongoing evaluation, the development of best practices in policing among a number of regional police services, including, in this context, best practices in training, education, and professional development.

Minimum Educational Requirements for Recruits

At present, the minimum requirements to apply to become a Toronto police officer are four years of secondary school.³³ The OPP, the RCMP, the Peel police, and many other municipal and regional services have similar requirements, although the Vancouver Police Department and the Service de police de la Ville de Montréal both require an additional minimum of 30 units of post-high school credits.³⁴ In 2020, almost 3,500 people applied to join the Service, and 192 were selected. Close to two-thirds (65 percent) of those selected had post-secondary education. In 2019, 81 percent of new recruits had post-secondary education.³⁵

In my view, professionalism in policing in Toronto supports a requirement, similar to that adopted in Montreal and Vancouver, that recruits have a fixed number of credits of post-secondary education, a requirement that promotes greater maturity and knowledge. The majority of Toronto recruits meet this requirement.

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.

I say “continue to be supported” because the Board and the Service have had success in increasing diversity and equity within the Service, although they must develop new strategies to attract Indigenous members. The inability of services to attract a significant number of Indigenous candidates represents a systemic issue not unique to Toronto. In my view, significant improvement to the relationship between the Service and Toronto’s Indigenous communities,

³³ http://www.torontopolice.on.ca/careers/uni_minreq.php.

³⁴ <https://joinvpd.ca/police-officers/> and <https://spvm.qc.ca/en/Pages/Careers/Police-Officers/Admission-criteria-for-employment-equity-police-officers> and <https://spvm.qc.ca/en/Pages/Careers/Cadets/Selection-criteria>.

³⁵ TPS Analysis on Demographic Data 2020 Cadets at p 3.

and appropriate investment in that relationship, are important steps, among others, toward attracting Indigenous candidates.

Training and Education of Cadets and the Service's Members

The Current Regime

Every cadet receives three weeks of orientation training at the Toronto Police College, 12 weeks of training at the Ontario Police College in Aylmer, Ontario, and then a further nine weeks training at the Toronto Police College.

The Toronto Police College has separate sections dedicated to investigative training, community training, and ongoing in-service training, as well as specialized sections relating to armament, police vehicle operations, leadership and business systems, and learning development and standards. A number of these sections have already developed partnerships with Humber College and Brock University. As I suggest below, enhanced engagement with post-secondary institutions, such as Humber College's evaluations and work with the Neighbourhood Community Officer Program, can help to produce more evidence-based policing that focuses on ongoing evaluation and learning. It can also help open police culture to outside influences and move the Service toward greater professionalism.

The Service deserves credit for the range of courses offered, as well as the infusion of some critical thinking content into its programming. Toronto officers take a variety of courses: some mandatory for all; some prerequisites for certain assignments, particularly to specialty units; and some optional. I have familiarized myself with the full range of courses offered that are relevant to my mandate. Senior officers are also eligible to be sent for a range of courses or conferences, including those run by the FBI, the National Association of Women Law Enforcement Executives in the United States, and, in Canada, the Police Leadership Program and Excellence in Administration Program at University of Toronto's Rotman School of Management.

Another component of what officers currently receive is three days of in-service annual training at the Toronto Police College. This training largely centres on Use of Force training. Officers are also informed of new Routine Orders and provided procedural updates. Inspector Peter Duncan, who is in charge of training and education at the college, told me that the third training day was added in 2015. Much of this additional time is taken up with issues related to the Police and Community Engagement Report (PACER)³⁶ and

³⁶ PACER was delivered in 2013. It contained 31 recommendations designed to implement discrimination-free policing. It included the creation of a community advisory committee to advise on racial profiling, new

dealing with people in mental health crisis. Senior officers take this annual in-service training because they “are operational” in the sense of being armed. Civilian employees who have supervisory responsibilities do not take this training. The limited time availability for in-service training and the range of important topics to address pose ongoing problems for trainers. Sometimes, these constraints are dealt with through greater use of on line programming.

In my view, if the Service aspires to become a national, if not global, leader in providing its employees – sworn officers and civilians alike – with the skills to effectively, equitably, and compassionately serve and protect Toronto’s diverse communities, it should adopt the components of this transformative approach to training and education that I have set out. Adopting an approach that draws more on Toronto’s diverse communities and involves the development of teaching best practices through a regional centre of policing excellence will assist in building relationships with marginalized and vulnerable communities. It will also contribute to an open and less hierarchical police culture.

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.

I now turn to the content of training and education for the Service’s members relevant to my mandate.

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;

risk thresholds on monitoring discriminatory conduct, enhanced training in collaboration with community partners, the conduct of periodic community surveys, and enhanced community communication.

- (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*;³⁷
- (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;
- (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

³⁷ SO 2018, c 3, Schedule 7.

- 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

Some of the above topics are not specific to missing person and unidentified remains investigations and should form part of every officer's training and education. As well, as recommended below, every officer should have a basic understanding of the new model for missing person investigations and how unidentified remains investigations should be addressed. The depth of training and education on topics specific to missing person and unidentified remains investigations should vary according to the current or anticipated responsibilities of the participants. In Chapter 13, I explain why specialist training and education is of importance and consistent with the Toronto Police Service's own Criminal Investigation Management Plan.

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.

In making this recommendation, I wish to first explain what social context education ideally involves and then why this recommendation is necessary, despite some relevant education already being provided to officers. Social context education involves learning about the history, challenges, and discrimination that various disadvantaged groups have suffered and often continue to suffer. Judge Wally Oppal articulated the need for “mandatory and ongoing experiential and interactive training ... concerning vulnerable community members,” including “active engagement in overcoming biases, rather than more passive sensitivity training” as well as training “in recognizing the special needs of vulnerable individuals and how to meet those needs, including recognition of a higher standard of care owed by the police to those individuals.”³⁸ I note that the federal ombudsperson for victims of crime described part of the education required of police as “building cultural humility.” I fully support her expressed view that police “need to connect with their humility, feel at ease with not knowing, and be open and ready to learn from others. Infusing cultural humility throughout the criminal justice system would open up greater potential to establish trust; in turn, victims and survivors would be more likely to report victimization ...”

What is required is education that makes officers question their assumptions about marginalized and vulnerable groups. (See also the needs identified in the Tulloch Report, summarized in Chapter 11).

Social context education should also address ways in which officers can contribute to a safe and welcoming environment for marginalized and

³⁸ Oppal Report, Recommendation 4.12.

vulnerable community members – for example, through a discussion on how and when to use certain pronouns and why that is important to community members. When possible, such education should take an intersectional approach, explaining how community members cannot usually be defined by a single personal identifier or membership in one community. Education should involve on-site or “place-based” learning. The OPP uses this type of approach in its five-day land-based learning on Indigenous issues. By way of example, this concept can also be applied in other contexts by placing police officers with agencies that work with marginalized and vulnerable communities or engaging officers in discussions or experiential activities at local community centres. Taking the police away from their comfort zone of police colleges can also help teach cultural humility. As well, it can help make the police more open to and accepting of feedback and criticism from the communities and assist officers in acquiring knowledge about, and empathy for, those most marginalized and vulnerable.

One goal of such education is to affect police culture by making it less insular. One way this is accomplished is through greater involvement by those who represent and serve marginalized and vulnerable groups in the design and delivery of education, including by sharing problems they have encountered with the police –as well as their feelings of fear and distrust. The police need to listen respectfully to those from the communities, something I have been told is unfortunately not always the case.

I recognize that the Service, to its credit, has introduced social context education, sometimes described as cultural sensitivity training or education, and has identified some strategies to address police culture. The nature and extent of this education, however, varies at the divisional level, depending on the commitment or interest of division leaders. Nevertheless, these recommendations recognize that such education, despite good intentions, remains inadequate for several reasons. Some officers regard it as peripheral to their work or merely catering to external influences. Some officers see it as adversarial – an opportunity to “beat up” on the police or accuse them of racism and other forms of discrimination. I learned that some officers, certainly not all, have been dismissive of such education and, indeed, one incident was described in which officers walked out before the session was completed. Equally important, even as I acknowledge that the Service has introduced social context and critical thinking, the Service has done a poor job in measuring the effectiveness of this education. It has also done a poor job of helping the members of the Service understand how important this education is and why.

If such education is to be truly transformative, the Service and its members must understand *why* it is important – in other words, how it specifically assists them, on a day-to-day basis, in performing their duties. In 21st-century policing this education is even more important. Education on social context and critical thinking should be infused in every form of training and education. It is relevant regardless of whether the Service’s members are being trained and educated about substantive law, use of force, or anything else. For example, the missing persons training I recommend includes not only more technical training as it relates to major case management and PowerCase, but also education about how to utilize internal and community resources to obtain information for investigations involving diverse communities.

Recognition that critical thinking and social context education is at the core of modern-day policing also means that in-service or on-line education should, despite limitations of time, be more focused on these topics. I am confident that a wholesale shift in emphasis toward education and professional development will pay dividends both in the quality of investigations and in public respect for and confidence in the Service, as a profession. Increased respect and confidence will contribute to the element I have repeatedly identified as paramount to a positive, healthy relationship between the police and the marginalized and vulnerable communities – trust.

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.

I have already said that the Service does a poor job in assessing whether its training and education is successful. There have been well-publicized examples of continuing non-compliance with existing procedures despite training directly on point. In its 2019 report, *Breaking the Golden Rule: A Review of Police Strip Searches in Ontario*, the Office of the Independent Police Review Director identified the prevalence of strip searches Toronto officers conducted in violation of the *Canadian Charter of Rights and Freedoms*, despite the training taken. (The Service recently addressed this issue in responding to the OIPRD’s Report). A transformative approach to

training and education requires the Service to develop a plan to assess the efficacy of training and education, whether through on-line testing that is repeated after a period of time, auditing police interactions with the public, satisfaction surveys of community members who contact the police, or through greater use of case scenarios in promotion interviews to evaluate an officer's understanding of what they have been taught.

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.

Judge Oppal also identified this competency as an important component of officers' ongoing training and education. Indeed, a failure to promote officers who have demonstrated a genuine commitment to improving relations with racialized and other disadvantaged communities, could in some contexts, constitute discrimination.³⁹

A Centre for Policing Excellence

If the Service and other police services wish to lead the way in providing training, education, and professional development to their members, they need to develop best practices in what learning should be offered and how. Best practices undoubtedly should involve research and evaluation, in partnership with policing experts, by independent experts in pedagogy (the method and practice of teaching). This approach should be part of a larger enterprise that proactively develops best practices in policing generally, rather than police services' responding to crises or obvious shortcomings as they arise. This proposal is hardly radical. A number of senior police officers, former and current, have enthusiastically supported the creation of an institution, whether

³⁹ For a finding of discrimination when a South Asian officer who worked with such communities and did not have such work valued for promotion, see *Sandhu v Regional Municipality of Peel Police Services Board*, 2017 HRTO 445.

national, provincial, or regional, to do precisely what I advocate here. Indeed, they model their support on the United Kingdom's College of Policing, although I prefer to describe the proposed institution as a centre for policing excellence so as not to confuse its responsibilities with those of either the Ontario Police College or the Toronto Police College. My proposal contemplates a regional centre, with the Service and the Board as two of the founders, but, I hope, with buy-in from other services. That is a realistic step forward, recognizing that an appetite ultimately exists for a provincial and/or national centre.

In my view, such a regional centre of excellence would develop best practices on policing, including on training, education, and professional development. It would itself provide leadership training and education for senior officers and board members, offer "training the trainers" or "educating the educators" programming, promote excellence in policing, create the environment for policing to be regarded as a profession, and recommend evidence-based statutory or regulatory changes.

The centre for policing excellence should ideally be housed within any one of the many post-secondary institutions in the Greater Toronto area or in the region. It would be a space for policing experts and academia to examine and independently evaluate existing policies, procedures, and practice and for candid discussions with a range of not-for-profit organizations and community agencies about opportunities for policing reform.

As I mention in Chapter 14, the Toronto Police College has used an American program of "Fair and Impartial Policing TM" which is just starting to be independently evaluated to determine if it has any effect on the conduct of officers who have taken the program. A centre for policing excellence would be well situated to conduct similar evaluations of training and education provided to Service members.

The *Community Safety and Policing Act, 2019*, when proclaimed in force, will inevitably lead to increased training and education of Board members. In addition, delegates of the chief of police and the Board are now required to participate in the development of plans for community safety and well-being. A centre of excellence could assist in evaluating the role of the Service and other agencies in achieving the measurable goals that are to form part of Toronto's plan. It could also examine the considerable governance challenges identified in this Report and others that accompany the broader focus on partnerships to achieve community safety and well-being. In the context of missing person investigations, the centre's work would ideally

address what Professor Laura Huey identified in her paper for the Review as a dearth of peer-reviewed research on such investigations.

In my view, in order to provide informed, credible, and constructive criticism of existing policies, procedures, and practices, it is important that such a centre for policing excellence have some degree of independence from the Service, the Board, and the Ministry of the Solicitor General. The centre's board could include not only representatives of the Board and the Service but also representatives of diverse community groups, as well as educational institutions involved in research on policing. The location of the centre in an academic institution rather than within the ministry or the police colleges would reinforce its independence and the role of policing within the larger network of community and government agencies.

Governments, post-secondary institutions, charitable funders, and the private sector may believe that, given existing financial constraints, now is not the time to invest in a centre for policing excellence. However, I accept the arguments some police leaders have forcefully advanced that, notwithstanding current constraints, "*now is the time*" for the creation of such an institution. This is because of public demands for fundamental changes to policing and for an evaluation of the cost effectiveness of policing. Both of these demands predate the death of George Floyd and the pandemic. But they have clearly intensified because of them.

I have been made aware that the new inspector general of policing intends to conduct research and work with academics. This positive development should be encouraged. At the same time, I recognize that the Office of the Inspector General will have many responsibilities across the province and cannot reasonably be expected to house or assume prime responsibility for this scholarship and the breadth of activities contemplated. The inspector general could, of course, be a partner in this enterprise. Such a centre could also help solidify and enrich the Board's and Service's partnerships with academic institutions that I advocate in Recommendation 125.

I have been told that some academics are reluctant to work with the police and may be more reluctant to do so after the summer of 2020. In my respectful view, such attitudes are short-sighted. I am convinced that both the police and academia, as well as post-secondary students, can benefit from increased interaction that accepts the need for independent and published evaluations.

In the United Kingdom, its College of Policing is operationally independent of the Home Office. It has prepared a code of ethics, codes of

authorized professional practice and guidelines, all of which are updated in the light of continuing research. The college has also been tasked with building liaisons with academic institutions to ensure that policing research can be used to evaluate and improve policing practice. It proactively examines and publishes work on best practices in a variety of policing areas. I recognize that the UK government has devoted enormous resources to the college. Here, I am proposing, at first instance, a more modest model that is regional and involves partnership between several police services and boards, academic institutions, and the private sector. In time, I hope consideration might be given to a national centre through federal and provincial co-operation and joint funding.

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)

Apart from the desirability of a regional centre of excellence discussed above, it became obvious to me during the Review that the Board and the Service have not adequately utilized the academic institutions in Toronto as a means of conducting research and promoting evidence-based policing. Although some projects have been undertaken with these institutions, they are few and far between. The paucity of partnerships that result in independent and public evaluations compares unfavourably with the partnerships that exist in cities such as Seattle, Ottawa, and Saskatoon, and in the United Kingdom in the role played by the university-based Centre for the Study of Missing Persons in Portsmouth, England. The Seattle Police Department has entered into research partnerships with 50 different researchers from 32 universities.

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.

The Board and the Service have recently developed policies and procedures on race-based data collection. With the advent of the *Anti-Racism Act, 2017*, and the incentives to collect further data to fulfill the objectives of the yet-to-be-proclaimed *Community Safety and Policing Act, 2019*, the Service should be able to provide disaggregated data to academic researchers to enable evidence-based research on topics relevant to the Review's mandate, including impact of policing on marginalized and vulnerable communities, the role of intersectionality, and correlations to trust and confidence communities have in the Service. The data mandated by legislation should represent the base data the Service collects, rather than the full range of data to be collected, with appropriate privacy safeguards, to ultimately promote equitable policing.

Bias and Discrimination (Chapters 12 and 14)

In this Report, I find that systemic discrimination contributed to the deficiencies identified in some of the McArthur-related investigations and in the Alloura Wells unidentified remains' investigation. The existence of systemic discrimination is not dependent on a finding of intentional or overt bias or discrimination. Discrimination may be manifested in a variety of ways.

As I explain in Chapter 12, in the context of missing person investigations, these include:

- Investigators may rely on stereotypical notions, misconceptions, or misunderstandings about certain marginalized and vulnerable communities that affect adversely the quality of police investigations. Such notions, misconceptions or misunderstandings, or ignorance about the lived experiences or practices of certain communities may cause police to regard insignificant matters as significant or significant matters as insignificant. For example, police might fail to recognize the strong possibility of foul play involving a gay man based on misconceptions about that person's "lifestyle."⁴⁰ Or, police may too readily presume that a racialized missing Black man who immigrated to Canada has returned to his country of origin.
- The police may be unable to meaningfully access the missing person's community because officers have insufficient connections to it or are uncomfortable in the community or with the community members' sexual orientation, gender identity or expression, or perceived "lifestyle."
- Community members may be reluctant to volunteer information to the police based on the historical and ongoing issues associated with the Service's relationship to their communities including acts described above as overpolicing or based on attitudes or conduct exhibited by officers who have interacted with them. This may impact adversely on the quality and success of any investigation.
- Investigators may fail to avail themselves of all resources in the community to assist in their work because of unfamiliarity or lack of comfort with those communities. Such failings are associated with underpolicing or underprotection as described above.
- Investigators may give less credence than deserved to members of certain marginalized and vulnerable communities. This may also contribute to underpolicing or underprotection.
- Systemic practices may promote differential treatment between how the disappearances of marginalized and vulnerable people's disappearances are investigated and how empowered people's disappearances are or would be investigated.

⁴⁰ Of course, it is also problematic to regard, for example, sexual orientation as a "lifestyle."

In addition, in Chapter 14, I describe more generally the issues around discrimination the Ontario Human Rights Commission has identified that continue to exist within the Service.

The Ontario Human Rights Commission, of course, is expert in recognizing and addressing issues of systemic and overt discrimination and continues to use that expertise in addressing policing issues in Toronto and province-wide. My recommendations are not intended to substitute for those made by the Commission. Instead, these recommendations build on the good work that is already being done by the Commission and by the Service itself.

Psychological Testing

In the 2018 OIPRD Report, *Broken Trust: Indigenous People and the Thunder Bay Police Service*, the director said this in support of a recommendation similar to the one set out immediately below:

Police services in Ontario generally include psychological assessments in their recruitment processes. These assessments can help identify candidates who exhibit personality traits and characteristics that may be problematic in a police workplace. The MMPI-2 (Minnesota Multiphasic Personality Inventory-2) assessment used in some police services does not assess attitudes to race. A specific assessment for racist attitudes is not done in Thunder Bay.

During the course of this review, we met with one company, Multi-Health Systems Inc. (MHS), which has a well-established track record of designing psychological assessment tools. MHS has designed a psychological assessment for use in weeding out potentially racist policing candidates. Its psychological assessment is currently used in Quebec and in some American jurisdictions.

Since the OIPRD report, additional police services, including the Ontario Provincial Police and the Niagara Regional Police, have adopted these psychological assessment tools. In addition, the École nationale de police du Québec is using these tools in its early screening of recruits. As pointed out by the Review's Community Advisory Group, one also has to guard against skewed psychological assessment tools that perpetuate stereotypical assumptions or misconceptions.

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

As discussed in Chapter 14, the Equity, Inclusion and Human Rights Unit of the Service's human resources command is responsible for internal equity matters. In recent years this unit has received more resources, including more civilian employees. The unit also has responsibility for implementing human rights settlements such as the Waterman/Kodak settlement described in Chapter 14. The settlement extends beyond equity matters internal to the Service insofar as it relates to the Service's treatment of trans community members. In my view, the unit's responsibility for implementing human rights settlements reinforces the connection between respect for equity in internal matters and in the Service's interactions with the communities it serves. They are two sides of the same coin. Any police service that fails to respect equity in the workplace is unlikely to treat communities equitably or be regarded as doing so.

The Community Partnership and Engagement Unit (the CPEU), which falls within the communities and neighborhood chain of command, is primarily responsible for ensuring the Service deals with communities equitably. Both liaison officers and community consultative committees are within the unit's mandate.

I acknowledge that the Service has taken steps to promote equity within the Service and in its dealings with diverse communities. In Chapter 14, I set out a number of relevant initiatives the Service has undertaken. Nonetheless, a number of the Service's members, past and present, sworn and civilian, from constables to senior command, told the Review that the Service still has a way to go. Some personal stories I heard have reinforced that view. Although their experiences varied, LGBTQ2S+ members of the Service described challenges they have faced within the policing environment. Some described derogatory comments made worse when tolerated by others. Some described the need to prove themselves to fellow officers, particularly in a situation that might involve use of force. And some described the inability or unwillingness of a significant number of officers within the Service to be "out." Some pointed out to me that they have seen improvements in attitudes during their careers. I

applaud those officers who have led the way in attempting to bring about fundamental change.

Despite the Service's size and diversity, and the resources that have recently been directed to equity issues, the Service still does not have an equity plan or strategy. Although this is troubling, I am advised that work on it is now underway. I hope that the Service will work closely with the Ontario Human Rights Commission in finalizing its equity plan. The commission can draw upon a wide range of policies and guidelines it has developed on racial discrimination, intersectionality, sexual orientation, and gender identity and expression. A well-developed and publicly accessible equity plan would send a clear signal to the communities that the Service takes equity seriously.

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.⁴¹ 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.

I have deliberately used the language "should consider" because it was outside my mandate to examine the full range of considerations relevant to the Service's organizational chart. However, there are some equity-promoting synergies that might be enhanced through placing both units under the same command. For example, liaison officers could play a greater role in how internal matters such as harassment or discrimination should be addressed within the Service.

Another example of the synergy that might be enhanced relates to the role the officers involved in Internal Support Networks might play in not only mentoring officers within the Service, but also building better relations with communities they are part of. At present, the Internal Support Networks come within the Equity, Inclusion and Human Rights Unit's portfolio, although building better relations is within the Community Partnership and Engagement Unit's portfolio, under a separate chain of command.

Equity Audits

RECOMMENDATIONS

129 To complement recommendation 127, the Toronto Police Service should develop additional mechanisms to measure how community

⁴¹ 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.

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.

This is certainly not a terribly radical proposal. Businesses and professions regularly gauge levels of satisfaction when interfacing with customers, clients, or patients. I support the Missing Persons Unit's consideration of implementing a satisfaction survey for those who reported people missing.

Such equity audits could be done by the Service, by outside contractors, or even possibly as part of a larger research initiative by academic institutions and/or the proposed centre for policing excellence. The important point is that they be done, made publicly available, and used as part of a process of continuous evaluation and improvement of police procedures and practices.

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 LGBQ2S+, 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

One of the frequent complaints I heard during my community engagement had to do with discipline. Many community members believe that discriminatory policing is unaddressed through the Service’s discipline processes and is going unpunished and therefore undeterred. In its August 2020 deputation to the Board, the Ontario Human Rights Commission referred to what it characterized as “structural impunity for systemic racism within the Service and the Board,” including the failure to effectively address judicial and tribunal findings that the Service’s members engaged in racial discrimination.⁴² The commission stated:

[In] *Elmardy v Toronto Police Services Board*, the Divisional Court concluded that a Black man was the victim of racial discrimination when he was on his way back from prayers in 2011. He was stopped by TPS [Toronto Police Service] officers, punched twice in the face, searched, handcuffed and left injured out in the cold. The police officers were also found to have lied when the trial judge questioned them about their behavior. However, it appears there were no serious disciplinary consequences; there were no Notices of Hearing or TPS Disciplinary Tribunal decisions regarding the officers’ conduct.

Furthermore, the TPSB [Toronto Police Services Board] has not issued any policy guidance in this area. For example, the TPSB did not establish guidelines on how internal complaints in these circumstances should be effectively triggered and administered. In the absence of requisite protocols, meaningful reform *and remedies* continue to be denied to Black communities, resulting in little faith in the TPS and TPSB’s ability to address misconduct and racial bias. [Emphasis added.]

The commission also called for the early intervention system that PACER recommended in 2013. It further called for the province to reform the police discipline process to ensure that “appropriate discipline” is applied to findings of discrimination by courts and human rights tribunals. The commission also noted the lack of transparency of disciplinary hearings. In the words of the commission:

The *Police Services Act*’s current confidentiality provisions mean that the public does not know when and whether an officer was subject to some form of discipline for engaging in racial profiling, racial discrimination or other

⁴² <http://www.ohrc.on.ca/en/ohrc-written-deputation-toronto-police-services-board-re-police-reform-toronto-systemic-racism>

police misconduct. Only decisions from police service disciplinary tribunals are not confidential.⁴³

The commission also supported Toronto City Council’s June 2020 request that “the Province of Ontario amend the *Police Services Act* and the *Community Safety and Policing Act, 2019*, to require that complaints that allege a police officer’s serious misconduct be investigated by the Province’s independent police complaints agency (currently, the Office of the Independent Police Review Director) and not by any police service’s professional standards unit.”⁴⁴

It is beyond the scope of my mandate to address the province’s discipline and complaints processes for police officers. Volumes have been written on this topic alone and the legislation respecting police discipline has been highly controversial. But there are some important ways in which issues around bias and discrimination can be better addressed through the Service’s discipline processes.

With respect to discipline, the concern most frequently expressed was that the discipline process lacks transparency. For this and other reasons, community members lack confidence in the process, the result, and its impact. This lack of transparency and lack of confidence interfere with attempts to improve community relations. The public has little opportunity to know about discipline cases that involve allegations of discriminatory policing. Indeed, the police tribunal’s discipline decisions are not accessible on a public website such as CanLII or indexed for the public’s use unless they are appealed to the Ontario Civilian Police Commission.⁴⁵ This approach compares unfavourably to how the discipline processes and outcomes for a range of Ontario professions are publicly available. I hope that the minister of community safety and correctional services will make regulations, pursuant to s. 148(2) of the *Community Safety and Policing Act, 2019*, as yet unproclaimed, to ensure that all decisions from adjudication hearings under the Act are promptly published on the Internet and moreover, easily searchable.

As the Ontario Human Rights Commission suggests, it is important that the Service responds to findings about discrimination made by courts and tribunals. Some of these findings may merit formal discipline proceedings. In other situations, informal methods of discipline, combined with education,

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ <https://www.canlii.org/en/on/oncpc/>.

may be appropriate. In the case of informal discipline, transparency and active community involvement will be important if the response is to have public confidence, particularly among members of disadvantaged communities.

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.

Pursuant to s. 107 of the *Community Safety and Policing Act, 2019*, “any person,” with limited exceptions, may complain to the inspector general about the adequacy and effectiveness of policing, the failure of a police services board, chief of police, or police service to comply with the Act or its regulations, other than misconduct, including a systemic failure, the policies of a board or the procedures established by the chief of police. Under s. 107, the inspector general is empowered to forward a complaint about policies or procedures to a police board for it to report back about any steps taken in response to the complaint. As I later explain in addressing implementation of my recommendations, this process may be very useful as another accountability measure, given, for example, my recommendation that the Board and the Service create or amend policies and procedures on missing persons and on other topics relevant to my mandate.

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)

In Chapter 14, I explain why my recommendations to improve relationships between the Service and marginalized and vulnerable communities are not, and should not be seen as, a detailed blueprint that the Service or the Board can impose on the communities. The most successful models for community buy-in involve true partnerships between the police and the communities in designing and implementing measures to bring about change. A diverse advisory group determined that this independent civilian systemic review was needed to address the communities' deep concerns about how the Service conducts missing person investigations involving, in particular, LGBTQ2S+ community members. That same advisory group largely crafted the Review's Terms of Reference.

The Board empowered those community representatives by accepting and acting on their recommendations without making any changes – a critical step in promoting confidence in the process. The communities should now design any blueprint for building relationships. At this critical point in time, community partnerships are particularly important, given the current momentum to re-image the role of the police within a larger holistic approach to community safety and well-being.

Marginalized and vulnerable communities are, however, exhausted from consultation fatigue. First, their members often feel they have repeatedly shared their lived experiences, with little to show for their efforts. For many, the problems they have with the Service are hardly new. Those who have experienced overpolicing and underprotection may understandably become reluctant to continue to engage in consultations with the Service – particularly if they see no measurable and lasting changes. Second, the laudable recognition of the importance of consultation has brought with it a dizzying array of consultative committees, working groups, advisory panels, and accountability tables or circles. As but one example, the Service has 17 consultative committees at the divisional level, nine community consultative committees, and two committees to advise the chief of police. The Board has recently made permanent two pre-existing advisory panels or consultative committees, one dedicated to mental health issues and the other to anti-racism. The city also has numerous consultative committees and an accountability table.

From the perspective of the city, the Service, and the Board, all these committees make good sense, if genuine consultation is the objective.

However, the proliferation of consultative committees also creates risk – risk that strong, consistent, effective messaging from communities is more difficult, and that duplicate forms of consultation complicate and even interfere with the ultimate goal of making the Service more responsive to the city’s multiple and intersecting communities. In addition, consultation places an enormous personal burden on those repeatedly called on to serve.

My recommendations are designed to identify both the fundamentals for effective consultation and community partnership and the impediments to them. Ultimately, effective consultation is an essential component of improving relationships – as are collaboration, acknowledgement of past harms, empowerment of communities to be partners in decision making, and, ultimately, buy-in from all those involved in the relationships. But there is no easy fix. The Service must be open to broader outside influences and more welcoming of constructive criticism. Propitiously, the Service and many of its officers have agreed that the time has come for a change in culture.

I refer above to the momentum for fundamental change in policing. As I discuss in Chapter 3, the *Community Safety and Policing Act, 2019* will soon be proclaimed in force. It places new emphasis on plans for community safety and well-being and the importance of diversity and intersectionality. Responding to events in the summer of 2020, both the Toronto City Council and the Board have recognized this new emphasis. Giving life to it will be a work in progress. This momentum for change has already produced a plethora of recommendations from the city, the Board, the Ontario Human Rights Commission, and now from me. In this Report, I have attempted not to pile recommendations on top of previous recommendations. Rather, in formulating my own, I have taken into consideration the range of existing recommendations. One of the themes of my Report is the need to test any new initiatives through measurable outcomes, research, and evaluation.

To its credit, the Service has introduced many initiatives not only to address community relations along with training and education but also to change its own culture. However, these initiatives, as well intentioned as they are, are still lacking in certain ways. Unfortunately, with the exception of the Humber College evaluation of the Neighbourhood Community Officer Program, the Service has done little to evaluate objectively which initiatives work, and which do not. Communities are largely unaware of these initiatives: How, then, does the Service expect these initiatives to resonate with marginalized and vulnerable people? Superimposed on all this is one very public and often-cited manifestation of the difficult issues to be addressed – namely, the exclusion of the Service’s LGBTQ2S+ members from the Pride

parade. Against that background, I tackle these difficult relationship issues in the recommendations that follow.

Community Consultative Committees

The Service, like other Canadian police services, is re-examining the role of its community consultative committees. In my view, this exercise is necessary because the status quo is simply not acceptable for the 11 reasons I explain here.

First, the identity of members of the Service's nine community consultative committees is not known to the public. Moreover, the committees have only limited web and social media presence or none at all. As a result, the committees have no established means to receive information from the public or to convey information, so it is difficult to understand how they can effectively do their work or inspire confidence in what they are doing.

Second, the separation of community consultative committees into nine distinct groups fails to grasp the reality of intersectionality. There is little or no evidence that the community consultative committees interact with each other. This concern is not new: as I reflect in Chapter 14, the silos in which these committees operate were identified years ago by the Audit Steering Committee in connection with how the Service was responding to sexual assault cases.⁴⁶ Although some committees have recognized the importance of intersecting grounds of discrimination, the current committee structure impedes full consideration of intersectionality. The committees can only be effective if they can fully address, for example, differential treatment against South Asian LGBTQ community members other than through separate siloed South Asian and LGBTQ communities. Seattle's approach of a larger 21-person community consultative committee that can represent multiple groups and also include a representative of the police association and one of police management in addition to the committee's own staff is, in many ways, preferable.⁴⁷

Third, some disadvantaged groups that are overpoliced and underprotected, such as the homeless and sex workers, are not specifically represented by community consultative committees. Again, although some

⁴⁶ Jane Doe, Amanda Dale, and Beverly Bain, "A New Chapter in Feminist Organizing: The Sexual Assault Audit Steering Committee" (2009/2010) 28(1) *Canadian Woman Studies* 6.

⁴⁷ The City's Black Partnership and Accountability Circle tries to ensure that its members represent the diversity of Toronto's Black community and includes four elders, four people between 12 and 29 years of age with diverse lived experiences, and four people representing key stakeholder groups such as health and social services, arts, culture, and government. The 12 members are also paid expenses and modest honoraria for their work over a two-year term. See <https://www.toronto.ca/community-people/get-involved/community/confronting-anti-black-racism/partnership-accountability-circle/partnership-accountability-circle-terms-of-reference/>.

committees have recognized this deficiency,⁴⁸ it may send an unfortunate message that these seriously disadvantaged groups are not equally worthy of protection. The solution is not necessarily separate committees for all marginalized and vulnerable communities but, instead, an approach that focuses more intently on intersectionality.

Fourth, senior citizens and those living with disabilities are grouped together, although these distinct but overlapping communities are represented by two different liaison officers within the Service.

Fifth, these consultative committees have minuscule budgets, some operating on \$1,000 a year. It is creditworthy that non-Service community members volunteer their time, but the absence of any remuneration for community members, regardless of their situation, excludes those most marginalized and vulnerable from participating in the work. This point was forcefully communicated to me during the Review's policy roundtable and at stakeholder meetings. Committees that are not financially supported are unlikely to operate as true decision makers and to feel valued.

Sixth, despite an existing Board policy to the contrary, there has been no regular evaluation of these committees. I was unable to learn, except through individual interviews, whether committee members are satisfied with their experience or with the impact of their work. Nor do I know, except through individual interviews and the Review's own engagement survey, how communities feel about these committees or even if they know the committees exist.

Seventh, the committees do not announce goals or measurable outcomes they hope to achieve. This vacuum, too, prevents any meaningful evaluation of their work.

Eighth, the committees have no public voice. Aside from having little or no active or consistent web or social media presence, the minutes of their meetings reflect that police officers on the committees have expressed concerns that any messaging from the communities should not be "political." In my view, it is unlikely that such committees can perform, and be seen to be performing, a meaningful role in decision making if they feel unable to speak publicly about their concerns. Of course, committees can themselves establish rules around confidentiality and public disclosures.

Ninth, the committees are co-chaired by senior police officers. Unquestionably, there should be a full exchange of information between the

⁴⁸ For example, the Senior Citizens and People with Disabilities Committee has taken a commendable interest in mental health issues, although there is no committee (other than the Board's committee) otherwise mandated to deal with mental health and addiction issues.

police and the communities. However, this communication can be done either by police participation in the committees as members or as invitees (as often occurs), rather than as co-chairs. Again, the goal is to invest these communities with both perceived independence and actual independence, even though such independence may generate some painful but necessary dialogue.

Tenth, there is no transparent process for how committee members are selected. I heard concerns that some committee members did not even live in Toronto. More significant, community members I spoke with perceive, rightly or wrongly, that selected members are “pro-police,” though community members and police officers alike stated that the Service needs to hear from those in the community who are not “pro-police.” Events such as the killing of George Floyd, and related Canadian events in the summer of 2020, make it even more important that the necessary and vital task of community consultation be robust, independent, and, at times, difficult.

Eleventh, as I already indicated, 17 community police committees also exist at the divisional level. It is important that the Service consult not only on city-wide issues but also on local issues. However, many of the same concerns, such as effectiveness, duplication, mixed messaging, selection, intersectionality, and transparency need to be considered in relation to the divisional committees as well.

In 1995, the Commission on Systemic Racism in the Ontario Justice System recommended that the Board appoint and provide support for community policing committees at “either divisional levels of each police service or another geographical area or community grouping appropriate to the jurisdiction.” The Commission proposed seven members who would be drawn from community organizations active in the area after a fully open and advertised search. A criminal record would not bar appointment. Each member would be paid and would serve for three years, and every effort would be made to make committees gender balanced and include youth and racialized members. Meetings would be public, occur monthly, and not be held in police stations. The Board would support the committees with relevant research, which in turn would help the committees develop policing objectives that could then be forwarded to the Service and, if necessary, the Board. The committees would also have resources to monitor the implementation of their recommendations.⁴⁹ I cite this example not because I think a 1995 blueprint that has never been adopted should necessarily be instituted today. However, the transparency of the committees the Commission on Systemic Racism

⁴⁹ Report of the Commission on Systemic Racism in the Ontario Criminal Justice System (Toronto: Queens Printer, 1995), 348–49 (Co-chairs Margaret Gittens and David Cole).

proposed is to be commended, as does a model that involves public meetings, selection criteria that address diversity and intersectionality, and administrative and financial resource allocation.

In addition to these 11 issues, the role of the Service's community consultative committees should be re-examined in the light of related consultations taking place through the city and through the Board.

Under both the *Police Services Act* and the yet to be proclaimed *Community Safety and Policing Act, 2019*, municipalities must now prepare community safety and well-being plans.⁵⁰ These plans are to be prepared with the assistance of a multidisciplinary advisory committee that must include, at a minimum, the chief of police or a delegate; a police services board member or a delegate; representatives of a local health integration network or an entity that provides services to improve physical or mental health; and representatives of entities that provide education, community, or social services in the municipality and to children or youth, and custodial services to children or youth. There are also requirements for consultation with youth, members of racialized communities, and Indigenous communities as well as the community organizations that work with such communities.

The community safety and well-being plan adopted by the municipality must identify risk factors including “systemic discrimination and other social factors that contribute to crime, victimization, addiction, drug overdose and suicide.” It must also identify which risk factors should be treated as priorities, together with reduction strategies, and provide new services, change existing services, improve their integration, or coordinate them differently. The plan must “set out measurable outcomes that the strategies are intended to produce.” The municipality must also monitor, evaluate, and report on the effectiveness of the plan.

This promising 21st-century approach to community safety has a direct impact on the role of policing. If, however, it is simply layered on top of the Service's outdated approach to consultative committees and liaison officers (discussed below), there is a danger of making things much worse owing to duplicate and triplicate consultation, competing visions, and consultation fatigue.

As I discuss above, the Board has also created two consultative committees or advisory panels, now permanent, focused on mental health and anti-racism (see Chapter 14 for the origins of these committees). To their credit, the committees have responded to some specific issues with

⁵⁰ *Police Services Act*, Part XI; *Community Safety and Policing Act, 2019*, Part XVI.

considerable success. However, I also heard from a senior officer that the Service sees the Board's consultative process as being totally separate from its own. Again, although consultation between the communities and the city, the Board, and the Service is critically important, particularly consultation with disadvantaged communities and those who work with them, a more integrated approach is essential.

One goal of this broader approach to community safety and well-being is to break down bureaucratic silos, not to create them. It is essential that the Service and the Board not operate in separate silos with respect to Board policies and critical Service procedures; otherwise, the Service's reputation with marginalized and vulnerable groups will be further damaged. Fortunately, there are some precedents, including those in connection with *The Way Forward* report, for the Service and the Board to take joint responsibility for certain committees.⁵¹ Together, the Service and the Board may also be better positioned to work with the city to promote meaningful community consultations that are not unnecessarily duplicative.

To end this commentary where it started, my recommendations are not a blueprint for what the consultative process should be. Rather, they identify the principles and the impediments that should guide much needed reform.

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

⁵¹ Toronto Police Service, Transformational Task Force Report, *Action Plan: The Way Forward—Modernizing Community Safety in Toronto*. January 2017.

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.⁵²
- (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;
 - (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

A senior police leader warned me that a committee or a liaison officer dedicated to a particular community may actually inhibit communication with that community if all communication and initiatives must be channelled toward and vetted by that committee or that officer. Building better relations with diverse communities is the responsibility of everyone in the Service. A vigorous consultative process with selected community members does not relieve the Service of the need for broader community engagement that includes effective communication.

I agree with an Ontario police chief that, because of the fundamental importance to the police of communication and trust, most police forces “could invest in corporate communications and issues management via a factor of 10 and still be nowhere near where [they need] to be on these types of issues.” One of Toronto’s deputy chiefs similarly stated:

There is a direct relationship between the strength of your communication strategy and the ability to execute from public trust ... [I]n the absence of information, people just fill it in ... [S]omebody who walks by posters of missing men for years, and never heard a formal response and was asking internally ... [H]ey what’s happened with this[?] [Y]ou know you can see how the community thinks in that vortex [-] they just think that you don’t care. And so, this is an area I think we need to invest in.

⁵² It has also been suggested that liaison officers remain well situated to serve as co-chairs.

In Recommendation 75, I propose that a communication strategy be developed, in partnership with community organizations, in relation to missing person investigations. It should be part of a larger strategy to build community relationships, particularly with marginalized and vulnerable communities, through more effective communication strategies. This objective will not be a revelation to either the Board or the Service. Effective communication with diverse communities has been referred to in a number of documents. However, the reality remains that the Service has not effectively conversed with diverse communities about what it is doing or attempting to do to build relationships. One example is its website, which is not user friendly or accessible and compares unfavourably to the websites of smaller-budget services such as the Edmonton Police Service. I am reminded of the criticism directed to the Toronto Police Service's website in 1999 by Auditor Jeffrey Griffiths that it was being used as a public relations tool instead of a resource to provide women with information to assist them. Not to be unkind, but that criticism continues to have some validity today.

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

In Recommendation 83, I address the Service's systemic failure to use its own internal resources, such as liaison officers, to advance investigations into missing person and unidentified remains among marginalized and vulnerable communities. Similarly, the LGBTQ2S+ liaison officer was not consulted before the Service embarked on Project Marie in 2016. This incident, too, represented a failure that had an adverse impact on the Service's relationship with the LGBTQ2S+ communities. Earlier in this chapter, I also contemplated an increased role for liaison officers in promoting equity within the workplace. Here, I address the liaison officer program generally, in the sense of how it can better assist the Service in building relationships – its primary role, apart from involvement in specific investigations or internal equity.

The current program faces many challenges. First, it is difficult to see how the present complement of liaison officers, such as the single officer dedicated to the LGBTQ2S+ communities, can possibly fulfill their roles. For example, the LGBTQ2S+ communities are so diverse that one officer cannot have a meaningful connection with all the community members – especially within the transgender community. Many members of that community are so marginalized and vulnerable, subject to overpolicing, misgendering, underprotection, and disproportionate violence and discrimination even from others within the LGBTQ2S+ communities, that they require particular attention. Second, the liaison program must, as I stated in connection with consultative committees, be especially attentive to the complexity of intersectionality. This need suggests a more inclusive or “fluid” approach to how the responsibilities of liaison officers are defined. Third, some people see the liaison program as closely tied to corporate management and the Service's official positions, and, depending on the particular officer, insufficiently connected to life “on the street.” Even some officers expressed that view.

On the other hand, I also heard about valuable connections that liaison officers have established with community members, and how these officers are accessible in ways that others are not. I believe that the liaison officer program, if certain important changes are made, can play a critical role in building relationships with disadvantaged communities. This observation reminds me of the memorable day I spent with Dave Dickson, a retired Vancouver police officer. We walked through the Downtown Eastside, an area where many of Vancouver's marginalized and vulnerable people, live and congregate. “Officer Dave” has chosen to dedicate the remainder of his career to engaging with and supporting the members of that community. Notably, he was one of the first within the Vancouver police to raise alarm bells about a serial killer

preying on disadvantaged individuals many regarded as “nobodies.” As I watched him interact with people on the street, I was struck by how impactful someone like Officer Dave can be, how he represented my vision of an ideal liaison officer.

As I discuss in Chapter 14, I am also impressed with the wealth of resources the OPP devotes to liaison activities. Although the OPP is a bigger service with much larger geographical boundaries, it has 25 full-time liaison officers and 74 officers who serve in a part-time liaison role within the OPP’s Indigenous Policing Bureau. By way of contrast, the Service has 10 liaison officers. Its neighborhood community officers, however, devote significant time to building relationships with diverse communities.

Ultimately, the goal of any police service, regardless of the number of officers who formally fill liaison positions, is to make every officer and civilian employee feel responsible for and play a meaningful role in building relationships. The LGBTQ liaison officer in San Francisco told Arnold Bruner during his research for his 1981 report summarized in Chapter 11 that the ultimate goal should be that every officer is also a “community relations officer.” If so, he said, “I won’t be needed.”⁵³ I agree with this goal, even though these words were spoken 40 years ago.

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;

⁵³ Arnold Bruner, *Out of the Closet: Study of Relations Between the Homosexual Community and the Police* (1981), 151.

- (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);⁵⁴
- (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;
 - (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;

⁵⁴ 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>.

- (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

As I indicate above, the OPP now has three times the number of part-time liaison officers as full-time liaison officers. They receive special education on Indigenous issues in addition to the mandatory education provided to all OPP officers who work with Indigenous communities. OPP liaison officers are supported by a civilian analyst who assists with detailed reports on their work and by a policy and training coordinator. I was told that part-time liaison officers in the OPP are selected on the basis of their community focus and their ability both to communicate effectively and to build and maintain relationships based on trust. Part-time liaison officers are expected to engage in community outreach and are given the time to do so.

In my view, the introduction of part-time liaison officers in Toronto is one way to address the urgent need to build better relations with diverse communities, signal that relationship building represents a core function of the Service, and do so in a more cost-effective way. To perform liaison functions, the Service may also use civilian liaison officers, particularly where they have pre-existing competencies, based on education, work experience, and/or lived experiences. For example, Judge Oppal recommended that two civilian liaison

positions be created in Vancouver, to be populated by those with experience respecting the survival sex trade.

Before OPP officers assume part-time liaison positions, they must take an eight-day course on Indigenous issues followed by an examination. They also receive two days of additional training and education every year. The development and delivery of this training and education could itself be part of a strategy to build better relations with Toronto's marginalized and vulnerable communities. Indeed, the continuing education of liaison officers and civilian members of the Service could be combined with onsite community visits and two-way conversations between new and existing liaison officers and members of disadvantaged communities.

The intersectionality approach that is key to my recommendations supports the idea that the Service should build competencies among its full-time and part-time liaison officers and civilian members to deal with multiple intersecting marginalized and vulnerable communities. At the risk of being presumptuous, I would hope that Chapter 14 of this Report could play a role in the training and education of liaison officers and civilian members of the Service.

Some community members told me that because of past bad experiences with the Service, they were reluctant to call 911. However, when they have problems or seek information, they will call the personal cell numbers of neighbourhood community and liaison officers. Both full-time and part-time liaison officers and also civilian members of the Service should be encouraged to establish and maintain these personal relationships and should be reimbursed by the Service for modest expenses (currently personally assumed by officers) related to improving and maintaining relationships. The same should hold true for neighbourhood community officers.

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

In Chapter 14, I discuss in detail the Neighbourhood Community Officer Program. I also endorse the Service's decision to have researchers at Humber College independently evaluate the program. As I have made abundantly clear, the Service's initiatives to build relationships with those in the marginalized and vulnerable communities must be tested and refined based on these independent evaluations. Otherwise, there is no guarantee that such initiatives are successful or cost-effective.

The Humber College study examined trends in calls for service and major crime index data. It also included interviews with focus groups of adults, youth, and neighborhood community policing officers. The evaluation, which was conducted over a two-year period, began one year after the program was introduced in 2014. As I explain in Chapter 14, the evaluation demonstrated that the program has been successful in meeting its objectives. I strongly support the continuation and expansion of 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.

I provide two cautionary notes. First, the Service cannot assume that programs that have been successful in the past and the subject of positive evaluations will continue to be successful. As circumstances change, programs may lose community support or require renewal or modification. The Service should regularly evaluate whether such programs continue to enjoy public support and whether the analytics continue to show they are successful. Second, both the liaison program and the neighbourhood community program must remain sensitive to the concerns about overpolicing expressed by marginalized and vulnerable community members. In other words, community members may not welcome an increased police presence in their communities unless it is accompanied by clear understandings as to the roles being played by liaison officers and neighbourhood community officers.

Internal Support Networks

My recommendations that the liaison and neighbourhood community programs should be supported and enhanced do not relieve other Service members of their obligation to build relationships with marginalized and vulnerable communities – indeed, with all community members.

In Chapter 14, I describe existing tension within the Service about the appropriate role of internal support networks. Some within the Service argue that internal support networks that exist for LGBTQ2S+, Black, East Asian, South Asian, and No-Boundaries (those with a variety of disabilities) individuals should play a role only in mentoring and supporting Service members. They view an external role of the support networks as a threat to the chain of command, a usurpation of the role of the liaison officer, and a corporate risk.

I respectfully disagree. In my view, internal support networks representing LGBTQ2S+ Service members and those from other disadvantaged groups are an important and underused asset within the Service. They have an important role to play internally with respect to recruitment, mentorship, and education. They also have an important role to play in community engagement. As outlined in Chapter 14, I disagree with attempts made to dissuade members of the LGBTQ2S+ internal support network from having a luncheon with the Orlando chief of police and the Orlando Police Department LGBTQ officers when they were in Toronto shortly after the mass shooting in a gay nightclub in Orlando. It was suggested that the internal support network should not be involved in what was regarded as community engagement. Some senior officers were also concerned that the LGBTQ2S+

internal support network publicly dissented from the Service's official position concerning participation in the Pride parade.

I state earlier that internal equity within the Service is, simply, the other side of the coin of the Service's external obligations to provide equitable and equality-respecting services to the communities it serves. The idea that internal support groups representing those in the Service who come from disadvantaged groups should confine themselves exclusively to internal matters is short-sighted. It conforms with a hierarchical, closed, and paramilitary police culture that silences dissent and, ultimately, may be an impediment to building better relations with marginalized and vulnerable groups.

Similarly, the conventional wisdom in policing that officers should not publicly criticize the Service or deviate from official policy also stems from its hierarchical and para-military orientation. In my view, the time is long overdue for a reconsideration of this orientation. It is inconsistent with a more progressive modern view of policing as a profession. Simply put, I am not troubled by the prospect that internal support networks may hold views that diverge from the Service position on issues relating to the communities they represent. Officers have told me how difficult it is at times to raise issues relating to the way the Service operates or the views of those in higher positions of rank.

A new orientation invites a more introspective view within the Service and greater prospects for positive change. Some public dissention is a small price to pay for such a change. In relation to LGBTQ2S+ Service members, I am also aware that many – or, it has been suggested, most – remain unwilling or unable to be open within the Service about their sexual orientation, gender identity, or gender expression. This hesitancy speaks to a culture that persists within a Service that must become creative and proactive in supporting its own vulnerable members. An enhanced role for internal support networks will signal greater support for these Service members.

RECOMMENDATION

142 The LGBTQ2S+ and other internal support networks should be recognized as important assets in community engagement and in the

Service itself.⁵⁵ 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.

Need to Involve Other Community Safety Partners

In Chapter 14, I discuss how the Winnipeg Police Service has welcomed and tangibly supported the work of the Bear Clan – volunteers from Indigenous communities who patrol and offer assistance to those communities. The Winnipeg police also work closely with other Indigenous agencies. In Toronto, many public and community agencies that provide services to the Indigenous community have expressed their willingness to respond to the call to action from the National Inquiry into Missing and Murdered Indigenous Women and Girls. This response, which involves welfare, health, and child welfare agencies, is consistent with a broader approach to community safety and well-being.

Unfortunately, the Service does not appear to have been an active player in this new collaborative community safety approach to the pressing problems surrounding missing and murdered Indigenous women and girls. This hesitancy may be related to the fact that the Service has reduced its Aboriginal Peacekeeper Unit – a unit that was innovative when it was started in the early 1990s – to only one dedicated officer. I also note the paucity of Indigenous recruits to the Service. In my view, the Service must recommit itself to improving relations with Toronto's growing Indigenous communities. One overdue way of doing so is for the Service to develop its response to the National Inquiry in collaboration with both the Indigenous communities and the agencies that provide services to them.

⁵⁵ 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.

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.

I conclude that much can be learned from the way the Winnipeg police have worked with Indigenous communities. Although, as I discuss in Chapter 14, each Indigenous community is unique in its experience with colonialism, together they share much with other marginalized and vulnerable communities in being overpoliced and underprotected. Those who have lived this experience have expert knowledge that should be respected and, to the extent possible, integrated into policing and broader community safety strategies.

During the missing person investigations that are the subject of this Review, the Alliance for South Asian Aids Prevention developed several initiatives to assist vulnerable members of the South Asian LGBTQ2S+ communities. One such initiative was SAFE, a check-in program that gives people a secure platform to share personal information before they engage with a stranger to report someone’s disappearance.⁵⁶ Community safety work done by the community should, where appropriate and feasible, be funded out of the Service’s budget. Similarly, part of the Service’s budget could also be spent on relevant research conducted in collaboration with community agencies. As Becky MacFarlane, from The 519 stated during our consultations, “Like we have to do the work of the police, we should be resourced by the police to do it ... and other organizations similarly.”

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

⁵⁶ Sam Edwards, “South Asian LGBTQ group starts safe date program after Village murders,” March 29, 2018, at <https://nowtoronto.com/news/LGBTQ-safe-date-program/>.

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)

As I discuss in Chapter 14, the parade has become symbolic of Pride Toronto. From 2000 to 2015, uniformed members of the Service marched in the parade, thereby demonstrating improved relationships between the Service and the LGBTQ2S+ communities. However, events in 2016 led to controversy about the Service's involvement in the parade, and leaders of Pride Toronto put the matter to a series of votes. Since 2016, the police have not been allowed in the parade, though the 2019 vote was close, separated by only two votes in favour of the No side.

Although the Pride parade is not expressly part of my mandate, I feel it is important for me to recognize the unique position it holds in the relationship between the Toronto police and the LGBTQ2S+ communities. For five years the turmoil over whether members of the Service should be allowed to march in the parade has been an irritant, like salt on a wounded relationship. During my outreach in this Review, I heard from many in the LGBTQ2S+ communities that until that irritant is removed, there will never be true reconciliation between the Service and the communities. I have also heard that the Service and many community members want the officers back in the parade. I am aware that the city wants members of the Service back in the parade. There are diverse views on how to resolve this impasse. There is no magic solution. It will take time.

The harm the police have inflicted on the LGBTQ2S+ communities is at the root of the impasse – and, to them, the uniform symbolizes this damage. Many community members take the position that the police have to earn their way back into the parade. In response, the police must be patient yet committed. They must wait for a propitious moment with humility, mindful that they don't control the decision. During the "time out," the Service must publicly invest in building better, stronger relationships with the LGBTQ2S+ communities.

I hope that by acknowledging its mistakes of the past, including those made in the investigations that are the subject of this Review, and by implementing the Review's recommendations, the Service can make a

persuasive case that it has earned its way back into the Pride parade. I do not intend to dictate to the LGBTQ2S+ communities how to respond. The recommendation that follows provides an option for these communities that ties participation in the parade to measurable implementation of relevant change.

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

I am hopeful that the Board’s decision to commission an independent civilian review into missing person investigations, the public endorsement of the chief of police for an independent review, and the full co-operation of both the Board and the Service in the Review itself, signal a commitment to take these recommendations and their timely implementation seriously. However, many who spoke with me expressed the concern that my recommendations might never be implemented – that this Report will “gather dust on a shelf.” Some also questioned whether they would ever be able to accept, at face value, assurances by the Board or the Service that the Report’s recommendations had been implemented. A former chair of the Board publicly challenged the Service’s representations that the *Report on Police Encounters with People in Crisis* had been implemented as the Service said it had. In fairness, work has since been done to address the Service’s response to people in crisis.

I have no legal authority to compel the Board or the Service to implement these recommendations. However, my position is no different from that of a number of reviewers or commissioners of public inquiries whose recommendations have substantially been adopted. In my view, the key to success in the circumstances of this Review is in articulating a specific, completely transparent implementation plan that involves community participation, regular reporting to the public on the extent to which the recommendations have been adopted, involvement of oversight agencies in monitoring implementation, and, ultimately, public accountability if the recommendations are not substantially implemented.

As I indicate earlier, the Office of the Inspector General of Policing under the yet to be proclaimed *Community Safety and Policing Act, 2019*, has a mandated role in monitoring and conducting inspections of, and advising, police services boards, chiefs of police, and police services respecting compliance with the Act and its regulations, which would include provincial adequacy standards. As well, the Office of the Inspector General is empowered to investigate complaints against the Board or the Service respecting systemic failures or inadequate or inappropriate policies and procedures. It follows that the Inspector General has the authority to monitor implementation of this Report's recommendations, insofar as they relate to compliance with the Act or its regulations, and to address any complaints that might arise from systemic failures or from inadequate or inappropriate policies and procedures that are not corrected owing to non-implementation of this Report.

The Ministry of the Solicitor General will also continue to have statutory powers of policing oversight. In addition, the Ontario Human Rights Commission plays an important role in investigating and reporting on discrimination-related issues at the Service. Its role can include monitoring implementation of those recommendations in my Report that intersect with its own work. Also, the city auditor has been called on, in the past and more recently, to provide independent audits in relation to policing issues. In other words, oversight agencies and complaint mechanisms exist to monitor and address failures to implement, in addition to the public accountability that will accompany an implementation team that includes community stakeholders and public reports on implementation. If all else fails, I outline additional legal remedies below.

I start with independent monitoring. Earlier in this chapter, I recommend independent monitoring of the Service's compliance with provincial adequacy standards in a number of specific areas. I explain why such independent monitoring is necessary to restore confidence in the Service and the Board.

However, the current need for independent monitoring does not relieve the Board of its responsibility to ensure that the Service complies with provincial adequacy standards and also implements those recommendations necessary to ensure adequate and effective policing in Toronto. Long-term, the Board is best situated, if it performs the vital role I and the applicable legislation contemplate, to provide sustainable oversight of the Service.

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.

In my view, the full participation of a diverse group of community members in the implementation process is critically important not only for the perspectives they bring but also to build confidence in the process itself. I was inspired by the contributions made by the diverse advisory group that recommended this Review and largely designed its Terms of Reference. I believe that the Board’s empowerment of this advisory group enhanced its ultimate decision making in a way consistent with true community partnership. Similarly, the Review’s equally diverse Community Advisory Group greatly contributed to my Report as its members facilitated and participated in our extensive community outreach and engagement and provided me with valuable insights.

My approach is also modelled on the Board’s Anti-Racism Advisory Panel. The Board established this panel in April 2018 in response to the recommendation of a coroner’s jury at the inquest into the death of Andrew Loku, a young Black man. The Board adopted and developed a monitoring framework for the implementation of the jury’s recommendation. Later, it made the panel permanent to enable it to address systemic racism and related issues. The panel’s membership included one Board member, four Service

members, six community members (including a representative from the Andrew Loku Committee), and two experts in racism and in mental health and addictions.

As I indicate above, I regard the Board's decision to commission this Independent Review, the Service's public support for such a review, and the support I received from the Service and the Board during my investigation, as a signal of commitment to this process. Nonetheless, in the above recommendations, I have built in and described specific mechanisms for implementing my recommendations, monitoring implementation, and publicly reporting on implementation. I have also identified the oversight agencies that have the authority to evaluate the scope and the pace of implementation. Finally, I wish to address legal remedies available in the event that the response to this Report is seriously deficient.

As I explain above, the *Community Policing and Safety Act, 2019*, when proclaimed, will, with limited exceptions, empower anyone to file a complaint with the inspector general of policing in relation to a range of systemic failures as well as inadequate or inappropriate policies or procedures. As a last resort, civilian members of the implementation team could file such a complaint. Similarly, members of the implementation team could file a human rights–related complaint under the *Human Rights Code*. That could lead to a binding settlement under s. 45.9 of the Code.⁵⁷ This settlement would be subject to independent monitoring and enforcement by the Ontario Human Rights Tribunal under s. 45.9 of the Code. Under s. 45.9(8), the Tribunal could make any order it considers appropriate should it determine that a party has contravened the settlement. The advantages of such an approach are its enforceability and the Tribunal's ability to respond to a lack of full implementation and, if necessary, to devise supplemental remedies. Its disadvantages are that discrimination-related recommendations form only part of my Report, and that resort to s. 45.9 is dependent on a complaint being made and potentially lengthy litigation being avoided through a settlement agreement.

There is precedent for the use of settlement agreements under the Code to address much needed reforms. For example, an independent monitor, Justice David Cole, assessed the provincial government's compliance with a settlement arrived at in relation to solitary confinement and segregation in Ontario prisons. Based on measurable outcomes, he concluded that the

⁵⁷ RSO 1990, c H 19.

government had not complied with the settlement.⁵⁸ The Ontario Human Rights Commission subsequently applied to the Human Rights Tribunal for additional remedies, including a prohibition on segregation for anyone with a mental health disability, along with strict limits on the use of segregation.⁵⁹ As set out in Chapter 14, the Service has also entered into settlement agreements with the Ontario Human Rights Commission.

The United States has greater familiarity with settlement agreements, or “consent decrees” as they are characterized there. In my numerous discussions with the Seattle Police Department (SPD), I learned about a consent decree that helped move that department in a promising direction. The SPD was initially apprehensive about the consent decree signed between the City of Seattle and the Federal Department of Justice – an anxiety fueled, in part, by the loss of control through the creation of an independent process. However, I learned that the consent decree forced the SPD to invest in a more data-driven and evidence-based form of policing and in better mechanisms for community relations. The consent decree allowed flexibility in implementation while achieving measurable outcomes.⁶⁰

The United States Department of Justice acknowledged “the good faith of the City of Seattle in trying to address the remedial measures that are needed to ensure constitutional policing in Seattle.” It committed to using informal means of dispute resolution, but also “reserve[d] its right to seek enforcement of the provisions of the Settlement Agreement if it determines that the City and SPD have failed to fully comply with any provision of this Agreement.”⁶¹

The City of Seattle publicly expressed the view that the SPD became a national model for other police departments across the country and that the settlement agreement became the foundation for the development of best practices and a new police culture. The city’s praise was supported by independent evaluations that showed, for example, high compliance with use of force policies (a key issue that prompted the consent decree) and no statistically significant racial disparities among those on whom police force was used. The improvements were also confirmed through public opinion and equity surveys of the type I have recommended in this Report, with much of the improvement among Black and Latino respondents. As I further explain in

⁵⁸ Justice David P. Cole, *Final Report of the Independent Reviewer*, February 15, 2020, at <https://www.mcscs.jus.gov.on.ca/english/Corrections/JahnSettlement/FinalReportIndependentReviewer.html>

⁵⁹ <http://www.ohrc.on.ca/en/segregation-and-mental-health-ontario's-prisons-jahn-v-ministry-community-safety-and-correctional>.

⁶⁰ https://www.seattle.gov/Documents/Departments/Police/Compliance/Consent_Decree.pdf.

⁶¹ *Ibid*, para 224.

Chapter 14, the Seattle consent decree also addressed the need for meaningful community consultation of multiple and intersecting disadvantaged communities. My recommendations on community consultative committees have been informed by Seattle’s approach.

I chose to learn about the Seattle experience largely because its police service, and its chief at the time, Chief Carmen Best, were regarded in the United States as truly innovative, particularly in relation to building positive relationships with diverse communities. In addition to freeing up the time of many of the SPD’s senior officers to meet with me, Chief Best assisted the Review by participating in our roundtable. Although in recent months Seattle and its police department have had formidable challenges, as I outline in this Report, I continue to believe we can learn much from the SPD’s approach.

In relation to consent decrees and settlement agreements, I have elaborated on them because, in the past, reform efforts that did not involve legally enforceable remedies – whether involving the Service or other institutions – have, at times, been unsuccessful. The resort to litigation to enforce implementation would represent an unfortunate development. Nonetheless, legal remedies remain available if absolutely necessary.

- 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.

In my discussions, the importance of leadership in making systemic change was emphasized by many people, police officers and community members alike. The Board is currently engaged in a search for a new chief of police, and it has indicated that the process will involve substantial community engagement. I am hopeful that one criterion for selection will be a candidate's commitment to and alignment with the key recommendations contained in this Report. If so, this consideration will represent another component to success in the implementation of my recommendations.

Records in the Possession of the Toronto Police Service

The Review received the full co-operation of the Board and the Service in facilitating the collection of relevant documents and interviews of relevant witnesses. However, despite that full co-operation, I was struck by the difficulty, at times, that the Service had in assembling relevant documents in a comprehensive way. This was not a failing of the officers who served diligently as liaisons to our Review – quite the contrary – but was concerning nonetheless. It sometimes potentially worked to the Service's disadvantage. For example, the Review worked hard to construct a comprehensive list of the Service's initiatives relating to relationship building. There was no such comprehensive list. Similarly, the Review worked hard to reconstruct relevant chronologies. Our work was often frustrated by less-than-complete records, documents lost in transition, notes not kept. Parts of this Report were rewritten, sometimes more than once, as questions by my lead counsel and team uncovered new procedures or even existing policies, not previously provided to the Review. I am convinced that there was no effort to suppress these documents – indeed, the documents in issue showed improvements that inured to the Service's benefit. But my frustration over securing documents from the Service does speak to the need for the Service to re-evaluate how it stores and maintains its procedures, practices, and initiatives, as they are developed. It should not be so difficult to secure relevant documents for an independent review or for any other valid purpose.

Resources

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 to ensure compliance with provincial

adequacy standards and promote best or improved practices. 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 in the Missing Persons Unit as well as in divisional investigations through increased assignments and hires, including civilian missing person coordinators. The steps needed to build community partnerships and a transformative approach to training, education, and professional development are also substantial and involve additional time and resource allocation.

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.

It is not within my mandate to address these larger budgetary matters, but I sound this cautionary note. In relation to the issues I examine in this Report, the status quo is simply not acceptable.

Fully realizing 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.

Indiscriminate budget cuts can imperil one of the underlying reasons being advanced in favour of ultimately reducing police budgets – building community capacity to address a range of issues. My recommendations are illustrative. 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.

Equally important, we must consider the financial and social costs that would come from a failure to address the issues identified in this Report. It is abundantly clear that the failure to act comes at a far more substantial cost – to

lives, to the ability of the Service's members to serve and protect, to the safety and well-being of Toronto's marginalized and vulnerable communities, and to the public at large. The failure to act also comes at a substantial financial cost, not easily measured, but nonetheless real financial cost – costs incurred when investigations go awry, crimes remain undetected, and frayed relationships must be repaired.

When Detective Constable Manherz said that the Service had to change the way it conducted missing person investigations or risk, among other things, an inquiry, he was right. The goal must be to make any future public inquiry or systemic review unnecessary. That is how we can best honour the lives lost.

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. It is how we honour the lives of those who have been lost:

Skandaraj Navaratnam
Abdulbasir Faizi
Majeed Kayhan
Soroush Mahmudi
Kirushna Kumar Kanagaratnam
Dean Lisowick
Selim Esen
Andrew Kinsman
Alloura Wells
Tess Richey
Arthur Louttit
Dovi Henry
Kenneth Peddle
... and so many others.

Appendices

APPENDIX A

Toronto Police Services Board

Terms of Reference for the Independent Civilian Review into Missing Person Investigations

WHEREAS the Toronto Police Services Board (“the Board”) is responsible, pursuant to subsection 31(1) of the *Police Services Act*, R.S.O. 1990, c. P.15 (“the Act”), for the provision of adequate and effective police services in the City of Toronto;

AND WHEREAS the Board must, pursuant to subsection 31(1) of the Act, generally determine after consultation with the Chief of the Toronto Police Service (“the Chief”) objectives and priorities with respect to police services for the City of Toronto, establish policies for the management of the Toronto Police Service (“the Service”) and direct the Chief and monitor his performance;

AND WHEREAS the Board may, pursuant to subsection 31(6) of the Act, by by-law, make rules for the effective management of the Toronto Police Service;

AND WHEREAS the Board may express its opinion or make recommendations to the Chief of Police on any aspect of policing in the municipality, while not directing the Chief of Police with respect to specific, operational matters or with respect to the day-to-day operation of the Toronto Police Service;

AND WHEREAS the Report of the Independent Civilian Review Into Matters Relating to the G20 Summit provides relevant guidance on interpreting the statutory mandate of the Board;

AND WHEREAS a number of people, and in particular members of the LGBTQ2S+ communities in the City of Toronto, have gone or been reported missing and have later been identified as victims of serious violence;

AND WHEREAS Project Houston, the Toronto Police Service’s 18-month investigation into the disappearance of three missing men who have now been identified as victims of serious violence, was closed in April 2014 having found no evidence of criminal conduct;

AND WHEREAS Bruce McArthur has now entered guilty pleas and been sentenced for eight counts of first degree murder, allowing for the Reviewer to fully examine the circumstances surrounding the investigations into the disappearance of his victims, including but not limited to how and when he was identified as a person of interest or suspect and any deficiencies in such investigations;

AND WHEREAS members and groups within the LGBTQ2S+ communities in the City of Toronto have expressed concern over the manner in which the Toronto Police Services handle and have handled missing person investigations, and specifically,

1 the investigations into the disappearance of Mr. McArthur's victims, including
2 concerns that the handling of missing person investigations in the City of Toronto
3 may have been tainted by implicit or explicit, specific and systemic bias;

4
5 AND WHEREAS there are intersections of minorities within the LGBTQ2S+
6 communities, including South Asian, Middle Eastern, 2-spirited, other racialized
7 individuals, as well as those who are either homeless or work in the sex trade that
8 are particularly vulnerable and require an improved approach to policing
9 relationships;

10
11 AND WHEREAS the Board recognizes the need to repair its relationship with the
12 LGBTQ2S+ communities in the City of Toronto and to foster ongoing positive
13 relations with members and organizations within those communities;

14
15 AND WHEREAS the Board created a Working Group consisting of one Board
16 member and three external members to advise the Board on the structural and
17 process options for an independent external review or reviews;

18
19 AND WHEREAS the Working Group has recommended that the Board commission
20 an independent review of Board policies as well as Service procedures and practices
21 in relation to missing person investigations, particularly those involving individuals
22 from the LGBTQ2S+, immigrant, Indigenous, South Asian, Middle Eastern, Black,
23 homeless and marginalized communities more generally;

24
25 AND WHEREAS the Board believes that the recent guilty pleas and sentencing of Mr.
26 McArthur require that it significantly expand the original Terms of Reference
27 recommended by the Working Group to enable the Reviewer to conduct a complete
28 and thorough examination of the relevant issues;

29
30 AND WHEREAS the Board believes it would be beneficial and of assistance to the
31 Board in carrying out its responsibilities pursuant to subsection 31(1) and
32 subsection 31(6) of the Act to conduct a Review of the adequacy of the Board's
33 policies, as well as the Service's procedures and practices related to missing person
34 investigations, including a systemic evaluation of the manner in which the Service
35 conducts such investigations and a review of certain specific missing person
36 investigations identified in paragraph 2 below, including but not limited to those
37 investigations into the disappearance of Mr. McArthur's victims;

38
39 AND WHEREAS the Board believes that it is important that the terms of reference of
40 such a Review must be designed, among other things, to ensure that the Reviewer is
41 truly independent;

42
43 THEREFORE the Board is appointing a Reviewer to conduct an Independent Review
44 into Board policies as well as Service procedures and practices in relation to missing
45 person investigations, particularly those involving individuals from communities
46 described above;

1
2 AND to conduct the Review, the Reviewer will be provided with such resources as
3 are required, and be authorized by the Board to engage lawyers, experts, advisors,
4 researchers and other staff as the Reviewer deems appropriate, at reasonable
5 remuneration, as approved by the Board;

6
7 AND the Chief will cooperate fully with the Reviewer in conducting the Review and
8 will instruct members employed by the Service to cooperate fully with the Reviewer
9 conducting the Review as deemed necessary;

10
11 AND the Chair and members of the Board will cooperate fully with the Reviewer in
12 conducting the Review and will instruct all members employed by the Board to
13 cooperate fully with the Reviewer in conducting the Review;

14
15 AND the Reviewer may request any person, organization, the Chief, members of the
16 Board, and any member employed by the Board or the Service to provide relevant
17 information or records for the Review where the Reviewer believes that person or
18 organization has such information or record in his, her, their, its possession, custody
19 or control;

20
21 AND the Reviewer may hold such meetings, interviews and consultations, and may
22 make such procedural decisions with respect thereto, as the Reviewer deems
23 advisable in her discretion in the course of the Review;

24
25 AND the Reviewer, prior to commencing and throughout the Review, will consult
26 with the Ministry of the Attorney General for Ontario, specifically Andrew Locke,
27 Regional Director of Toronto Region or his designate (hereinafter "MAG"), and
28 others in the Reviewer's discretion in relation to the ongoing criminal proceedings
29 involving Kalen Schlatter in order to ensure that such criminal proceedings are not
30 prejudiced by this Review;

31
32 AND the Reviewer will consult with members, groups and organizations within the
33 LGBTQ2S+ community, including those who have filed missing person reports in the
34 past, and will engage an advisor to assist with the design and implementation of the
35 community consultations;

36
37 AND the Reviewer will ensure that adequate accommodations and supports are
38 available to maximize community participation in the consultation process,
39 including receiving submissions from various stakeholders, community groups and
40 organizations;

41
42 AND the Reviewer will establish an advisory group representing affected
43 communities, such as the LGBTQ2S+ communities, the South Asian and Middle
44 Eastern communities, the sex trade and the homeless communities in the City of
45 Toronto, to ensure the community perspective is adequately considered prior to
46 commencing and throughout the Review; advisory groups representing other

1 stakeholders may be created formally or informally in the discretion of the
2 Reviewer;

3
4 AND the Reviewer will establish and maintain a website and may use other
5 technology to promote accessibility and transparency to the public;

6
7 AND the Reviewer will provide updates to the public, through the website or other
8 means, on the status of the review, the contents of which cannot prejudice any
9 ongoing criminal investigation or the criminal proceedings involving Kalen
10 Schlatter,

11
12 AND the Reviewer will conduct the Review without prejudicing any ongoing
13 criminal investigation or criminal proceedings, including but not limited to the
14 criminal prosecution of Kalen Schlatter, and will make a report to the Board without
15 expressing any conclusion or making any recommendation regarding the civil or
16 criminal responsibility of any person or organization;

17
18
19 AND the Reviewer may produce an interim report at the Reviewer's discretion and
20 will produce a final report containing the Reviewer's findings, conclusions and
21 recommendations and deliver it to the Chair and members of the Board for
22 distribution to the public at or before January 31, 2021;

23
24 AND the report will be prepared in a form appropriate for release to the public,
25 pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*;

26
27 AND these Terms of Reference should be interpreted in a manner consistent with
28 the jurisdiction of the Board to ensure a broad and comprehensive Review;

29
30 AND in the event that the Reviewer is unable to carry out any individual term of
31 these Terms of Reference, the remainder of the Terms of Reference will continue to
32 operate, it being the intention of the Board that the provisions of these Terms of
33 Reference operate independently;

34
35 AND the subject matter of the Review will be:

- 36
- 37 1. A review of Board by-laws, policies and practices, as well as *The Way*
38 *Forward* and any related reports that may have been considered by the
39 Board, dealing with or relevant to missing person investigations and
40 community relations to determine whether they are adequate to ensure
41 effective, efficient and bias-free responses to missing person reports.
42
 - 43 2. Without prejudicing any ongoing criminal investigation or the criminal
44 proceedings involving Kalen Schlatter, a review of Service procedures,
45 practices, protocols, and actions in relation to missing person
46 investigations, including but not limited to a review of Project Houston,

1 Project Prism, any other opportunities to identify Bruce McArthur as a
2 person of interest or suspect and the missing person investigations of
3 Skandaraj Navaratnam, Abdulbasir Faizi, Majeed Kayhan, Salim Esen,
4 Soroush Mahmoudi, Andrew Kinsman, Alloura Wells and Tess Richey, with
5 a specific focus on

- 6
- 7 a. When a missing person event or report becomes a missing person
8 investigation;
- 9
- 10 b. Whether adequate resources are dedicated at the Divisional and/or
11 Service level to missing person investigations at inception and
12 throughout the course of the investigation;
- 13
- 14 c. Whether culturally competent expertise is available to or relied upon
15 by the Service for missing person investigations, including but not
16 limited to expertise around gender identity, gender expression, race,
17 ethnic origin and intersectionality;
- 18
- 19 d. Whether the policies and practices adequately protect against implicit
20 or explicit bias or discrimination (at the individual and systemic level)
21 against members of the LGBTQ2S+ and other marginalized groups;
- 22
- 23 e. Whether the Service is conducting missing person investigations in a
24 unbiased, non-discriminatory manner, including consideration of the
25 exercise of discretion by members of the Service in relation to
26 decisions to record a person missing, or launch, resource and/or
27 terminate missing person investigations and the experience of those
28 who file missing persons reports with the Service;
- 29
- 30 f. Whether there is adequate information sharing within the Service and
31 between police services to ensure that similarities and links between
32 missing person investigations can be identified quickly and
33 effectively;
- 34
- 35 g. Whether the Service has procedures, practices or protocols that limit
36 who will be considered and/or investigated as a missing person and
37 whether those policies are discriminatory or biased in their effect or
38 application;
- 39
- 40 h. Whether the Service has procedures, practices or protocols and
41 whether members of the public believe the Service has procedures,
42 practices or protocols that intentionally or unintentionally discourage
43 marginalized people, including but not limited to those without legal
44 status in Canada or who are homeless, from being reported missing –
45 including, without prejudicing any ongoing criminal investigation or
46 criminal prosecution, an examination of what prevented Dean

1 Lisowick and Kirushna Kumar Kanagaratnam from being reported
2 missing;

- 3
- 4 i. How and when the Service decides to advise or caution the public, or
5 specific communities, about public safety concerns that arise from
6 missing person investigations, including but not limited to
7 information about suspected links or connections between missing
8 person cases;
- 9
- 10 j. How public messaging around missing person investigations is
11 developed and whether cultural competence expertise is available or
12 relied on by the Service in drafting public communications;
- 13
- 14 k. How information about missing person investigations and policies
15 surrounding missing person investigations are communicated
16 internally within the Services and whether those methods of
17 communication are effective; and
- 18
- 19 l. Whether effective policies, procedures, and practices are in place to
20 ensure adequate investigative consideration of serial killers,
21 especially based on missing person reports where there is no overt
22 evidence of foul play.

- 23
- 24 3. A review of Service procedures, practices and protocols for developing and
25 maintaining relationships with individuals and organizations within the
26 LGBTQ2S+ communities, especially as they impact on the effectiveness and
27 adequacy of missing persons investigations, including but not limited to:
- 28
- 29 a. The roles, responsibilities and efficacy of the LGBTQ Liaison Officer;
- 30
- 31 b. The roles, responsibilities and efficacy of relevant Board and Service
32 Advisory Committees or Working Groups in terms of maintaining and
33 promoting communication between the Service and the LGBTQ2S+
34 communities;
- 35
- 36 c. The scope and efficacy of consultations and communications with
37 members and organizations within the LGBTQ2S+ communities about
38 missing person investigations;
- 39
- 40 d. The extent to which the Service engages or consults with individuals
41 and groups that reflect the diversity within the LGBTQ2S+
42 communities;
- 43
- 44 e. The extent to which the police call upon organizations within the
45 LGBTQ2S+ (or other relevant communities) to assist with missing
46 person investigations at any stage;

- 1
- 2 f. The extent to which individuals and organizations within the
- 3 LGBTQ2s+ communities are advised of public safety concerns arising
- 4 from missing person reports and investigations, including but not
- 5 limited to information about possible links between cases;
- 6
- 7 g. The views and perceptions of members of the LGBTQ2S+ and
- 8 marginalized communities more generally about the manner and
- 9 substance of public communications by the Service about missing
- 10 person investigations;
- 11
- 12 h. The experience of members of the LGBTQ2S+ and marginalized
- 13 communities more generally reporting concerns to the police,
- 14 including but not limited to the experience of individuals with non-
- 15 heteronormative sexual expressions (such as those who participate in
- 16 public cruising or BDSM), and whether there are actual or perceived
- 17 barriers in relation to their willingness or ability to share information
- 18 with the police; and
- 19
- 20 i. The accessibility, transparency and effectiveness of any complaint
- 21 process for identifying concerns on the part community members or
- 22 groups about missing person investigations.
- 23
- 24 4. A review of current training of Service members in relation to missing
- 25 person investigations, bias-free policing and community liaison to
- 26 determine whether it adequately addresses
- 27
- 28 a. Cultural competence to respond to missing person reports within the
- 29 LGBTQ2S+ communities;
- 30
- 31 b. Intersectionality and its impact on marginalization; and
- 32
- 33 c. Protecting against biased assumptions being made about individuals
- 34 reported missing based on their race, sexual orientation, immigration
- 35 status etc.
- 36
- 37 5. A review of the efficacy of current training in relation to missing person
- 38 investigations in ensuring that concepts taught are being operationalized by
- 39 the Service.
- 40
- 41 6. In the Reviewer's discretion, a review of formal and informal complaints
- 42 made to the Service, the Board or the OIPRD related to missing person
- 43 investigations.
- 44
- 45 6. Consideration of prior reports dealing with missing person investigations in
- 46 Canada, relations between the LGBTQ2S+ community and the police, and the duty

1 on the police to notify the public of potential safety threats (including but not
 2 limited to *Out of the Closet: Study of Relations Between the Homosexual Community*
 3 *and the Police*, 1981, *Bernardo Investigation Review*, 1996, *The Review of the*
 4 *Investigation of Sexual Assaults – A Decade Later*, 2010 and the Report of the *Missing*
 5 *Women Commission of Inquiry* in British Columbia in 2012) to determine if past
 6 recommendations have been implemented and/or effective and if not, why past
 7 recommendations have not been implemented by the Board and/or the Service.

8
 9 7. Consideration, in the Reviewer’s discretion, of best practices in other jurisdictions
 10 in relation to missing person investigations, bias-free policing and maintaining
 11 positive working relationships with marginalized communities.

12
 13 AND the Reviewer will make recommendations as the Reviewer deems fit for the
 14 mandate of the review and terms of reference, including but not limited to
 15 recommendations on:

- 16
 17 1. Board policies and Service procedures and practices relating to receiving and
 18 recording missing person reports, and conducting effective, efficient and
 19 bias-free missing person investigations;
 20
- 21 2. Board policies and Service procedures and practices related to the collection
 22 of data about the effectiveness of missing person investigations, including the
 23 satisfaction of those who filed or attempted to file missing person reports;
 24
- 25 3. Board policies and Service procedures and practices to ensure adequate
 26 training of Service members in relation to missing person investigations and
 27 bias-free policing;
 28
- 29 4. Board policies and Service procedures and practices to ensure that officers
 30 conducting or supervising missing persons investigations are qualified and
 31 well situated to ensure effective, efficient and bias-free investigations;
 32
- 33 5. Board policies and Service procedures and practices that will ensure
 34 appropriate accountability, including remedial and/or disciplinary measures,
 35 if members of the Service engage in biased or discriminatory conduct when
 36 receiving or investigating missing person reports;
 37
- 38 6. Board policies and Service procedures to create a framework for ensuring
 39 participation of members and organizations within the LGBTQ2S+
 40 communities in the process of monitoring and implementing any
 41 recommendations adopted by the Board and Service; and
 42
- 43 7. A framework for measuring, monitoring and publicly reporting on whether
 44 the recommendations of the Reviewer have been implemented by the Board
 45 or Service and if not, why not, as well as the effectiveness of any
 46 recommendations that are implemented by the Board or Service, including

1 giving consideration to a model for independent oversight of compliance and
2 continuing community consultation;
3
4 AND the Reviewer will propose a timeline for the implementation of each
5 recommendation.

APPENDIX B

Community Advisory Group

The Community Advisory Group (CAG) is made up of community leaders who worked to ensure 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.

Ron Rosenes

Ron Rosenes is a highly respected community leader, health advocate, researcher and consultant, working primarily in HIV and the LGBTQ community. He has served on the Boards of many local and national organizations and is passionate about the systemic and structural issues that make people vulnerable to HIV and other forms of exclusion. After the death of his partner of 15 years in 1991, Ron became involved with the Boards of the AIDS Committee of Toronto, AIDS ACTION NOW!, the Sherbourne Health Centre and the Canadian Treatment Action Council. Ron has served on advisory committees for Health Canada, the Canadian Institutes of Health Research (CIHR) and the Ontario Advisory Committee on HIV/AIDS. He holds a B.A. (Honours) in French and Russian from Carleton University, and a M.A. in Slavic Languages and Literature, University of Toronto. In 2012, he was awarded an LL.D (Hon.) by Carleton University. In 2015, he was awarded the Order of Canada for his voluntarism and advocacy in HIV.

Haran Vijayanathan

Haran Vijayanathan is the Executive Director of the Alliance for South Asian AIDS Prevention (ASAAP), an organization committed to providing culturally responsive holistic health and support services for South Asian and Middle Eastern community members at risk of or affected by HIV. In 2011, he founded My House: Rainbow Resources of York Region, a resource centre allowing those who identify as LGBTQ2S to gather in a safe and inclusive space. He has

performed volunteer work for the Winnipeg Zoo, Nine Circles Community Health Centre, Tamil Service Providers Council, the Don Jail, as well as committees and working groups that look at diversity and inclusivity. In 2018, Haran served as Grand Marshal of Pride Toronto. He has provided much needed support to grieving families of deceased community members named in this systemic Review's Terms of Reference.

Christa Big Canoe

Christa Big Canoe is an Indigenous lawyer known for her work as Legal Advocacy Director for Aboriginal Legal Services and as an advocate for Indigenous women and children. She is a mother and a member of Georgina Island First Nation, an Anishinabek community in Ontario. While at Legal Aid Ontario, she led the province-wide Aboriginal Justice Strategy aimed at removing barriers to accessing justice for First Nation, Métis and Inuit people. Ms. Big Canoe has represented survivors of violence in various capacities, and her experience includes inquest work. She represented six of the seven families of the students (“the Fallen Feathers”) whose deaths were subject to an inquest in Thunder Bay, leading to important recommendations for change. All of the students came to the city from remote First Nations to attend high school. Ms. Big Canoe is currently lead counsel for the National Inquiry into Missing and Murdered Indigenous Women and Girls. The Inquiry's report was to be completed by April 30, 2019.

Monica Forrester

Monica Forrester is a 2 Spirit Trans woman of colour who has worked within the Trans/Sexwork community's grassroots programs for 20 years and worked on Trans led initiatives in Toronto. Currently, Monica is Program Coordinator at Maggie's Toronto Sex workers Action Project and also Executive Director and Founder of Trans Pride Toronto that has been bringing inclusion, awareness and equality to Trans and larger LGBTQ2S+ non-binary communities since 2004. She was a member of the initial working group that recommended the creation of this systemic review.

Brian W. Lennox

Justice Lennox is a per diem judge of the Ontario Court of Justice. He was Chief

Justice of the Ontario Court of Justice from 1999 to 2007 and, from 2007 to 2014, Executive Director of the National Judicial Institute. He holds a B.A. from York University, an LL.B. from the University of Toronto, a graduate degree in criminal law (Diplôme d'études supérieures de sciences criminelles) from the University of Paris and an LL.D. (Hon.) from the Law Society of Upper Canada. Called to the bar in 1975, he practiced law in the city of Ottawa with the firm of Paris, Mercier, Sirois, Paris & Bélanger, was appointed an Assistant Crown Attorney in 1978, and a judge of the Provincial Court (Criminal Division) in 1986. He was appointed a Regional Senior Judge of the Ontario Court (Provincial Division) in 1990 and Associate Chief Judge in 1995. Justice Lennox has taught and lectured in the areas of judicial education, criminal law, advocacy and court administration.

Michele Lent

Michele Lent spent 26 years as a member of the New York Police Department (NYPD) in progressively senior roles and retired as a Deputy Inspector in 2007. In her last five years, she was the Commanding Officer of the Specialized Training Section of the New York Police Academy overseeing training for 17,000 uniformed police officers and 8,000 civilians. Michele helped design the City Incident Management System training program for New York City as required by the National Incident Management System (NIMS) training protocol. After leaving the NYPD, she trained thousands of officers nationally in the NIMS as well as officers in second and third world countries in emergency management and investigation techniques. She is a lifetime member of the Gay Officers Action League (GOAL) and marched in the New York City Pride parade both as a lieutenant and captain. Michele was also the Vice President of the Police Women's Endowment Association that focused on ensuring gender parity in all aspects of policing. She lives in Toronto with her partner Deb.

Andrew Pinto

The Honourable Mr. Justice Andrew Pinto was a member of the Community Advisory Group until his appointment to the Superior Court of Justice of Ontario in February 2020. The Review is grateful for his important contribution to its work. His biography while serving as a member of the Community Advisory Group

included the following:

Andrew Pinto practiced law with Pinto James LLP in Toronto in the areas of civil litigation, workplace and administrative law. He has been recognized in Best Lawyers in Canada (Administrative and Public Law) and as a Leading Practitioner by Canadian Legal Lexpert Directory (Employment Law, Workplace Human Rights). Andrew is currently the Chair of the Board of Governors of the Law Commission of Ontario, Ontario's leading law reform agency. Andrew has taught administrative law as an Adjunct Professor at the University of Toronto Faculty of Law and is a past Chair of the Equity Advisory Group of the Law Society of Ontario. In 2011-12, Andrew was appointed by the Attorney General of Ontario to conduct a major review of the changes to Ontario's human rights system. His report and recommendations were released in November 2012. Andrew received the South Asian Bar Association's inaugural "Lawyer of the Year" award in November 2008 and Windsor Law School's Distinguished Alumni Award in 2018.

Angela Robertson

Angela Robertson is the Executive Director of Parkdale Queen West Community Health Centre. Parkdale is a community-based health service organization serving south-west Toronto. Angela is dedicated to people and communities facing discrimination, poverty and marginalization. Beginning in the 1990s, Robertson worked as an editor of social issues manuscripts at Women's Educational Press, served as an adviser to the Minister Responsible for Women's Issues, was a manager at Homes First Society and the Community Social Planning Council of Toronto, and was the Executive Director of Sistering – A Woman's Place for more than a decade. Sistering provides support and services for homeless and at risk women, many of whom are racialized. She is a founding member of Blockorama, which focuses on forging a space for racialized people at Pride. She has also worked as the Director of Equity and Community Engagement at Women's College Hospital.

APPENDIX C

PARTICIPANTS IN THE POLICY ROUNDTABLE, AUGUST 18–19, 2020

Fareeda Adam

Fareeda Adam is a staff lawyer at the Black Legal Action Centre (BLAC). During her time as a law student at the University of Ottawa, she served as president of the McMaster Debating Society and was involved with the Black Law Students' Association (BLSAC) as co-president and as mentor. Before joining BLAC, Fareeda worked for Legal Aid Ontario in various capacities as a lawyer, dealing with low-income Ontarians in both the family and the criminal law contexts.

Chief Carmen Best

Chief Carmen Best has served with the Seattle Police Department for 28 years and assumed her current role as chief of police on August 13, 2018 – the first Black woman to hold that position. Previously, Chief Best served as deputy chief and oversaw Patrol Operations, Investigations, and Special Operations bureaus as well as the Community Outreach Section.

Christa Big Canoe

Christa Big Canoe is an Indigenous lawyer known for her work as legal advocacy director for Aboriginal Legal Services and as an advocate for Indigenous women and children. She is a mother and a member of Georgina Island First Nation, an Anishinabek community in Ontario. While at Legal Aid Ontario, Christa led the province-wide Aboriginal Justice Strategy aimed at removing barriers to accessing justice for First Nation, Métis, and Inuit people. She also served as lead counsel for the National Inquiry into Missing and Murdered Indigenous Women and Girls.

Gwen Boniface

Senator Gwen Boniface is globally recognized for bringing justice and equity to a wide range of issues and having a profound impact on women in policing. A lawyer and educator, she was the first woman to be appointed as commissioner of the Ontario Provincial Police (OPP) and the first female president of the Canadian Association of Chiefs of Police. She is a consultant on policing and justice issues, both internationally and domestically, and has provided services to universities, municipalities, government, and non-profit organizations in areas of human rights,

policing, and justice. Senator Boniface also served as commissioner on the Law Commission of Canada for five years.

Brenda Cossman

Brenda Cossman is a professor of law at the University of Toronto. She served as director of the University of Toronto's Mark S. Bonham Centre for Sexual Diversity Studies from 2009 to 2018. Her teaching and scholarly interests include family law, law and sexuality, and freedom of expression.

Raj Dhir

Raj Dhir is the executive director and chief legal officer at the Ontario Human Rights Commission (OHRC), and he served there as legal counsel for 10 years. He also served as the portfolio director of Indigenous lands and resources at the Ontario Ministry of the Attorney General for seven months and as the director of the Legal Services Branch at the Ontario Ministry of Indigenous Relations and Reconciliation for over four years.

Fiona Didcock

Fiona Didcock is the missing and exploitation manager at Thames Valley Police, where she has served for almost 13 years. She has been instrumental in developing a multi-agency approach to dealing with missing persons. Thames Police developed a software called ELPIS, which allows professionals from various agencies to share information about people who are repeatedly at risk of going missing.

R. Doug Elliott

R. Douglas Elliott is a partner in Cambridge LLP. He is known for his work on landmark constitutional cases such as same-sex marriage and is also a leader in the field of class actions. One of his notable successes is *Hislop v Canada*, the largest class action trial judgment in Canada (valued at \$50 million), brought by a group of gay and lesbian Canadians seeking CPP survivor pensions.

Michael Erickson

Michael Erickson is a high school teacher, activist, and co-owner of Glad Day Bookshop – an independent bookstore and restaurant specializing in LGBTQ2S+ literature and the oldest surviving such bookstore in North America. Glad Day is also home to Naked Heart: The LGBTQ Festival of Words, the largest LGBTQ2S+ literary festival in the world, as well as numerous panels, readings, workshops, performances, and special events.

Jane Farrow

Jane Farrow is a writer, former CBC broadcaster, and advocate for livable cities. Her books include the bestselling *Wanted Words* and *Wanted Words 2*, and, as co-editor, *Any Other Way: How Toronto Got Queer*. She hosted the radio programs *And Sometimes Y* and *Workology*. As part of her social activism work, she founded and acts as principal of the Department of Words & Deeds.

Lana Frado

Lana Frado is the executive director at Sound Times Support Services in Toronto. She has worked there for more than 26 years.

Rachel Giese

Rachel Giese is a journalist and the editorial director of *Xtra Magazine*, the world's oldest LGBTQ2S+ media organization. Her book *Boys: What It Means to Become a Man* examines how toxic rules on masculinity can hinder boys' emotional and social development. She has also taught journalism at Ryerson University and at the University of Toronto's Munk School of Global Affairs.

Dr. Sulaimon Giwa

Dr. Sulaimon Giwa is an assistant professor of social work at Memorial University of Newfoundland, where he teaches graduate and undergraduate courses in critical thinking and reflection and in social justice and social work practice. His doctoral research explored the experiences of gay men of colour and their resilience to racism, including their coping strategies. He has also taught social work programs at Ryerson University and York University, and in the Police Foundations program at Sheridan College.

Ruth Goba

Ruth Goba served as the executive director of the Black Legal Action Centre (BLAC). She was a commissioner with the Ontario Human Rights Commission for 11 years and, in 2015, was named interim chief commissioner. In 2016, Ruth was cross-appointed to the board of the Human Rights Legal Support Centre, and in 2017 she was appointed as a mediator and adjudicator with the Human Rights Tribunal of Ontario.

Rev. Dr. Brent Hawkes

Brent Hawkes began his career as pastor of the Metropolitan Community Church of Toronto in 1977. As the senior pastor of this congregation, he has challenged the church to examine prejudice against gays and lesbians, inclusive language, and the ordination of women. In addition, he played a significant role in promoting the

inclusion of sexual orientation in the *Ontario Human Rights Code* and the *Canadian Human Rights Act*, and he co-chaired the Campaign for Equal Families. He graduated from Trinity College, University of Toronto, with both a Master of Divinity and a Doctorate of Ministry degree.

Christopher Hudspeth

Christopher Hudspeth has owned the Pegasus Bar on Church Street for almost 20 years. He is also the chair of the Church–Wellesley Village Business Improvement Area and a community activist.

Dr. Kyle Kirkup

Dr. Kyle Kirkup is an assistant professor in the University of Ottawa’s Faculty of Law (Common Law Section). His research explores the role of constitutional law, criminal law, and family law in regulating contemporary norms of gender identity and sexuality. In 2010–11, Dr. Kirkup served as a law clerk to the Hon. Madam Justice Louise Charron at the Supreme Court of Canada.

Sergeant Tyson Lavallee

Sergeant Tyson Lavallee began his career with the Saskatoon Police Service in 1999 in the Patrol Division. Currently, he serves as the supervisor of the Missing Persons Unit as well as the coordinator for the Missing Persons Task Force. Sergeant Lavallee previously supervised the Guns and Gang Unit and the Serious Habitual Offender Unit.

Maura Lawless

Maura Lawless has served as executive director of The 519 since December 2007. She has more than 25 years of experience working in housing, homeless, and community services in senior non-profit positions as well as in the public service for the City of Toronto.

Justice Brian W. Lennox

Justice Brian W. Lennox is a per diem judge of the Ontario Court of Justice. He was chief justice of the Ontario Court of Justice from 1999 to 2007 and, from 2007 to 2014, executive director of the National Judicial Institute. Justice Lennox has taught and lectured in the areas of judicial education, criminal law, advocacy, and court administration.

Michele Lent

Michele Lent spent 26 years as a member of the New York Police Department (NYPD) in progressively senior roles before she retired as a deputy inspector in

2007. She helped design the City Incident Management System training program for New York City, as required by the National Incident Management System (NIMS) training protocol, and through it has trained thousands of officers globally. She is a lifetime member of the Gay Officers Action League (GOAL), and she marched in the New York City Pride parade both as a lieutenant and as a captain.

Marcus McCann

Marcus McCann is a Toronto human rights and employment lawyer. In the aftermath of the Toronto Police Service's Project Marie in 2016, he defended men accused of "lewd behaviour" in Marie Curtis Park in south Etobicoke. Since 2006, he has contributed to *Xtra Magazine*, an LGBTQ2S+ publication.

Becky McFarlane

Becky McFarlane is a community organizer with 17 years of experience working in the community sector. She joined The 519 as director of programs and community services. In this role, she is also responsible for overseeing the centre's education and training initiatives. Previously, Becky served as director of Working for Change, an organization that develops employment and leadership opportunities for individuals with mental health and addiction issues and for others who have been marginalized by poverty.

Yasmeen Persad

Yasmeen Persad is a member of The 519's education and training team and has been providing education on LGBTQ2S+-related issues and taking up trans-activism for the past 15 years. Her experience includes working with trans youth, HIV-positive women, sex workers, and many diverse populations. She coordinates The 519's trans people of colour project and provides training to front-line shelter workers on trans community inclusion and support.

Mark Pritchard

Mark Pritchard served as chief superintendent and commander for the OPP Northwest Region. All told, he has more than 30 years of service with the OPP, including as a case manager in the Criminal Investigation Branch, helping to update the OPP's *Quality Assurance Manual* for homicide investigation and serving as the commander of the Aboriginal Policing Bureau at the OPP general headquarters.

Shakir Rahim

Shakir Rahim is an associate lawyer at Kastner Lam LLP. He co-led the advocacy campaign of the Alliance for South Asian AIDS Prevention (ASAAP) to establish the Independent Civilian Review into Missing Person Investigations, and he was

appointed to the working group that drafted the Review's terms of reference and recommended its Independent Reviewer. He is a vice-chair of Demand Inclusion, an organization advocating for greater equity, diversity, and inclusion in the legal profession, and a member of the Canadian Bar Association Sexual Orientation & Gender Identity Executive.

Professor Kent Roach

Professor Kent Roach is recognized as one of Canada's leading academics on issues relating to the criminal justice system, including policing. He has served as a research director or advisor to a number of public inquiries or reviews. Since 2006, he has been the Prichard-Wilson Chair of Law and Public Policy at the University of Toronto and, since 1999, a professor in the Faculty of Law at the University of Toronto.

Ron Rosenes

Ron Rosenes is a highly respected community leader, health advocate, researcher, and consultant working primarily in the HIV and the LGBTQ2S+ communities. Ron became an active volunteer member of the HIV/AIDS community in Toronto in 1991, at which point he was involved with the boards of the AIDS Committee of Toronto, AIDS ACTION NOW!, the Sherbourne Health Centre, and the Canadian Treatment Action Council. Ron's work as a consultant is focused on a framework of social justice, equitable access, and an understanding of the social determinants of health.

Dr. Hugh Russell

Dr. Hugh Russell, PhD, has consulted as a social psychologist with provincial governments and major police leaders in Canada on best practices related to crime prevention through social development and engagement. In 2017 he wrote the book *Transforming Community Policing: Mobilization, Engagement and Collaboration*. For his contributions to the Ontario Association of Chiefs of Police and Policing in Ontario, Peterborough Police Chief Murray Rodd named Dr. Russell the first honorary police chief in the history of that city's police department.

Maureen Trask

Maureen Trask is an advocate for families with missing loved ones. Her son Daniel disappeared on November 3, 2011, and after three-and-a-half years of searching, his remains were found by the Michigan Backcountry SAR Team. To honour Daniel, and in support of the families with missing loved ones, Maureen has advocated for legislative changes in many areas, including the *Missing Persons Act* in Ontario; a

Missing Person Day (and month) in Canada; a Silver Alert Strategy in Canada; a standard missing person police process; and a missing person framework across Canada.

Justice Michael Tulloch

Justice Michael Tulloch was appointed to the Court of Appeal for Ontario in 2012 after serving as a justice on the Ontario Superior Court of Justice since 2003. Before this first judicial appointment, he served as an assistant Crown attorney in both Peel and Toronto from 1991 to 1995. He then went into private practice, where he specialized in criminal law. Justice Tulloch has written two independent reviews: *Report of the Independent Police Oversight Review* (2017); and *Report of the Independent Street Checks Review* (2018).

Haran Vijayanathan

Haran Vijayanathan is the national strategic director at Fierté Canada Pride. He previously served as the executive director of the Alliance for South Asian AIDS Prevention (ASAAP) for more than three years. Haran also founded Rainbow Resources of York Region, a resource centre allowing those who identify as LGBTQ2S+ to gather in a safe and inclusive space.

Andrea Zanin

Andrea Zanin has been writing and teaching internationally about BDSM / leather / kink, power dynamics, non-monogamy, and queer sexuality for more than 15 years. She has organized events in the Canadian queer leather / BDSM community since the early 2000s, including the annual leatherdyke weekend, *An Unholy Harvest* (2007–17), and *Queering Power* (2013–17). She holds an independent minor in sexuality studies and a master's degree in gender, feminist, and women's studies with a focus on BDSM. At present she is also studying for her doctorate in these same areas.

APPENDIX D

ORGANIZATIONS AND COMMUNITY GROUPS THAT COMMUNICATED WITH THE REVIEW

Access Alliance
Africans in Partnership Against AIDS (APAA)
AIDS Committee of Toronto (ACT)
Alliance of Healthier Communities
Alliance for South Asian Aids Prevention (ASAAP)
Barbra Schlifer Commemorative Clinic
Black Coalition for AIDS Prevention (Black CAP)
Black Lives Matter
Canada's Source for HIV and Hepatitis C Information (CATIE)
Canadian Association for Equality (CAFE)
Canadian Association of Refugee Lawyers
Canadian HIV/AIDS Legal Network
Casey House
Church–Wellesley Village Business Improvement Area (BIA)
Council of Agencies Serving South Asians (CASSA)
Covenant House
Criminal Lawyers Association
Dixon Hall
Durham Community Legal Clinic
EGALE
Ernestine's Women's Shelter
Federation of Asian Canadian Lawyers
Hassle-Free Clinic
HIV and AIDS Legal Clinic of Ontario (HALCO)
Homes First
Indus Community Services of Peel
Interval House
Maggie's Toronto Sex Workers Action Project
Metropolitan Community Church
Missing Adults Ontario
Office of the Federal Ombudsman for Victims of Crime
Ontario Bar Association
Ontario Council of Agencies Serving Immigrants (OCASI)
Parkdale Activity Recreation Centre (PARC)

People with AIDS Foundation
Queers Crash the Beat
Rainbow Committee
Salvation Army
Sherbourne Health
Sistering
Sound Times
South Asian Legal Clinic of Ontario (SALCO)
South Asian Women's Centre (SAWC)
TAIBU Community Health Centre
The 519
Toronto Community Addiction Team, St. Stephen's Community House
Toronto Council Fire Native Cultural Centre
Toronto HIV/AIDS Network
Toronto Lawyers Association
Toronto Police Association
Women's Habitat of Etobicoke
YMCA Sprott House

APPENDIX E



the gandalf group

| The Independent Civilian Review into
Missing Person Investigations

Community Engagement Survey

897

October 2020
Presentation Report



The Independent Civilian Review into
Missing Person Investigations

Methodology



Sample

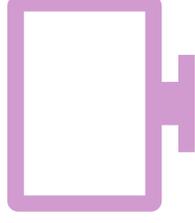
Opt-in survey available to the public via Review Website

Nov. 11, 2019 to May 1, 2020.



Responses

985 Completed



Online Study

Completed online
~10 minutes to complete
15 for those who supplied
detailed responses



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

Demographics

As an opt-in survey, data was not weighted to reflect demographics of the city. E.g. The sample skews female & middle-aged, but still with large subsamples of those aged <35 and 60+. Almost all live in the GTA, 9 out of 10 in the city of Toronto, half within the old city of Toronto (closer to downtown). Only 20% are immigrant Canadians, yet we have 197 respondents who are. More than 200 respondents in total identified as racialized/visible minority.

	Total	Male	Female	Transgender, Non-binary, Other	Gay	Lesbian	Asexual, Bisexual, Queer, 2S	Heterosexual
n=	985	317	571	77	147	51	239	504
% of total =	100%	32%	58%	8%	15%	5%	24%	51%
	<35		50-59		60+		Experience w. TPS 10+ years ago	
n=	220	264	327	147	614		104	
% of total =	22%	27%	33%	18%	62%		11%	
	City of York		East York		North York		Scarborough	
n=	36	88	64	70	110	501	100	None of the above
% of total =	4%	9%	6%	7%	11%	51%	10%	
	New Cdn 1st. Gen		2nd Gen. Cdn.		Identify as visible or racialized minority		Do not identify as vis. min or racialized minority	
n=	197	729	217	660				
% of total =	20%	74%	22%	67%				



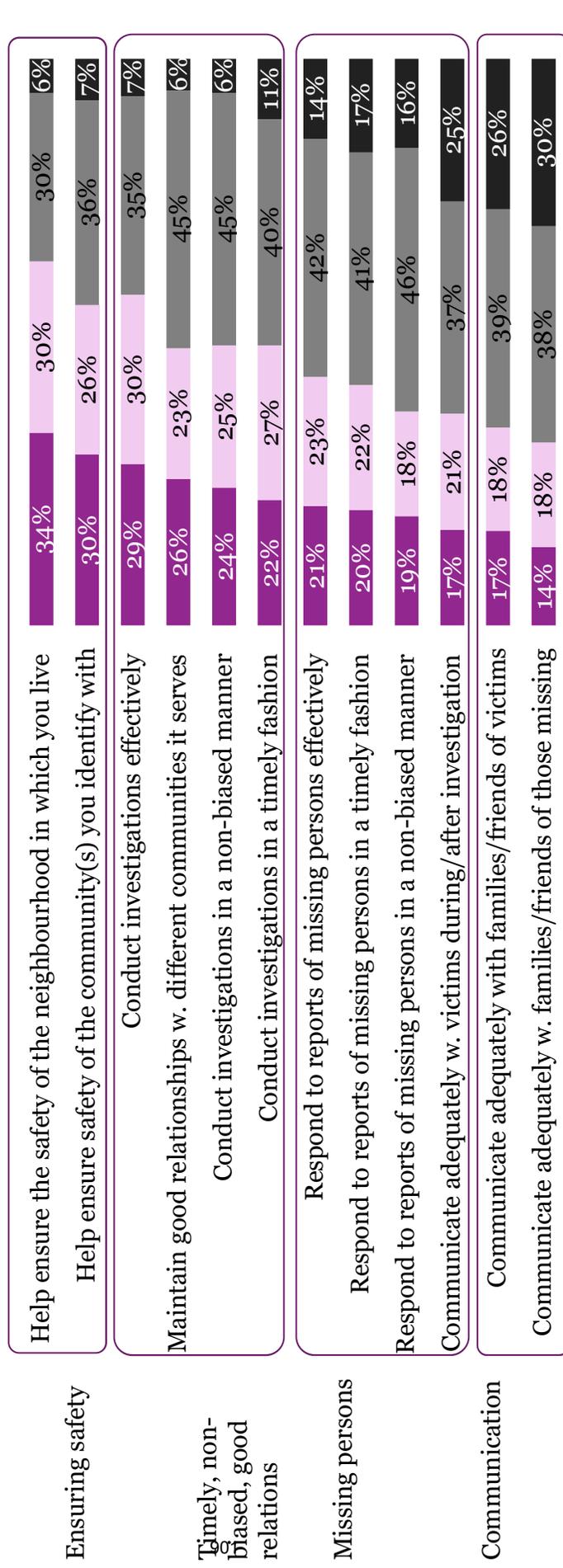
- Nearly half of all respondents have little to no confidence in the TPS when it comes to:
 - Conducting missing persons investigations effectively - 42%
 - Bias-free policing - 45%

- Those who have dealt with TPS in the last decade have less confidence in the service overall than others.
 - 37% with low to no confidence among those who dealt with the police in an investigation in the last decade
 - Compared with 32% among those who have never dealt with the police
 - And 21% among those who dealt with police over a decade ago

- Those who have reported a missing adult to police also have less confidence.
 - 36% with little or no confidence in the TPS overall
 - 47% said the TPS performed poorly when it comes to acting in a non-biased manner in the course of the investigation



The TPS received relatively lower scores on bias-free policing and missing persons than on overall public safety.

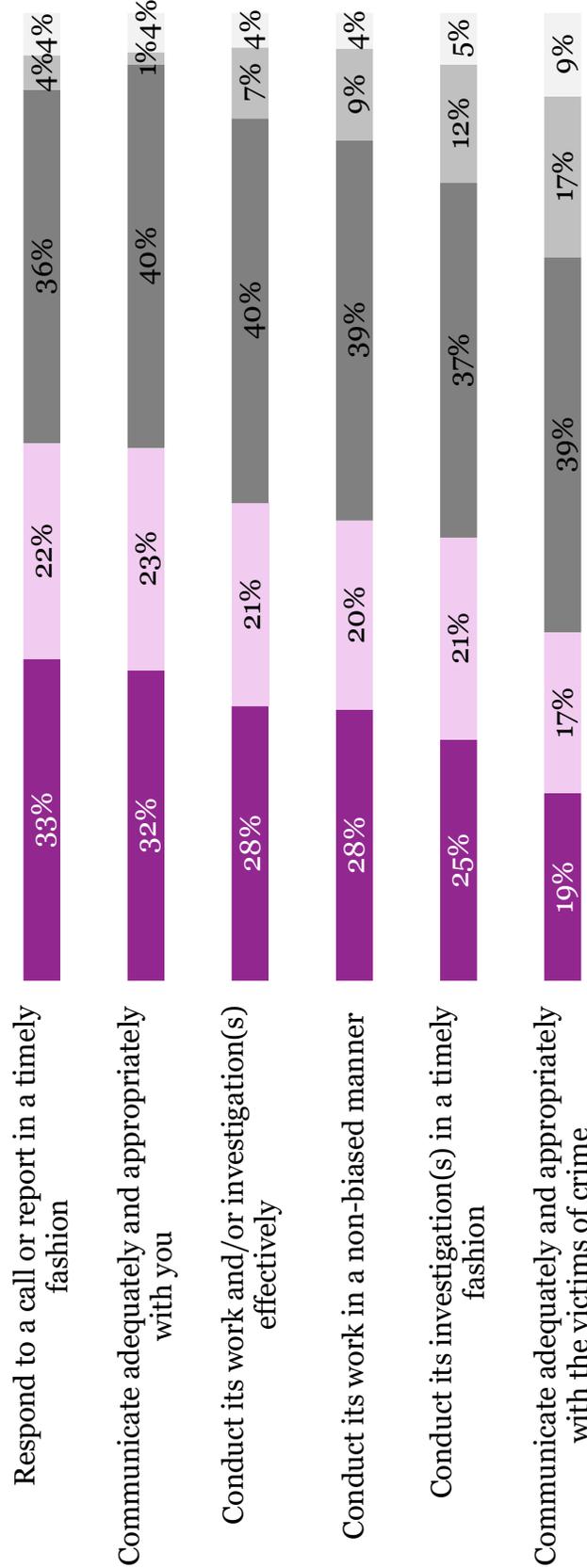


Q3: Now we'd like to understand your confidence in the Toronto Police Service when it comes to the following.



Assessing the Interactions w. the TPS (For those that interacted with the TPS in last 10 years)

Those who had recent interactions with the TPS relating to an investigation assigned similar levels of confidence. I.e. nearly 4 in 10 with low to no confidence when it comes to conducting its work in a non-biased fashion.



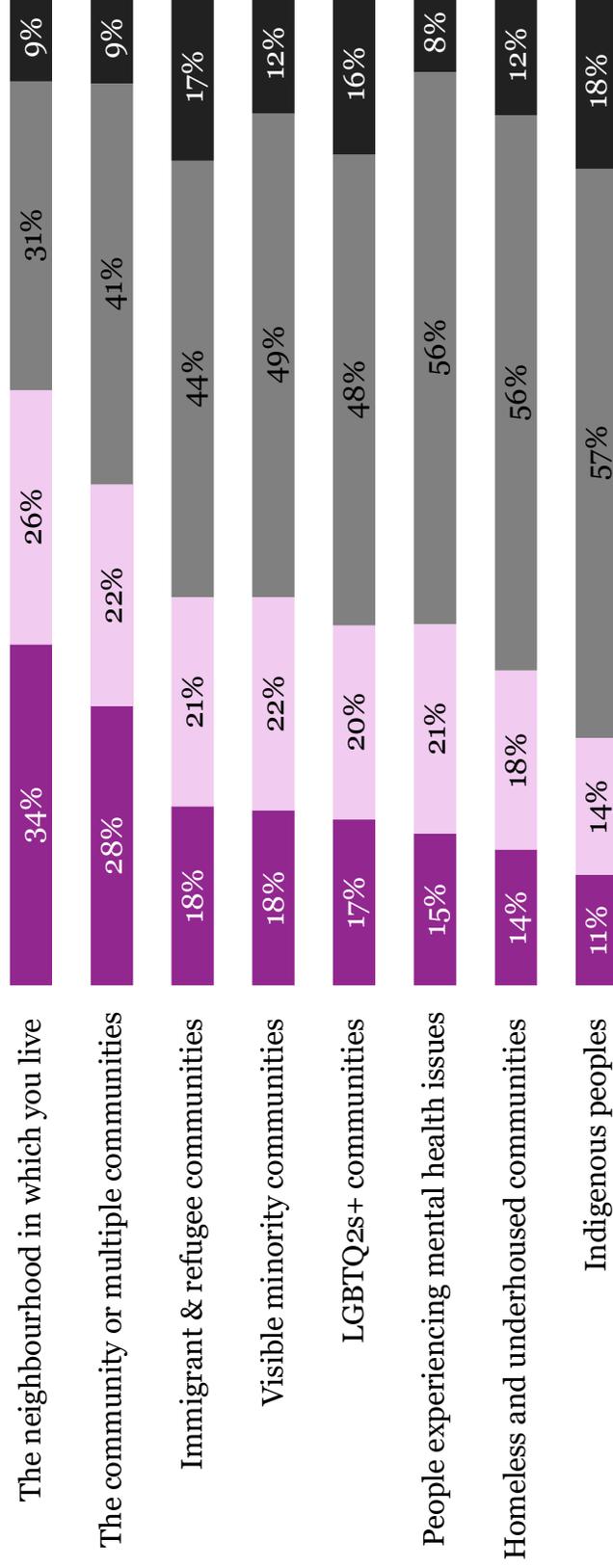
■ Excellent (7-9) ■ Somewhat good (4-6) ■ Poor (1-3) ■ Don't know ■ Prefer not to say + Not applicable

Q9: Thinking specifically of your interactions with the Toronto Police Service about an investigation or safety related concerns, how would you assess its performance on a 9-point scale with respect to the following? (Scale 1= poor 9=excellent, offer don't know AND not applicable - and prefer not to say)

Those that have interacted with the TPS less than 10 years ago n= 614



Less than half have confidence in the ability of the TPS to work with LGBTQ2s+, visible minority & immigrant communities. Most have little to no confidence in its ability to work with underhoused, Indigenous peoples & those with mental health issues.



■ A great deal of confidence (7-9) ■ Some confidence (4-6) ■ No confidence at all (1-3) ■ Don't know

Q4: How much confidence do you have that the Toronto Police Service currently acts in a professional and non-biased fashion with members of the following communities...?

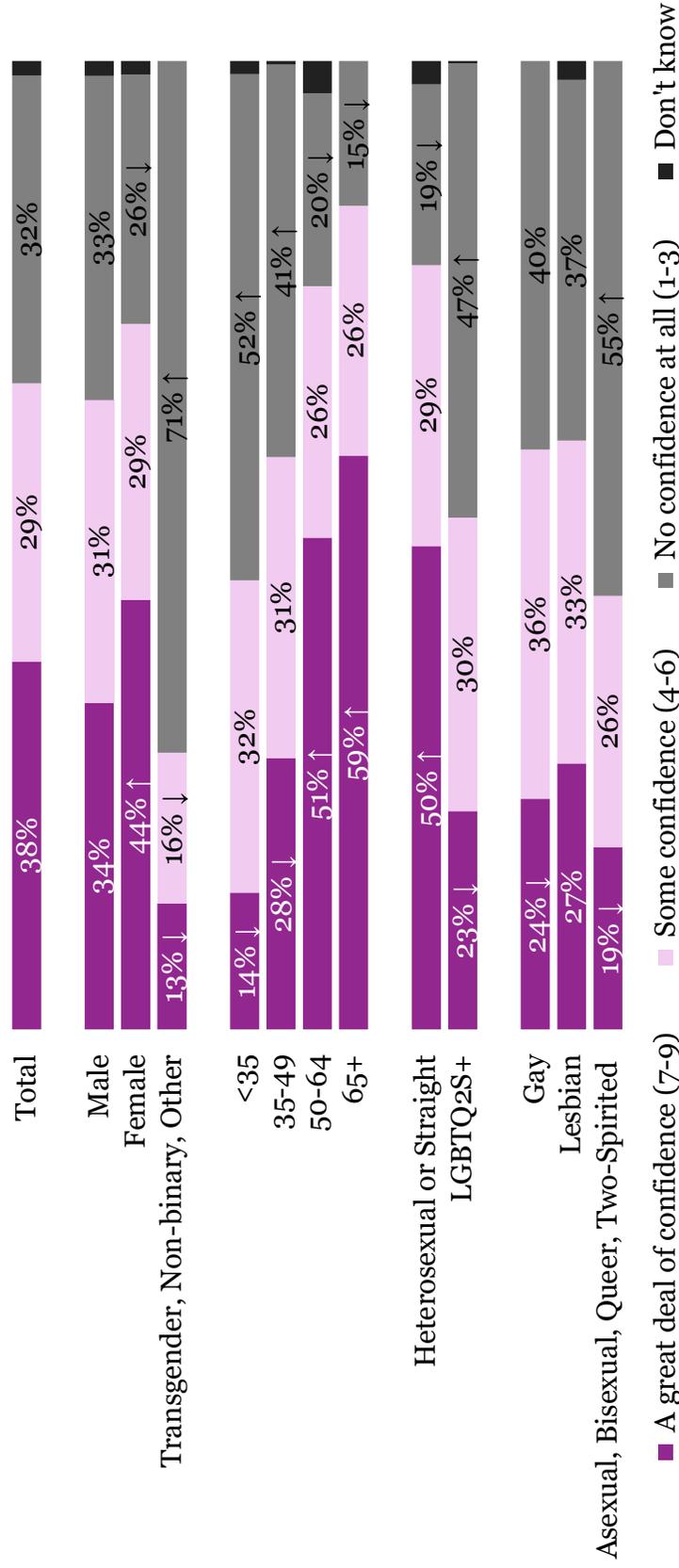
All participants n= 985



The Independent Civilian Review into
Missing Person Investigations

Confidence in the TPS

There are substantial differences by gender, age, sexual orientation, gender identity or expression, when it comes to confidence in the TPS. Confidence is clearly lower among LGBTQ2S+ communities and particularly younger respondents who chose to do the survey.



Q2A: How much confidence do you have in each of the following organizations overall? - The Toronto Police Service

All participants n= 985

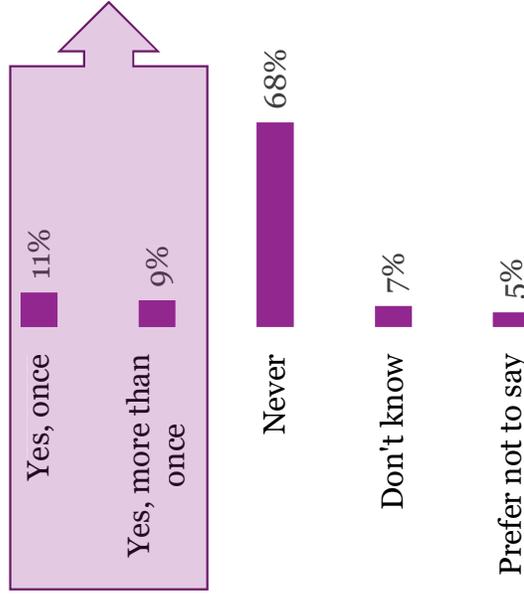


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Reported Missing Adults

One in five have reported someone missing (i.e. an adult) or information about a “missing persons” case to police. Mental-health/addictions related cases make up the lion’s share of those cases. Three in-ten said they relate to a member of the LGBTQ2S+ communities.

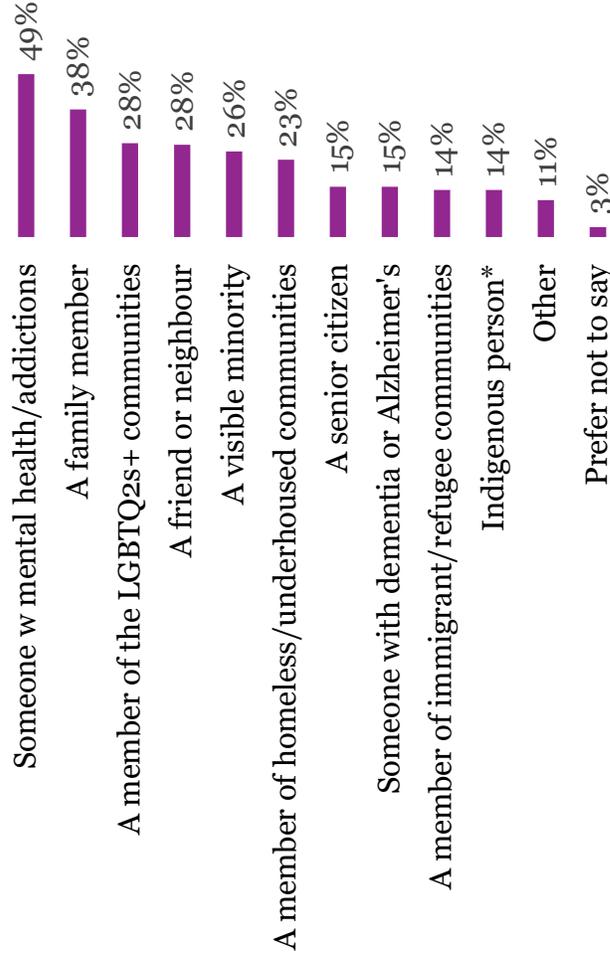
Incidence of reporting missing persons



Q10: Have you or has someone in your household, close family or an organization you belong to ever reported an adult missing to the Toronto Police Service or provided the Service with information about a missing person investigation?

All participants n = 985

Descriptions of the reported missing person(s)



Q11: Please let us know if one or more of the following descriptions apply to the missing person or people you or a member of your household, family or organization reported or provided information about to the Toronto Police Service. Select all that apply.

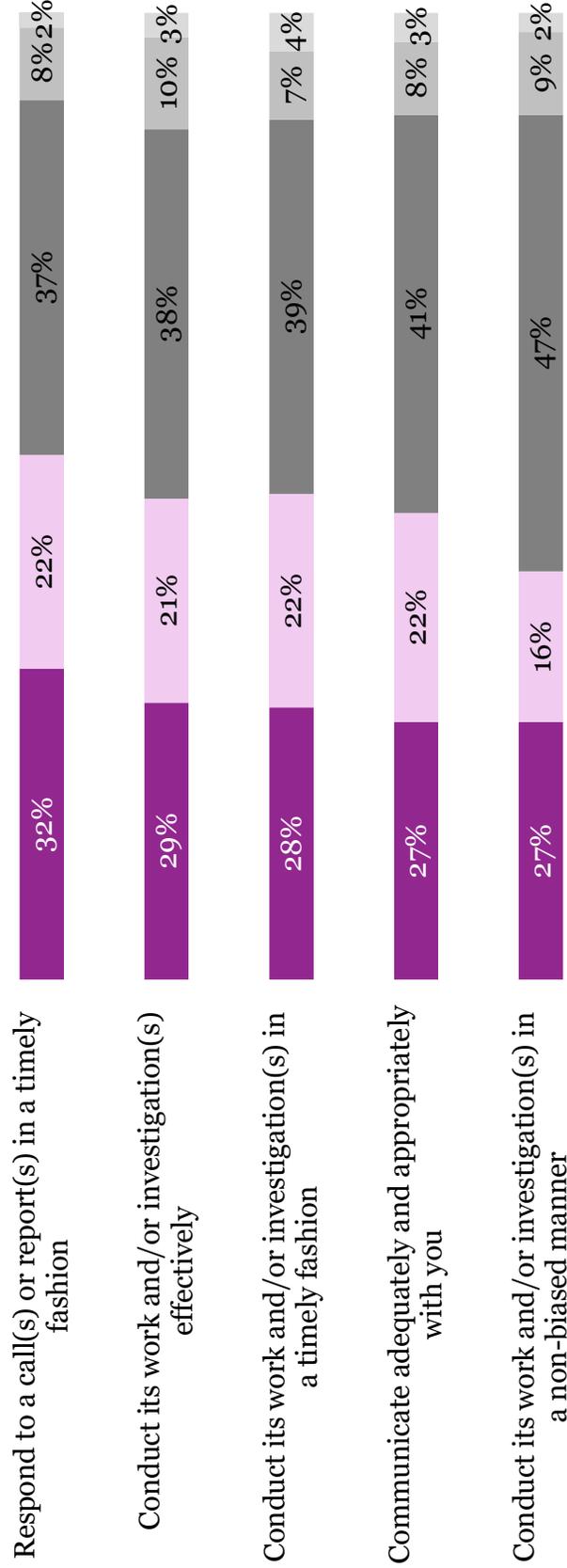
Those that have interacted with the TPS about missing adult n = 199 *Aboriginal, Inuit, Métis, First Nations, Status Indian



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Reporting Missing Adults

Those who have dealt with the TPS about a missing persons case tend to be negative on balance, especially when it comes to the TPS's ability to work in a non-biased fashion: 37% to 47%.



■ Excellent (7-9) ■ Somewhat good (4-6) ■ Poor (1-3) ■ Don't know ■ Prefer not to say & Not applicable

Q12: Thinking of the interactions you, a member of your household, family or organization had with the Toronto Police Service about a missing adult(s), how would you assess its performance on a 9-point scale when it comes to the following? (Scale 1= poor 9=excellent)

Those that have interacted with the TPS about missing adult n= 199



Reasons for Not Approaching the TPS

- 12% of respondents have chosen NOT to approach police about a specific missing persons case.
 - This group tends to be younger and more likely to be transgender, non-binary
- Most common reasons for not approaching the TPS about a missing adult were:
 - A belief that the police would not take matters seriously
 - A lack of comfort with the police
 - Concern about how personal information would be used
- Those identifying as LGBTQ2S+ were concerned about how information re identity or health would be used.
- For those identifying as transgender/non-binary a range of concerns were important:
 - How information relating to gender, identity or gender expression would be used
 - Privacy of health/mental health information
 - Concern about treatment of visible minorities



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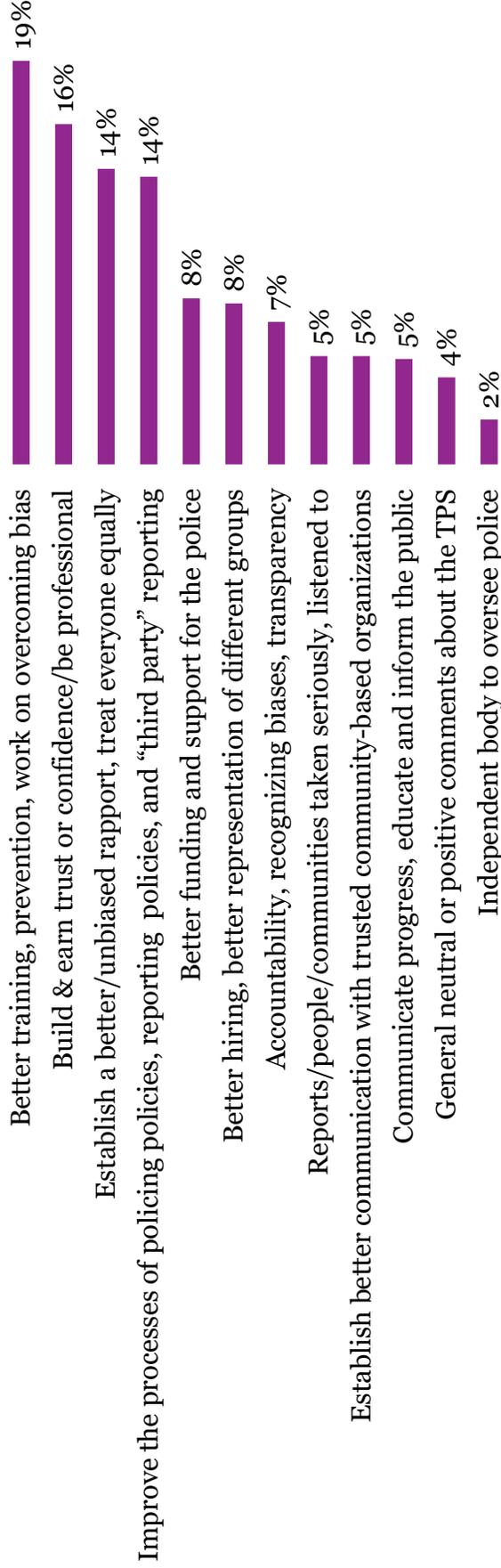
Overcoming Barriers to Reporting to the TPS (All Participants)

Primary suggestions to overcome barriers to reporting on missing persons relate to:

- The need to build trust (16%) and rapport with communities (14%) or organizations (5%)
- Better training (19%) and hiring (8%) to address biases
- Better investigation procedures (14%) or systems to communicate with the public (5%)

Secondary comments relate to:

- Better funding for more investigations (8%)
- More accountability/consequences (7%) and oversight (2%)



Q15: Thinking about barriers that may prevent people from reporting community members who are missing or providing information about an investigation to the Toronto Police Service, how do you think those barriers can be overcome so more people feel safe or comfortable approaching police with such information?

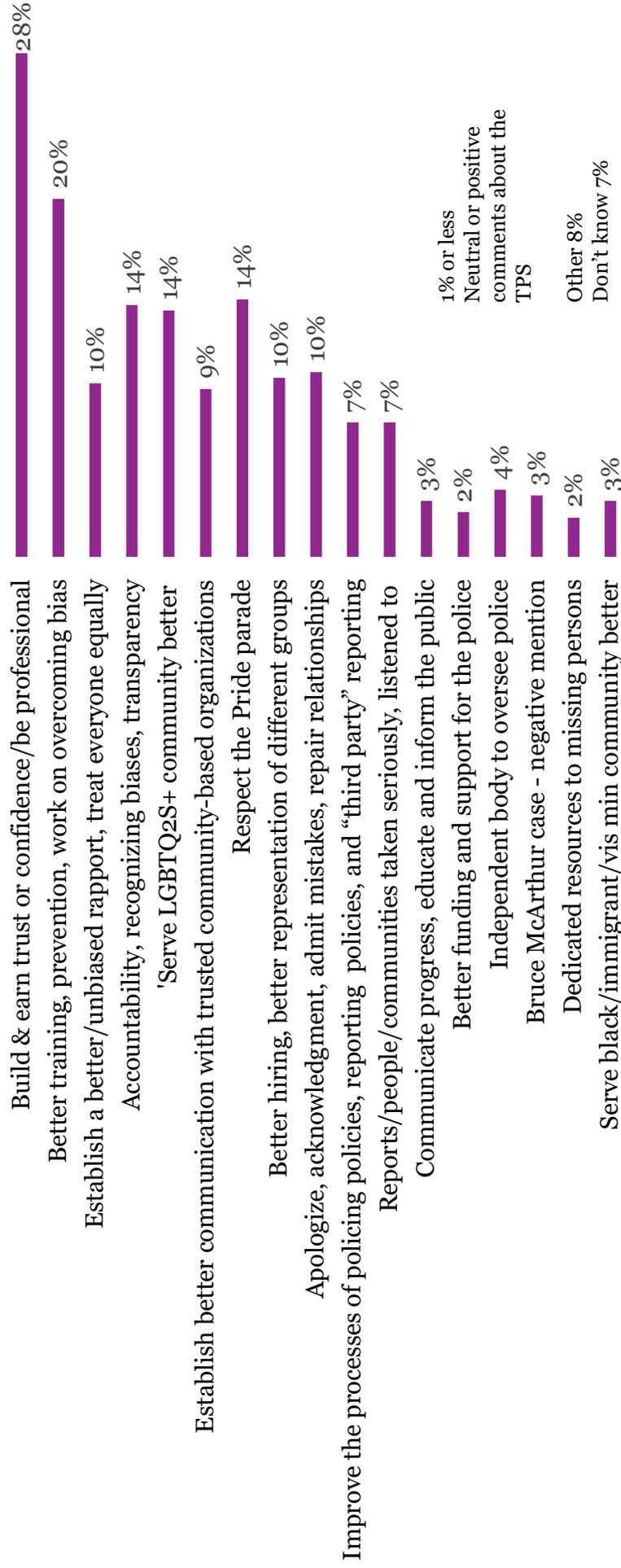
ALL RESPONDENTS VALID ANSWERS n = 787 – not shown n=199 giving no response skipping this question



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Steps to Repair TPS’s Relationship with LGBTQ2S+

LGBTQ2S+ respondents also identified building trust, better training & overcoming bias as important steps in improving relations between their communities and the TPS.



Q18: What steps, if any, do you think should be taken to repair, build or enhance the Toronto Police Service's relationship with the LGBTQ2S+?

LGBTQ2S+ n = 389 responding



- This survey is not necessarily representative of the Toronto population or LGBTQ2S+ communities.
- Specific groups in this survey appear to have pronounced concern about relations w. the TPS:
 - Younger respondents (under 35)
 - LGBTQ2S+ respondents
- Yet concern about bias-free policing goes beyond younger or LGBTQS+ respondents.
- Broad concern about the TPS's ability to serve visible minority, mental health, at-risk groups.
- Top of mind solutions respondents from various perspectives emphasized were:
 1. Revisiting training & hiring to overcome biases
 2. Establishing better relations with communities & taking issues/concerns seriously to build trust
 3. Better investigative procedures & systems (including dedicated resources)