MISSING WOMEN COMMISSION OF INQUIRY

POLICIES AND PRACTICES IN THE INVESTIGATION OF MISSING PERSONS AND SUSPECTED MULTIPLE HOMICIDES

Statement of Purpose

This paper is a policy discussion report prepared by the Missing Women Commission of Inquiry to facilitate public input and to assist in deliberations on potential recommendations for change.

The Commission invites public input on the issues, policy options and questions raised in this report and other issues within its terms of reference. Please provide us with your written submissions by April 15, 2012.

The report provisionally identifies a series of issues and questions that are likely to inform the Commission's analysis. Neither the Commissioner nor Commission staff has reached any conclusions on these issues. This is a summary of the major issues identified so far, but the list of issues and options is neither exhaustive nor fixed. We encourage interested parties to provide input and make recommendations on other issues and questions we have not identified.

1.   INTRODUCTION

Many individuals go missing every year and the vast majority of them are found or return home within one week. From the data available in 2005, Public Safety Canada indicated that over 100,000 persons are reported missing annually, approximately 4,800 persons were still recorded as missing after a year, and approximately 270 new cases of long term missing persons are reported annually.[1] Also, between 20 and 30 sets of human remains are found each year in Canada. BC has historically had the highest number of missing persons within Canada. Reasons posited for this trend include the extensive coastline, large wilderness areas and a large transient population due to mild weather conditions.[2] There is a relative paucity of data on missing persons within Canada in comparison with the US, UK and Australia.[3] The lack of statistics is partially explained by the fact that for an adult to be missing is not a crime and therefore data is not compiled by Statistics Canada.

There are several key considerations the police take into account when responding to a missing persons report: the well-being of the missing person; respect for the right of an individual to go missing; compassionate treatment of the relatives and friends of the missing person; likelihood that the person missing may have been the victim of a serious crime; preservation and management of evidence in suspicious cases; and appropriate level of resources for each individual report. [4]

In many missing persons cases, unlike other police incidents, there are no obvious signs that a crime has taken place, and in the vast majority of reports this turns out to be the case. The mandate of the Missing Women Commission of Inquiry is

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[1] Public Safety and Emergency Preparedness Canada, *DNA Missing Persons Index (MPI), A Public Consultation Paper*, March 2005. www.psepc-sppcc.gc.ca/publications/Policing/mpi/index. Canadian Police Information Centre (CPIC) data.

[2] Marla Jean Patterson, *Who Is Missing? A Study of Missing Persons in B.C.* (M.A. Thesis, Simon Fraser University, 2005). [unpublished]

[3] *Ibid.* Statistics on missing persons are not gathered on a national basis because going missing is not a crime. Police forces do gather this information and in at least one province, Saskatchewan, these statistics are pooled together to provide province-wide data on an annual basis.

[4] G. Newiss, 1999. *Missing presumed...? The Police Response to Missing Persons.* (Policing and Reducing Crime Unit: Police Research Series, London, 1999) at p. 28.

focused, however, on a specific subset of "missing" persons: vulnerable and marginalized women, including Aboriginal women, the majority of whom were eventually found to have been murdered. In a substantial number of cases, the fate of the women and girls remains unknown. The situation of missing women poses a unique challenge to police.

One of the most difficult tasks for police in missing person cases is to determine which cases are urgent and require immediate action and which cases are less critical. The *Kaufman Report on the Wrongful Conviction of Guy Paul Morin* made it clear that missing person searches should be conducted according to a standardized operating procedure and that officers conducting missing person investigations must be mindful of the possibility that the case could develop into a major crime investigation.[5]

Canadian and international studies and reports have identified numerous gaps in the justice system's response to reports of missing women, particularly vulnerable and marginalized women including Aboriginal women. These systemic deficiencies and inadequacies include:

- Failure by police to take reports of missing women seriously;
- Delays in investigations;
- Lack of effort put into searches and public appeals;
- Poor adherence to established policies and protocols;
- Concern over lack of public information about the current missing persons policies for police services;
- Frustration with issues related to communication between families and the police services;
- Challenges with attempting to implement cooperative programs with police services (e.g. Safely Home Program);
- Frustration with the number of missing persons reported each year;
- Concerns regarding the level of input from community regarding missing persons cases;
- Confusion over the role of search and rescue in missing persons cases;
- Confusion over the actual number of missing persons cases in Saskatchewan; and
- Concern over gender and racial trends with regard to missing persons cases.[6]

[5]The Honourable Fred Kaufman C.M., Q.C., *Report of the Kaufman Commission on Proceedings Involving Guy Paul Morin* (Ontario, 1998), at p. 666.
[6] This list consolidates the findings of these reports: Native Women's Association of Canada (NWAC), *Voices of Our Sisters in Spirit: A Report to Families and Communities* (2nd Edition March 2009); NWAC, *What Their Stories Tell Us – Research Findings*

Fewer reports review this issue from the perspective of the police; however, a Saskatchewan study reported that police identified a number of challenges in responding to missing person cases:

- Resource and personnel issues involved in dealing with chronic runaways;
- Frustration over not being able to provide more open communication with families of missing persons due to evidential concerns;
- Frustration over not having the resources to make every missing person case a high priority;
- Confusion over who should be informed regarding missing persons (e.g., the immediate family, extended family, community representatives); and
- Concern regarding the length of time before an individual is reported as missing in some cases.[7]

This policy discussion report identifies and discusses issues related to police policies and practices in the investigation of missing persons and suspected multiple homicides. The paper also identifies options for improving police responses to missing person cases. It focuses on policy emanating from "internal" policing policies and practices: definition and categorization of missing persons; reporting requirements; and standardization of investigative steps. Another equally important set of "external" issues relate to how police interact with families and other reportees of missing persons, communities and the media in the context of missing person investigations. These issues and options for reform are addressed in

from the Sisters in Spirit Initiative (2010); Standing Committee on the Status of Women, *Interim Report: Call Into the Night – An Overview of Violence Against Aboriginal Women* (March 2011); Tracy Byrne*, Stopping Violence Against Aboriginal Women - A Summary of Root Causes, Vulnerabilities and Recommendations from Key Literature* (Prepared for the Government of BC, February 23, 2011); Dr. Jeff Pfeifer, *Missing Persons in Saskatchewan: Police Policy and Practice*, (November, 2006); *A Collective Voice For Those Who Have Been Silenced - Highway of Tears Symposium Report* (Lheidli T'enneh First Nation, Carrier Sekani Family Services, Carrier Sekani Tribal Council, Prince George Nechako Aboriginal Employment and Training Association and Prince George Native Friendship Center, July 2006) [hereinafter "Highway of Tears Report"]; Saskatchewan Provincial Partnership Committee on Missing Persons, *Final Report of the Provincial Partnership Committee on Missing Persons* (October 2007) [hereinafter "Saskatchewan Report"]; *Report on the 2011 Western Regional Forum on Supporting Families of Missing Persons* (Prepared by Policy, Planning and Evaluation Branch Ministry of Justice and Attorney General as a Member of the Provincial Partnership Committee on Missing Persons, May 26, 2011) [hereinafter "Western Regional Forum Report"]
[7] Pfeifer, *supra.*

a separate policy discussion report entitled *Towards More Effective Missing Women Investigations: Police Relationships With Victims' Families, the Community and the Media.*[8]

The Saskatchewan Missing Persons Partnership Committee has developed an analysis of the flow of activity on missing person cases, breaking the process down into five phases: prevention; situation of concern; report; investigation/response; and outcome. This paper only addresses the policy issues arising in the last three phases.[9] Prevention, public education and awareness issues are addressed in other policy discussion reports.[10]

This policy discussion paper is divided into three sections. The first section provides a brief overview of the issues related to police policies and practices in the investigation of missing persons and suspected multiple homicides. The second section identifies and discusses seven major policy options. The third section sets out a number of questions designed to facilitate further discussion and to generate recommendations for change.

The paper was developed on the basis of a review of Canadian and international reports on the phenomenon of missing and murdered women and best practices in missing person and serial homicide investigations. The Commission acknowledges that many innovative steps have been taken over the past few years to improve missing person investigations and, in particular, investigations of missing women who live vulnerable and marginalized lives. It does not purport to evaluate these reforms.

The Commission welcomes input on all of aspects of this paper, including on additional issues, questions and options for reform to improve police protection of vulnerable and marginalized women and prevention of crimes against them that are not addressed here.

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[8] Also available on the Commission website under the Reports and Publications tab: http://www.missingwomeninquiry.ca/reports-and-publications/
[9] Saskatchewan Report, *supra*, at p. 22.
[10] *Ibid.* See also: *Police Protection of Vulnerable and Marginalized Women* (February, 2012). http://www.missingwomeninquiry.ca/reports-and-publications/

2. OVERVIEW OF ISSUES

The first section provides a brief overview of the policy issues related to police policies and practices in the investigation of missing women and suspected serial homicides. Seven issues and potential areas for reform are identified: definition and categorization of missing persons; reporting requirements; initial response; investigation; obtaining, recording, sharing and disclosing information; long term missing person cases; and cold cases and closing missing person cases.

(a) Definition and Categorization of Missing Persons

In the context of an adult reported missing, the police department's definition of "missing person" can determine whether a report is taken or whether the person is deemed to have decided to voluntarily relocate without informing the person making the report.

The definition of missing persons ranges from very inclusive to very narrow. The most broadly inclusive approach is to define a missing person as "any individual whose location has not been determined and who has been reported as missing to a law enforcement agency." The International Association of Chiefs of Police's model policy definition of missing person is slightly more detailed but still broadly inclusive: "the person's whereabouts are unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the subject's behavior patterns, plans or routines."[11]

One of the central systemic police failures identified in published studies and reports is the weakness of risk assessment tools within missing person policies and practices resulting in a failure to properly assess warning signs and red flags when vulnerable and marginalized women have been reported missing.

A second important aspect of the missing person investigation is the classification of the case. The ways that the reports of missing persons are classified has an impact on the level of resources that each individual case receives. The methods for making these classifications range from formal criteria to experience and judgment of the officers involved. While it is important for police to accurately assess the degree of risk associated with any person reported as missing, this is a far from simple task.

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[11]International Association of Chiefs of Police, *Missing Persons Model Policy* (effective September 1994). [hereinafter "IACP Model Policy"]

Police officers are generally opposed to a mandatory requirement that they treat all missing person reports as urgent, and claim they are better qualified to assess risk than are friends or next of kin of the missing person.[12] The resource problems associated with mandating an urgent response in respect of all missing person reports are enormous.

Traditionally, there has been no established way for the police to determine if a missing person is the victim of foul play or if that person is likely to shortly return home.[13] Because of the lack of research, there is a lack of understanding as to why people go missing and who they are.[14] This vacuum in police policy means that individual officers are more likely to rely on personal beliefs, myths and stereotypes rather than factual analysis in carrying out the risk assessment on each individual missing person report. Moving beyond stereotypes and making a risk assessment that reflects the real missing person is therefore a priority.[15] The number of cases in which police assessments have proven inadequate, with tragic results, underscores the importance of developing improved policies and practices related to this issue.

Improving risk assessment policies involves developing sound bases for categorization of missing person reports. Based on specific criteria, cases can be classified as high or low risk and whether the person is "vulnerable" or not. Certain categories of missing persons can be assumed to be at risk by virtue of their incapacity to protect themselves. Such categories include elderly people, young children and the mentally and physically handicapped. The designation of "vulnerable" is widely used in the UK to determine if an individual is missing in "circumstances detrimental to their well-being."[16] The classification of vulnerable missing persons includes the "young, aged, mentally infirm, drug-dependent and long term missing."[17] This approach has been criticized as not providing police with a clear indication of the particular risk faced by the individual or the basis for police

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[12] *Report on Victoria Police Missing Person Investigations* (Australia: May 2006); M. Henderson and P. Henderson, *Missing Persons: Issues for the Australian Community* (Australian Institute of Criminology, 1998) [hereinafter "Australian Report"]; Dr. Shaunagh Foy, *Profiling Missing Persons within New South Wales - a summary of key points* (Ph.D thesis, Charles Stuart University 2006) [unpublished]
[13] Foy, *supra.*
[14] *Ibid.*
[15] *Ibid.*
[16] Newiss, *supra.*
[17] *Ibid.*

concern.[18] An alternative approach is to classify missing persons according to risk factors such as the natural elements, accident, suicide or self-harm and serious crime.[19]

Canadian and international studies have found that police officers tend to apply formal and informal risk criteria in assessing missing person reports. Some formal criteria are better articulated than others, but most reports have concluded that there is room for improvement generally with regard to both the substance and application of such criteria.

On the other end of the spectrum, it may be useful to categorize low-risk missing person reports as a "Request to Locate" when there are no reasons to believe that the adult left involuntarily or is in danger.[20] The advantage of this distinction is that it provides relatives with an avenue for reporting and a mechanism for some assistance even where they do not believe the missing person to be endangered. Studies have shown that not knowing the location of someone who is missed takes a dramatic toll on individuals and has widespread social and economic repercussions.[21] Non-police agencies can have an important role in these non-urgent but nevertheless important situations.[22] Review periods can be built into this type of missing person report so that updated information can be obtained and, if warranted, the report can be reclassified.[23]

A more precise classification system is required if police are to better assess the needs of each individual missing persons case. This system could focus on a combination of the person's individual characteristics, information from the person who reported them missing and the circumstances surrounding the disappearance.[24] In particular, there is a need to assess the reliability of traditional classification in identifying those missing persons who are likely to be the victims of serious crime and to develop guidelines to assist police to identify suspicious missing persons at an early stage.

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[18] Patterson, *supra*.
[19] Newiss, *supra*, at p.15.
[20] Teresa Metcalf Beasley, Mary Bounds and Megan O'Bryan, *Special Commission on Missing Persons and Sex Crimes Investigations – Final Report* (Cleveland: March 30, 2010). [hereinafter "Cleveland Report"]
[21] Australian Report, *supra,* at pp. 17-20.
[22] *Ibid,* at pp. 20-22.
[23] See discussion below on Long Term Missing Persons.
[24] Patterson, *supra*; Foy, *supra*.

(b)   Reporting Requirements

The initial report is the foundation of a missing person investigation, and often the best opportunity that the police department has to obtain information about the person reported missing. Missing persons policies set out reporting requirements concerning who can make a formal missing persons report, how and where such reports are to be taken and under what conditions. Police practices do not always accord with written policies or standards. For example, police may ask a reportee to wait 24 hours before making a report even though there is no waiting requirement in the policy. Studies have shown that many people mistakenly believe that there is a waiting period before a person can be reported missing,[25] even though none of the policies reviewed from across Canada impose this requirement.[26] Even some police officers maintain this belief in the face of written policy to the contrary.[27] In other situations, police, while not refusing to take the report, may voice reluctance in accepting a missing person report to the extent that it dissuades a reportee from making a formal report. In some American jurisdictions, there is no waiting period for making a report, but police will not begin investigations in situations where there are no signs of violence unless and until the individual is still missing five days after the report.[28]

The Federal Provincial Territorial Missing Women Working Group (MWWG) found that there were "general and systemic issues" relating to the reporting of missing persons.[29] A delay in reporting by relatives or friends can create impediments to effective police investigation.

The amount and quality of information gathered in missing person reports are key components to investigative success. The International Association of Chiefs of Police recognizes the crucial importance of this first step in its model policy:

> *The roles of the complaint taker and initial responding officer are critical in identifying the circumstances surrounding missing persons and in identifying those persons at risk. Therefore, it is the policy of this agency that (1) all*

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[25] Pfeifer, *supra*; Australian Report, *supra.*

[26] See Missing Women Commission of Inquiry, *Practices and Procedures in the Investigation of Missing Persons Across Canada: 1997 to Present* (March 2012). http://www.missingwomeninquiry.ca/reports-and-publications/

[27] Coordinating Committee of Senior Officials Missing Women Working Group, *Report: Issues Related to the High Number of Murdered and Missing Women in Canada* (September 2010) at p.9 [hereinafter "MWWG Report"]

[28] Cleveland Report, *supra.*

[29] MWWG Report, *supra*, at p. 8.

reports of missing persons be given full consideration and attention by members of this agency to include careful recording and investigation of factual circumstances surrounding the disappearance in accordance with this policy, and (2) that particular care be exercised in instances involving missing children and those who may be mentally or physical impaired or others who are insufficiently prepared to take care of themselves.[30]

The initial report taker must gather as much pertinent information as possible in order to properly classify a missing person report and initiate a proper response. According to the International Association of Chiefs of Police this should include the following information:

a. *Name, age and physical description of the subject and relationship of the reporting party to the missing person.*

b. *Time and place of last known location and the identity of anyone accompanying the subject.*

c. *The extent of any search for the subject.*

d. *Whether the subject has been missing on prior occasions and the degree to which the absence departs from established behavior patterns, habits or plans.*

e. *Whether the individual has been involved recently in domestic incidents; suffered emotional trauma or life crises; demonstrated unusual, uncharacteristic or bizarre behavior; is dependent on drugs or alcohol or has a history of mental illness.*

f. *The current physical condition of the subject and whether the person is currently on prescription medication.[31]*

One specific issue that has been raised in recent Canadian reports and the Commission's consultations is where a missing person report is to be taken. For example, a family member in Northern BC may need to report a woman who has gone missing from Vancouver. In these circumstances it is not clear which police force is to take the report and which one is responsible for investigative follow up. Furthermore, people may experience barriers in placing long distance calls and/or may prefer to make the report in person.

(c) Initial Response

An effective initial response to a missing report is closely related to complete and detailed reporting and categorization of the report. As noted above, the categorization of missing person reports varies widely from one jurisdiction to another and generally affects the extent of resources that are devoted to the investigation.

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[30] IACP Model Policy, *supra*, at p.2.

[31] *Ibid.*

Canadian reports have concluded that in many of the missing women investigations police have failed to effectively evaluate reports and make the necessary decisions to commence thorough investigations.[32] Police bias may have played a role in these faulty evaluations and decisions:

> *Some have alleged that police bias against prostitutes, women living a transient lifestyle, and Aboriginal women, has led to insufficient attention being paid to missing persons cases involving these groups.[33]*

Policy development related to the initial response involves three key questions: who makes the determination of the "grading" of the report; what systems are in place for review of this initial decision; and whether there should be minimum standard actions to be taken in every case.

There are two steps to taking the initial report. First, the officer taking the report is charged with gathering the information to complete the report. Second, the officer must categorize the missing person report. This second point varies extensively from one jurisdiction to another. This is a critical step – because the categorization of a missing person report determines the action response. The underlying factors are the degree of discretion held by the individual police officer or administrative staff person who takes and prioritizes the report and the checks and balances to ensure that misjudgments or errors in determining the initial response can be quickly rectified.

There are a wide variety of actions and types of searches available to the police when they receive a missing person report. At one of end of the spectrum, where suspicious circumstances indicate that foul play or a serial predator may be at issue, guidelines set out a number of potential first steps including protecting the scene, obtaining DNA evidence (if possible), establishing roadblocks and retaining records of 911 telephone communications.[34] Homicide investigators indicate that the initial response by police to reports of missing persons is critical since delays in launching

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[32] NWAC, *Voices of Our Sisters in Spirit, supra;* NWAC, *What Their Stories Tell Us, supra*; *Call Into the Night, supra;* Highway of Tears Report, *supra*; Amnesty International, *Stolen Sisters: A Human Rights Response to Discrimination and Violence Against Indigenous Women in Canada* (Amnesty International, 2004).
[33] MWWG Report, *supra,* at p. 12.
[34] *Ibid.,* at p. 15.

an investigation can lead to the loss of valuable witness accounts and potential leads, as well as degradation of forensic evidence.[35]

An example of a rigorous police response can be found in the Amber Alert system, a system used in cases of child abduction. The Amber Alert system is used when there is evidence that a child under the age of 17 has been abducted, the child is at risk of serious injury or death, and there is a sufficient description of the child and captor (or captor's vehicle). In these cases, an emergency response is put into place and alerts are broadcast via all available media.

In many jurisdictions there is an intermediate level response for cases of persons designated as "missing- critical." In this situation, a supervisory officer may direct that the dispatcher broadcast to all persons on duty all information necessary to identify the missing person, and request that the shift commander authorize mobilization of resources necessary for an area search.

At the other end of the spectrum of potential police activity, the initial response to a missing person case where foul play is not suspected centers on gathering additional information and taking those steps that will aid in the search for and location of the missing person. This phase could be considered the pre-investigation.

There are a number of basic investigative steps that are considered a requirement in every case including:

- Question the informant about the nature of the disappearance and the person missing;
- Obtain a recent photograph;
- Obtain a list of the missing person's associates, friends and frequented places to assist with future enquiries;
- Conduct a thorough search of the missing person's normal place of residence and other appropriate locations;
- Check if the person reported missing is in custody;
- Conduct a check of relevant police indexes and intelligence systems (including to determine if the missing person may be an offender, a vulnerable witness or a victim of crime);
- Conduct a check of relevant non-police indexes;
- Check the missing person index for previous incidents of the same nature;
- Check local hospitals as a possible location of the missing person; and

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[35] *Ibid.*

- Circulate the description of the missing person to police patrols.[36]

The International Association of Chiefs of Police model policy sets out additional pieces of information that are essential for police to gather at the early stage of an investigation:

- Details of any physical or emotional problems (including concerning whether the missing person has been involved recently in domestic incidents, suffered emotional trauma or life crises, demonstrated unusual, uncharacteristic or bizarre behavior, is dependent on drugs or alcohol, or has a history of mental illness);
- Identity of the last person(s) to have seen the missing person as well as friends, relatives, coworkers or associates who were or may have been in contact with the missing person prior to disappearance;
- Plans, habits, routines and personal interests of the missing person including places frequented or locations of particular personal significance; and
- Indications of missing personal belongings, particularly money and other valuables.[37]

Police officers have a general responsibility to detail the actions taken with respect to each missing person investigation. While carrying out these tasks, the officer has the responsibility to review the initial assessment of potential harm that may have befallen the missing person and, in particular, reassess the possibility of foul play.

Reports from Canada and abroad have shown that there are problems and inconsistencies in police practices in response to missing person reports.[38] These problems have been attributed to lack of training at the uniform officer and supervisor levels,[39] the low priority given to missing person cases,[40] and the role of bias or stereotyping in responding to missing person reports from certain groups.[41]

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[36] Newiss, *supra*.

[37] IACP Model Policy, *supra,* at p. 3.

[38] Newiss, *supra*; MWWG Report, *supra*.

[39] As noted in the *Report on Victoria Police Missing Person Investigations* (Australia: May 2006): "*Most investigators, who are often general duties officers, may only once in their entire career investigate such a matter, giving them little opportunity to develop a good knowledge of current procedures and practices. Further, their immediate supervisors may also have limited exposure to such investigations and so also lack up-to-date knowledge.*" (at p. 11)

[40] *Ibid.*

[41] MWWG Report, *supra,* at p. 12.

Additional procedures and service standards may be required to ensure consistency and accountability.

There is a wide variety in the level of detailed investigative steps required by police policies and procedures.[42] For example, the Chicago Police Force standards set out 41 investigative steps that must be completed for each missing person report.[43] Detailed checklists of steps contribute to uniformity and thoroughness of preliminary investigations.

Other performance measures could include time guidelines or standards for the completion of the basic search requirements for a missing person; additional reporting requirements; and improved supervisory mechanisms.

Delay in commencing action in a missing person investigation is the greatest concern cited in Australian and UK studies.[44] The second area of concern was the lack of nationally standardized procedures. Both police forces and community agencies all have their own operating procedures, a situation that makes continuity difficult. Many reports call for a consistent set of procedures to be followed by all agencies that deal with missing person cases.[45]

(d)   Investigation

If a missing person is not located during the initial response, a renewed ongoing investigative strategy should be developed that engages major crime investigative skills and case management and is tailored to the circumstances of the case. At some point the police approach might shift from a missing person framework to a suspected homicide investigation. There are a number of challenges with this transition since if the person is technically still "missing" then there is no body and in many cases there is no known crime scene. In other cases, specifically cases characterized as low risk, the police might classify the case as inactive once all investigative leads are exhausted.[46]

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[42] Cleveland Report, *supra*; Newiss, *supra*; Missing Women Commission of Inquiry, *Practices and Procedures in the Investigation of Missing Persons Across Canada: 1997 to Present*, *supra*.

[43] Cleveland Report, *supra,* at p.22.

[44] Newiss, *supra*; Australian Report, *supra.*

[45] Newiss, *supra;* IACP Model Policy, *supra*; MWWG Report, *supra*; Saskatchewan Report, *supra.*

[46] Please see discussion on long term missing persons and cold cases.

A common aspect of the ongoing investigative strategy is to obtain material that provides further identification including dental records, samples of the missing person's DNA and/or fingerprints if available. A second strategy is a broader call out for information: to canvass more hospitals and coroner's offices as appropriate for injured or deceased persons fitting the description of the missing person.

Reports on missing women investigations have identified a number of problems with police investigative strategies:

- Slow responses and delays;
- Limited investigative techniques that do not integrate multidisciplinary approaches/teams (psychology, criminology, geographic profiling, and so on);
- Failure to make connections between related cases, which is known as "linkage blindness";
- Inadequate case management;
- Investigator's managers not undertaking the required checking or auditing of investigations under their control as thoroughly as required;
- Mishandling of a victim's family or potential witnesses; and
- Lack of training.[47]

In addition, lack of information and lack of communication between policing agencies contribute to linkage blindness and other problems, as evidenced in some of the missing women investigations.[48]

The police have faced particular challenges in missing women cases. One major challenge has been the absence of obvious crime scenes and the tendency of serial predators to hide evidence, for example, by abducting victims from one location and burying the bodies of victims in a different location, making it difficult to establish a pattern of killing.[49]

These challenges tend to be exacerbated in investigating the disappearance of sex trade workers, many of whom have been later found to be victims of homicide. A research report prepared by Professor John Lowman in 1994 asked police sources

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[47] MWWG Report, *supra*; Saskatchewan Report, *supra*; Western Regional Forum, *supra.*
[48] MWWG Report, *supra,* at p. 15.
[49] *Ibid.*

specifically about why murders of prostitutes tend to be difficult to investigate and to solve.[50] The police officers identified the following reasons:

> a) *Often, police investigators do not have access to the death scene, only the body dump site. One homicide detective estimated that 75% of what turns out to be useful evidence in a homicide case comes from the crime site rather than the dump site. When an investigator does not have access to the crime site, the victim usually becomes the main source of trace evidence. These difficulties may be compounded by other people who attend the dump site (fire fighters were mentioned in this context) who disturb trace evidence, and may generally contaminate the site.*
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> b) *The anonymity of the suspect and victim. People tend to notice what is out of place. In areas of street prostitution, prostitutes tend to become "anonymous" in the sense that they are not noticed when they climb into a vehicle. The most common crime scene is a vehicle, but in very few cases are witnesses available to identify the vehicle. The offender often has total control of the crime scene, and he takes it with him, usually without much trace, after he has dumped the body.*
>
> c) *If the offender was a prospective trick, it is unlikely that he will have met the victim prior to the incident. Because they were strangers when they met, and because their first meeting was also the victim's last, there are few ways to connect the offender to the victim.*
>
> d) *Likely witnesses, usually other street-involved people, are perceived as unreliable. To begin with, they do not hold the police in high regard. Also, there can be severe consequences for "ratting" on peers in the illicit drug economy and/or the street sex trade. Because many street-involved people are nomadic, it is difficult to know if they will show up for court dates. And whether they are around or not, illicit drug users are not perceived to be particularly reliable witnesses. One police source commented that another reason that drug users and other street-involved people do not make reliable witnesses is that they do not perceive the flow of time in the same way as straight people, because they usually don't wear watches, and they have no structured daily routine with familiar time benchmarks by which to locate particular events. The problem is that exact times are often vital components of evidence.*[51]

The police officers also identified a number of generic issues that also impinge on the handling of homicides of sex trade workers including the difficulty in getting DNA samples from suspects and inter-jurisdictional issues between police forces.[52]

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[50] J. Lowman and L. Fraser, *Violence Against Persons Who Prostitute: The Experience in British Columbia* (Department of Justice Canada, 1996).

[51] *Ibid.,* at p. 46.

[52] *Ibid.*

This brief overview of the challenges facing police in investigating reports of missing vulnerable and marginalized women underscores the need for the development of more refined investigative skills and tools as well as improved case management techniques and procedures.

(e)   Obtaining, Recording, Sharing and Disclosing Information

Information collection and sharing plays a critical role in missing person investigations. Police face challenges in obtaining information, recording pertinent information in a manner that facilitates data collection and analysis, and sharing and disclosing of information among agencies. The MWWG found that the investigation of missing person cases can be hindered by inadequate data.[53] Major advances have been made in the availability and use of information technology by police forces for this purpose since the early 1990s. However, there remain a number of problems, challenges and barriers on the information front.

Non-police information, such as social assistance and health or employment information, bank or phone records, can significantly assist police at the analysis and investigation stages. Police encounter difficulties in obtaining information in missing person cases where there is no legislative authority for them to access personal information such as bank accounts, federal or provincial benefit payment information, medical information and so on. Privacy laws and provincial health legislation pose serious barriers to the ability of the police to collect such information. Police are unable to use their criminal law powers to access non-police information because, when they initiate a missing person investigation, it is not clear that it may be related to a criminal incident. This protection of information makes sense where a person has voluntarily gone "missing". However, the situation creates a "Catch-22" since access to these various sources of information may be needed to confirm whether the case involves foul play.

Some legislation does permit the release of limited information to help locate a missing person;[54] however, some provincial and federal legislative barriers remain.[55] As well as authority to access the information, the police also require a

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[53] MWWG Report, *supra,* at p. 18.

[54] See discussion in Saskatchewan Report, *supra,* at pp. 48-49.

[55] As noted in the Saskatchewan Report, *supra*: "*Many sources of information about an individual may be the subject of federal legislative authority, either in federal*

simple process to follow to expedite access, given the urgent need to resolve missing person cases as expeditiously as possible to avoid harm or trauma to the person and the family.[56]

One recent development is the establishment of voluntary disclosure databases for which vulnerable women, more specifically women engaged in the sex trade, voluntarily provide identifying information, including DNA samples. Police forces involved in consultations leading to the development of these databases have reported that this activity has improved the relationship between police and the sex trade workers involved.[57]

Even where information systems are in place there continue to be problems in ensuring that information is recorded in a consistent and timely fashion. It is one thing to have a system; it is another to ensure that it is used properly. Take, for example, the use of the Canadian Police Information Centre (CPIC). CPIC is a national system that encompasses all missing person cases in Canada where the person has not been found. Even though CPIC is operated by the RCMP, it is a function of the National Police Service; therefore, all police detachments, including provincial, city and municipal police departments, are required to submit all missing person reports to the CPIC centre. There is universal access to CPIC, but problems persist in its use. Specifically, there are issues related to standardization of terms and data entry guidelines to ensure that the database is an effective tool.[58]

Data may also be left out: the MWWG found general and systemic issues relating to reports being regularly placed on appropriate databases and reported that the information on CPIC is not current and comprehensive.[59] One specific issue of

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government records or under federal constitutional authority, such as banking, changes to federal legislation also seem to be required to ensure full police access to information to ensure that missing person reports can be effectively investigated to determine if the person is missing and the circumstances in which they went missing." (at p. 49)

[56] Saskatchewan Report, *supra,* at p. 48.

[57] Presentation of Chief Superintendent Mike Sekela, RCMP, at the Standing Committee on the Status of Women, January 21, 2011 [hereinafter "Sekela Presentation"]; Constables Judy Robertson and Jennifer Fraser, *"First Registry": The Forensic Identification Registry for Sex Trade Workers* (Prepared by the New Westminster Police Service for the Police Executive Research Forum as a submission for the 2002 Herman Goldstein Award for Excellence in Problem-Oriented Policing, May 2002).

[58] Patterson, *supra*.

[59] MWWG Report, *supra,* at p. 11.

concern in terms of information gathering is that the First Nations status of missing individuals has not been recorded.[60]

Many reports have identified the need for greater and more effective information-sharing across police jurisdictions on a provincial,[61] regional,[62] national,[63] and international basis.[64] Currently, there are no formal mechanisms in place that require intelligence on missing person cases to be shared among jurisdictions.

(f)   Long Term Missing Persons

Long term missing persons are usually defined as persons who are still missing 30 days after the initial report was taken. These cases can require extended periods of follow-up investigation, which in turn leads to case management and reporting issues. Therefore, long term cases involve work that has both investigative and administrative components. Policy issues related to this work include what follow up investigation consists of, how regularly it is conducted, and the how often reviews are conducted to ensure investigations are complete.

Investigative steps in long term missing person cases often focus on gathering DNA and other forensic evidence to compare with found human remains. US Model Missing Person Legislation provides that if a person identified in a missing person report remains missing after 30 days, additional steps should be taken to gather information and materials such as DNA samples from family members and the authorization to release additional records to external agencies.[65] DNA analysis should be carried out as soon as practicable.[66]

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[60] However, the RCMP has refined their information systems and are beginning to capture this data. Presentation Chief Superintendent Brenda Butterworth-Carr, RCMP, *National Update on Murdered and Missing Women* at the Assembly of First Nations National Justice Summit, Vancouver, February 2012.

[61] Saskatchewan Report, *supra*; MWWG Report, *supra*.

[62] Saskatchewan Report, *supra*; Western Regional Forum Report, *supra*.

[63] Saskatchewan Report, *supra*; MWWG Report, *supra*.

[64] This is more of an issue in Australian Report and UK reports (Newiss, supra and *Guidance on the Management, Recording and Investigation of Missing Persons 2010,* 2nd edition (ACPO, NPIA, 2010). [hereinafter "Guidance"]). These studies agreed that there is a requirement for all missing persons data to be input into an international database such as National Missing Persons Helpline (UK), so that cases can be tracked not only in each individual country but internationally as well.

[65] *Model State Missing Persons Statute, 2005*, published by the National Criminal Justice Reference Service, administered by the Office of Justice Programs, U.S.

Linking missing person cases with found, unidentified, human remains is an important process that should be conducted in a timely manner. Without adequate policies to ensure this process is expedient, cases can be left unresolved unnecessarily. Consider the three complaints lodged by family members in Victoria, Australia regarding delays in matching missing person reports to found human remains. The three missing persons were reported by their families approximately between 1995 and 2001; in all three cases, the missing person's body was discovered soon after the report. However, the police did not identify the bodies as belonging to the reported missing persons until 2005.[67]

Policy issues in long term missing person cases also concern administrative tasks. One such task is reviews. In a British report, reviews were described as "imperative… procedures to overlook the progress of an enquiry."[68] The purpose of a review is to examine the report and the police's response as a whole through a strategic lens. [69] Specifically, reviews provide an opportunity for police to:

- Review the assigned level of risk;
- Check for any outstanding or incomplete actions;
- Conduct a quality assurance check;
- Determine any new actions to be taken;
- Make recommendations about management of the case;
- Consider the status (live, inactive, long term missing, and so on) of the report; and
- Set future review dates.[70]

How police conduct reviews and how often they conduct reviews varies. For example, in the late 1990s, UK police forces commonly reviewed long term missing person cases every three months or every year.[71] A current British Report recommends that police agencies review long term cases every 28 days for the first three months, once again after six months and twelve months, and annually thereafter.[72]

Department of Justice [hereinafter "Model Statute"], available online:
www.ncjrs.gov/pdffiles1/nij/210740v2.pdf

[66] *Ibid.*

[67] *Report on Victoria Police Missing Persons Investigations*, *supra,* at p. 4.

[68] Newiss, *supra*.

[69] *Ibid*. at p. 16.

[70] Guidance, *supra* at p. 40 and Newiss, *supra,* at 17.

[71] Newiss, *supra,* at p. 16.

[72] Guidance, *supra,* at p. 40.

In some police agencies, a separate unit is responsible for investigating and managing long term missing person cases. For example, the Philadelphia Police Department has a Long-Term Missing Persons Unit which handles cases where a person reported missing has not been located after a period of 30 days from the date the initial report was taken. It categorizes all long term missing person reports into eight groups, which shapes the steps of the investigation. This unit can handle approximately 120 cases at one time. In addition to undertaking investigation of long term missing persons, it also carries out the administrative work associated with long term missing persons: it considers its functions to be 70% investigative and 30% administrative.

(g)   Cold Cases and Closing Missing Person Cases

Two policy issues relate to the closing of missing person cases. One problem is that the investigation of a missing person case can become inactive if there are no new leads over time. The term 'cold case' generally refers to a case in which every workable lead has been exhausted and no new physical evidence is available.   This process may happen on a set schedule: in some jurisdictions, policy dictates that a missing person file be declared inactive if no new information is forthcoming after a specific amount of time.

Police issues may arise concerning communication with family members or reportees about cold cases. Family members have raised the concern that police have stopped investigations without adequate communication about the reasons why.

Unfortunately, many cold cases involve missing women, particularly missing women involved in the sex trade:

> *If a missing woman is also a prostitute, the likelihood that the case will be 'cold' is increased. Prostitution-related murder cases are among those least likely to be solved for a variety of reasons, including the difficulty of linking the victims to the perpetrator due to the fact that such murders are often committed by strangers who may travel significant distance from the initial encounter to the disposal of the body, crossing multiple jurisdictions.*[73]

Progress on cold cases is hampered by lack of prioritization, lack of resources and

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[73] MWWG Report, *supra*, at pp. 19-20.

record retention polices that do not preserve historical evidence.[74]

A second problem related to closing cases is that in some instances a person has been reported as found and a missing person file closed without police verification of the individual's safety. Usually, police do not close cases unless the missing person has been located. However, police agencies have different standards for verification. Less stringent requirements can result in case closures when the missing person has not been found or is not safe. One example demonstrates the hazards of relying on unconfirmed or unreliable evidence: a British report relates a case in which an individual pretended to be the missing person and the report was closed; this same person was later charged as a co-offender in the missing person's murder.[75]

To make sure the missing person is located and is safe before the file is closed, the UK policing guidance report recommends a standardized procedure for police agencies in the UK. Missing person cases should not be closed until the missing person has been seen by the police, who should check on the person's health and welfare by conducting "safe and well" checks and return interviews.[76]

There is a lack of standardization concerning procedures for changing the status of a missing person file to inactive or closing it and a lack of public information about these procedures.

3.   OVERVIEW OF POLICY OPTIONS

Missing persons is an area of policing that has been developing quickly over the past few years. There are a growing number of positive models for handling missing person cases, a move toward standardization of policies and an increased number of personnel with the required specialized skills.[77] Gaps in research, policy and implementation continue to exist, however, and there has been little formal evaluation of these developments.

One way of framing policy reform issues is to consider what the elements would be of a best practices protocol for missing persons in light of the past experience with missing women investigations, and to consider how to implement such a protocol.

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[74] *Ibid.*

[75] Newiss, *supra,* at 21.

[76] Guidance, *supra,* at 59.

[77] MWWG Report, *supra.*

Elements of a best practices protocol can be drawn out of the overview of issues in the preceding section, including:

- Definition of high risk missing person;
- Detailed reporting mechanics;
- Collaborate with family members or any other person in a position to assist the law enforcement agency with the efforts to locate the missing person by providing specific information;
- Immediate entry of information into database;
- Missing person investigative standards for different types of cases;
- Missing person investigative guidelines and procedures (e.g., guidelines for the initial officer, investigating officer/detective, supervising officer); and
- Long term missing investigative guidelines and procedures (for persons missing more than 30 days).

This second section of this policy discussion report identifies and discusses seven major policy options for the improvement of the police policies and practices in the investigation of missing persons and suspected multiple homicides. The options, which could contribute to the development and implementation of a best practices protocol, are:

- Expanding the knowledge base through research and analysis;
- Increasing consistency of police response through standardization;
- Improving risk assessment tools, policies and practices;
- Establishing clear protocols and specialized protocols for at-risk groups;
- Strengthening investigative skills and techniques;
- Enhancing support systems;
- Adopting missing person legislation and other statutory reforms; and
- Evaluating and auditing progress.

These policy options are derived from a review of Canadian and international reports on missing persons, the phenomenon of missing and murdered women, and the investigation of serial sexual predators and serial killers.

(a)   Expanding the Knowledge Base Through Research and Analysis

Further research and analysis is required to foster evidence-based best practices in missing women investigations. Studies are needed on the reliability of traditional classifications in identifying missing persons who are at a higher than average risk of endangerment as is enhanced analysis of the patterns of disappearances. Collection and analysis of intelligence on previous missing person cases assists in

gaining a better understanding of groups that may be at particular risk and the circumstances that make going missing more likely. Greater understanding of the patterns of missing women and vulnerability to serial predation will contribute both the effectiveness of police action by fostering early intervention and prevention of such crimes in the longer term.

One author has suggested that future research should focus on "how the specific risks faced by a missing person can be predicted from a combination of their individual characteristics, and other factors such as the person reporting them missing and the circumstances of their disappearance."[78] Most missing person research does not encompass victims of foul play, presumably based at least in part on the view that such a violent outcome is a random rather than predictable event.[79]

Forensic psychology is one discipline that can assist in the development of effective profiling of missing persons. For example, Dr. Shauna Foy's work has developed a methodology to identify, not who the missing person is, but rather what has happened to the missing person.[80] Her research focuses on three categories of missing persons: runaways; suicides and those who have met foul play.

Foy's research integrates a functional analysis of pre-disappearance behaviour, behaviour consistency theory, psychological autopsy and victimology to develop profiling tools. Victimology is a branch of criminology that attempts to understand crime and the criminal in society through knowledge about the victim, rather than the perpetrator of a crime.[81] Psychological autopsy is defined as a technique that explores the psychosocial aspects of a victim's life.[82]

Foy developed a matrix of 26 variables under six categories: demographic factors; social background factors; circumstantial characteristics; personality and behaviour factors; mental health factors; and event details. She found the following profiling factors predicted that a missing person was a victim of foul play: female gender; last

[78] Mark Samways, *To study missing persons cases with a focus on risk assessment models, investigation methods, missing persons procedures, and communication between law enforcement agencies and non- government organisations.* (Australia: Churchill Fellowship Report, 2006).
[79] See for example, Australian Report, *supra*.
[80] Foy, *supra*.
[81] *Ibid.*
[82] Foy, *supra*. She uses La Fon's definition of psychological autopsy: "It is an extension of victimology (i.e., knowledge about a victim) that reconstructs the deceased's psychological state leading up to and at the time death".

seen in public; disappearance out of character; suspicions of reporting person (specifically, misadventure); risk factors for foul play (drug use, involvement in prostitution, and hitchhiking were correlated, but the biggest correlation was found for persons with no known risk factors); and no past history of suicide attempts or if the threat of suicide was unknown.[83]

The study offers a profile that is not based on "speculation, inference or on a sample of convenience", but rather is based on an analysis of a variety of different types of files, which helps to improve the generalizability of these findings.[84] On its own this information has the potential to help police direct their questions towards areas that are relevant, informative and discriminating. As Foy notes:

> *One of the key obstacles for police officers who must fulfill their duty to assess the likely risk factors involved, manage the investigation, and communicate about the missing person who may be at risk of foul play or suicide, is that no explicit professional standards exist in law enforcement practice and there have been few efforts internationally to develop or evaluate interventions to improve decision making in this area. There has been no substantial attempt to develop training programs in risk assessment or to evaluate how, or even whether, such training might improve officers assessments and judgments of risk.[85]*

Foy's research offers policing personnel specific areas within the person's lifestyle, behaviour, and psychological well-being to consider in the risk assessment process. She highlights the relevance of certain characteristics that previously have not been fully realized and the unique ways in which the groups differ. Additionally, the findings from this study support the argument that a relative, friend or peer can accurately judge the likely motives or goals of the person who is missing, and in so doing accurately advise the police of the possible risks that the missing person may be exposed to.[86]

One specific aspect of missing person risk assessment that requires further research and policy development is the link between youth runaways and the opportunity to intervene in a positive way before at-risk youth become street-engaged. This is a recommendation made by Dr. Susan MacIntyre based on her work with sexually exploited young men:

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[83] *Ibid.*
[84] *Ibid.*
[85] *Ibid.*
[86] *Ibid.*

15. *That we develop and pay closer attention to youth who are running away. We need to recognize this as the early warning system for possible entrance into the sexual exploitation trade for both genders. For youth, service providers and professionals, the opportunity to successfully support and stabilize a situation is more likely to occur prior to years of abuse and drug use on the street.*[87]

Many missing person reports involve youth who are deemed to be chronic "runaways". Specific protocols between police and other agencies, such as child welfare authorities, have, in some jurisdictions, been implemented to address these situations effectively and, at the same time, reduce the amount of police time required to resolve the cases.[88] These initiatives could be strengthened through evidence-based research into profiling of youth runaways and effective intervention and prevention methods, reducing the chances that the youth of today will become the murder victims of tomorrow.

A third research priority is the need to systematically review the police response to missing Aboriginal person cases to understand cultural and systemic barriers to reporting and investigation and to determine how police responses could be improved.[89] Many studies and reports have highlighted the issue of barriers experienced to the justice system by Aboriginal persons, particularly with respect to missing women investigations.[90] These reports make an important contribution to our understanding of the problems and challenges at a general level but more evidence-based research could contribute to designing effective reforms. A collaborative, community-based action-oriented research design that engages Aboriginal communities as equal research and policy development partners is critical to the success of such an endeavour.[91]

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[87] Dr. Susan MacIntyre, *Under the Radar – The Sexual Exploitation of Young Men.* British Columbia Edition (Hindsight Group, 2006).

[88] Saskatchewan Report, *supra.*

[89] MWWG Report, *supra*, Recommendation #27.

[90] NWAC, *Voices of Our Sisters in Spirit, supra;* NWAC, *What Their Stories Tell Us, supra*; *Call Into the Night, supra;* Highway of Tears Report, *supra*; *Stolen Sisters, supra.*

[91] See for example the "collaborative action research" methodology developed by the Canadian Forum on Civil Justice. Action research contributes directly to change by "opening lines of communication and opening the doors to future improvements." Collaboration involved people working together "in a cooperative, equitable and dynamic relationship, in which knowledge and resources are shared in order to attain goals and take action that is educational, meaningful and beneficial to all. It is understood that this definition entails that research is conducted with,

(b)   Increasing Consistency of Police Response through Standardization

One overarching objective is to increase the consistency of police responses to missing person reports through standardization of policies and practices. The MWWG has encouraged federal, provincial and territorial ministers responsible for justice to ensure that police in their respective jurisdictions create appropriate standards for missing person cases, including that:

- A report is taken immediately when information comes to the attention of police, regardless of the length of time the person has been missing or the location where the person went missing; and
- A standardized, specialized in-take form for recording a missing person report and a specialized investigative checklist are used.[92]

The Saskatchewan Provincial Partnership Committee concluded that the Saskatchewan Police Commission should develop an overarching Missing Person Policy for all municipal agencies and encourage its adoption by the RCMP in that province.[93] The following standards should be considered for incorporation into the policy standards:

1. *A missing person report must be taken immediately when information comes to the attention of police, regardless of the length of time the person has been missing or the location where the person went missing.*
2. *A standardized specialized in-take form for recording a missing person report and a specialized investigative checklist should be used.*
3. *A common assessment tool should be developed to help assess the priority of the investigation.*
4. *Immediate investigation of missing persons in suspicious circumstances.*
5. *Once it is established that a person is missing, the case will be entered on Canadian Police Information Centre (CPIC) as soon as possible.*
6. *Continued communication with the families of missing people.*
7. *A media and public communications protocol for disseminating information about missing persons and requesting the public's help in locating a missing*

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and not on, the community; and that all collaborators have different but equally important knowledge and resources to share and gain from each other. Barbara Billingsley, Diana Lowe and Mary Stratton, *Civil Justice System and the Public: Learning from Experiences to find Practices that Work* (CFCJ: 2006). NWAC developed and implemented its own model of collaborative action research in its Sisters in Spirit Initiative. See *Voices of Our Sisters in Spirit, supra*, at p. 4.

[92] MWWG Report, *supra*, Recommendation #18.

[93] Saskatchewan Report, *supra*, Recommendation 9.1.

person.

8. *The police, upon identifying a chronic runaway situation, should develop approaches to link with other agencies to support appropriate intervention.*
9. *All police forces should assign a police officer responsible for coordination of missing persons files and establish a backup process to avoid gaps in effectively responding to missing person reports.[94]*

The MWWG reports that the Vancouver Police Department has standardized forms, which it has shared with others, and the RCMP in BC has recommended developing a standardized policy.[95]

One specific area that may require standardization is reporting requirements. The MWWG has recommended that Ministers ask the Canadian Association of Chiefs of Police to consider a national strategy to ensure consistency in reporting mechanisms for reporting missing persons.[96]

The US Model State Missing Persons Statute was developed by US Department of Justice with the objective of improving the ability of law enforcement to locate and return missing persons, to improving the identification of human remains, and to improving timely information and notification to family members of missing persons.[97] The statute contains detailed standards for report acceptance; manner of reporting; and contents of report. Interestingly, the model provisions leave *no* discretion to law enforcement agencies concerning the acceptance of missing person reports. All reports are to be accepted without delay. In particular, no reports may be refused on any of the following the grounds:

- *the missing person(s) is an adult;*
- *the circumstances do not indicate foul play;*
- *the person(s) has been missing for a short period of time;*
- *the person(s) has been missing a long period of time;*
- *there is no indication that the missing person(s) was in the jurisdiction served by the law enforcement agency at the time of the disappearance;*
- *the circumstances suggest that the disappearance may be voluntary;*
- *the person(s) reporting does not have personal knowledge of the facts;*
- *the reporting individual cannot provide all of the information requested by the law enforcement agency;*
- *the reporting person lacks a familial or other relationship with the missing person;*

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[94] *Ibid.*, Recommendation 9.2.
[95] MWWG Report, *supra*, at p. 11.
[96] MWWG Report, *supra*, Recommendation #13. This could be developed in conjunction with implementation of a National Data Base.
[97] Model Statute, *supra*.

- *or for any other reason.*[98]

Taking away any remaining discretion on report acceptance and phrasing the standard in a detailed way are clearly designed to overcome problems experienced by relatives and other reportees in attempting to make a missing person report. Setting clear and detailed standards and providing training on those standards is an effective way of overcoming past inconsistent or problematic practices.

Standardization is equally important in other aspects of missing person policies. The US Model State Missing Person Statute contains a number of standards including time standards for the entry of information into databases:

> *(C)   LAW ENFORCEMENT AGENCY REPORTS.*
> *(1)   When the law enforcement agency determines that the missing person(s) is a high-risk missing person(s) it shall notify [specify here the central state agency responsible for handling missing person(s) cases and notifying law enforcement agencies of missing person(s)]. It shall immediately provide to the [specify here the central state agency] the information most likely to aid in the location and safe return of the high-risk missing person(s). It shall provide as soon as practicable all other information obtained relating to the missing person(s) case.*
> *(2)   The [specify here the central state agency] shall promptly notify all law enforcement agencies within the State and surrounding region of the information that will aid in the prompt location and safe return of the high-risk missing person(s).*
> *(3)   The local law enforcement agencies who receive the notification from the State agency specified in subsection (2) shall notify officers to "be on the lookout" for the missing person(s) or a suspected abductor.*
> *(4)   The responding local law enforcement agency shall immediately enter all collected information relating to the missing person(s) case in available State and Federal databases. If the responding local law enforcement agency does not have the capability to enter this data directly in the State and Federal databases, the [specify the central state agency] shall immediately enter all collected information relating to the missing person(s) case in available State and Federal databases. The information shall be provided to in accordance with applicable guidelines relating to the databases. The information shall be entered as follows:*
> *(A)   A missing person(s) report in high-risk missing person(s) cases (and relevant information provided in the report) shall be entered in the Endangered or Involuntary Category (based on the circumstance of the disappearance) in the National Crime Information Center database immediately, but no more than 2 hours after the determination that the*

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[98] *Ibid.*

missing person is a high-risk missing person. All other missing person(s) reports (and relevant information provided in the report) shall be entered within 1 day after the missing person(s) report is received. Supplemental information in high-risk missing person(s) cases should be entered as soon as practicable.
(B)   All DNA profiles shall be uploaded into the missing persons databases of the State DNA Index System (SDIS),National DNA Index System (NDIS) and the Combined DNA Index System (CODIS) after completion of the DNA analysis and other procedures required for database entry.
(C)   Information relevant to the Federal Bureau of Investigation's Violent Criminal Apprehension Program (ViCAP) shall be entered as soon as possible.
(5)   The [specify the central State agency] shall ensure that person(s) entering data relating to medical or dental records in State or Federal databases are specifically trained to understand and correctly enter the information sought by these databases. The [specify the central agency] is strongly encouraged to either use person(s) with specific expertise in medical or dental records for this purpose or consult with the [specify here a chief medical examiner, forensic anthropologist, or an odontologist] to ensure the accuracy and completeness of information entered into the State and Federal databases.
(6)   Pursuant to any applicable State criteria, local law enforcement agencies should also provide for the prompt use of an AMBER Alert or public dissemination of photographs in appropriate high risk cases.[99]

One of the goals of increased standardization is improved accountability for the handling of missing person reports. The police response to the report of a missing person, including actions, personnel, times, observations, decisions, and policy, should be readily available for review. Standards should integrate the need for continuous review and follow up to ensure the quality of police services.[100]

(c)   Improving Risk Assessment Tools, Policies and Practices

Risk assessment tools can be developed through analysis of completed standardized missing person forms and the collection of common statistics to better understand the volume and outcome of missing person cases. Procedures to ensure the identification of suspicious missing persons have been under-developed historically, although this is a rapidly changing field. Without effective risk assessment tools, police officers have to rely solely on experience and professional judgment, which can be problematic where there is little experience with missing persons or where there is a lack of knowledge or stereotyping concerning specific groups within the community. One major shift that is underway is moving the default position from inaction to action. For example, the Vancouver Police Department policy is "*that all*

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[99] *Ibid.*
[100] Western Regional Forum, *supra,* at p. 17.

cases of missing persons reported to the VPD must be treated as suspicious until demonstrated otherwise." Or, as a recent British police policy guide puts it: IF IN DOUBT, THINK MURDER (*capitals in original*).[101]

The MWWG and the Saskatchewan Provincial Partnership Committee on Missing Persons recommend the development of a "common assessment tool to help assess the priority of the investigation."[102]

Most missing person policies set out risk factors with varying degrees of specificity but usually this list is open-ended, leaving some discretion to police officers. For example, the US Model State Missing Person Statute contains this provision:

> *SEC XXX.2. LAW ENFORCEMENT ANALYSIS AND REPORTING OF MISSING PERSON(s) INFORMATION.*
> *(1) PROMPT DETERMINATION OF HIGH-RISK MISSING PERSON(S)*
> *(A)   DEFINITION. A high-risk missing person(s) is an individual whose whereabouts are not currently known and the circumstances indicate that the individual may be at risk of injury or death. The circumstances that indicate that an individual is a "high-risk missing person(s)" include, but are not limited, to any of the following:*
> > *(1)   The person(s) is missing as a result of abduction by a stranger;*
> > *(2)   The person(s) is missing under suspicious circumstances.*
> > *(3)   The person(s) is missing under unknown circumstances.*
> > *(4)   The person(s) is missing under known dangerous circumstances.*
> > *(5)   The person(s) is missing more than thirty (30) days.*
> > *(6)   The person(s) has already been designated as a "high-risk missing person(s)" by another law enforcement agency.*
> > *(7)   There is evidence that the person(s) is at risk because:*
> > *(A)   The person(s) missing is in need of medical attention, or prescription medication;*
> > *(B)   The person(s) missing does not have a pattern of running away or disappearing;*
> > *(C)   The person(s) missing may have been abducted by noncustodial parent;*
> > *(D)   The person(s) missing is mentally impaired;*
> > *(E)   The person(s) missing is a person under the age of 21;*
> > *(F)   The person(s) missing has been the subject of past threats or acts of violence.*

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[101] Guidance, *supra,* at p. 15.
[102] MWWG Report, *supra*, Recommendation #19; Saskatchewan Report, *supra,* Recommendation 9.2.

> *(8)   Any other factor that may, in the judgment of the law enforcement official, determine that the missing person may be at risk.*
> *(B)   LAW ENFORCEMENT RISK ASSESSMENT.*
> *(1)   Upon initial receipt of a missing person(s) report, the law enforcement agency shall immediately determine whether there is a basis to determine that the person(s) missing is a high-risk missing person(s).*
> *(2)   If a law enforcement agency has previously determined that a missing person(s) is not a high-risk missing person(s), but obtains new information, it shall immediately determine whether the information provided to the law enforcement agency indicates that the person(s) missing is a high-risk missing person(s).*
> *(3)   Risk assessments identified in this subsection shall be performed no later than __ hours after the initial missing person(s) report or the new information was provided to the law enforcement agency.*
> *(4)   Law enforcement agencies are encouraged to establish written protocols for the handling of missing person(s) cases to accomplish the purpose of this act.[103]*

An alternative checklist was developed based on the criteria compiled by the US National Center for Missing and Exploited Children:

- A missing person fifteen years of age or younger.
- A missing person believed to be out of the range of safety appropriate to his/her mental age.
- A missing person who is physically or mentally incapacitated.
- A missing person who is drug or medication dependent.
- A missing person who is a possible victim of foul play or sexual exploitation.
- A missing person who might be in a dangerous physical or social environment.
- A missing person who has been absent twenty-four hours before being reported.
- A missing youth believed to be in company of adult(s) likely to endanger the welfare of minors.
- A missing person considered likely to resort to crime either to maintain life or obtain drugs. [104]
- A missing person whose absence is a significant departure from established patterns, which cannot be explained.

In the event of any one criterion being matched by the circumstances of a report, a

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[103] Model Statute, *supra.*
[104] Samways, *supra.*

greater than routine response would be indicated. Responses in such cases could be either "urgent" or graduated according to the assessed seriousness.

Even these detailed criteria leave scope for dispute between those reporting persons as missing and police officers receiving such reports. For example, who determines the possibility of foul play? Should it be the person reporting or the police officer? Thus, any protocol developed on the basis of these or similar criteria would need to specify the party whose judgment should prevail in those situations in which competing interpretations of circumstances occur.[105]

In August 2006, the Canadian Association of Chiefs of Police adopted a resolution requesting that all police services in Canada consider adopting the principles incorporated in the Ontario Provincial Police Lost/Missing Persons Manual, and specifically with respect to Aboriginal and marginalized people.[106] In February 2011, the OPP further updated its manual to refine the definition of vulnerable groups. In February 2012, the Vancouver Police Department amended its policy to bring it into conformity with the OPP policy acknowledging the heightened risks faced by marginalized persons, including specifically Aboriginal women and children, and the barriers to reporting experienced by Aboriginal persons. [107] The policy defines marginalized persons as including the homeless, those with alcohol or drug addictions or mental disorders, sex trade workers, or anyone who may be the subject of a cultural bias.

Other jurisdictions that have had high profile cases of serial murders, including Edmonton, also now have policies that flag "women living high risk lifestyles" who go missing as priority cases for investigation.[108] The MWWG has recommended that "cases matching the profile of women particularly vulnerable to serial predators be flagged as priority cases when a missing persons report is received."[109]

The Calgary Police Department has recently implemented a very detailed but easy to use risk assessment checklist and matrix based on a thorough review of Canadian and international best practices.[110]

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[105] *Ibid.*

[106] Canadian Association of Chiefs of Police, Resolution 2006-07 (Adopted at the 101st Annual Conference, St. John's, Newfoundland and Labrador, August 2006).

[107] Vancouver Police Board Report # 1184, 2012-02-02.

[108] MWWG Report, *supra*, at p. 15.

[109] *Ibid.*, Recommendation #30.

[110] *Practices and Procedures in the Investigation of Missing Persons Across Canada: 1997 to Present, supra.*

(d)   Establishing Clear Protocols and Specialized Protocols for At Risk Groups

Enhanced standards and risk assessment policies provide the foundation for police to establish clear protocols for each stage of a missing person investigation. For example, protocols should be developed, or updated and refined where they already exist, for the three phases of an investigation: protocol for initial response (the first 24-48 hours); protocol for investigation; and protocol for long term missing (missing after 30 days). Protocols should also be developed or adapted to meet the needs of specific groups of missing persons. As discussed above, a 2006 resolution from the Special Assembly of the Chiefs of Police of Canada recognized the need for a special protocol to be developed to deal with murdered and missing Aboriginal women:

> *WHEREAS there is an ongoing need to identify and implement appropriate and effective protocols that will result in more successful investigations that are sensitive to the particular concerns and circumstances in which Aboriginal as well as marginalized people are reported missing.[111]*

The Association recommended the adoption of Ontario's "comprehensive and holistic policy manual for dealing with lost/missing persons cases that, with regard to Aboriginal and marginalized people, is based on principles of cultural sensitivity, respect, compassion and empathy."

The focus of these protocols is on establishing collaborative mechanisms for working with non-police agencies. Multi-agency approaches are critical in missing person investigations. For example, protocols for at-risk youth must engage child welfare agencies and other service providers and protocols for sex trade workers must engage service agencies and advocacy organizations working with and for this marginalized group of people.

Further refinement of missing person best practices can be advanced through evaluating experiences with such protocols and sharing this information amongst police forces, across jurisdictions and with the public. The MWWG has recognized this continuum of activity:

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[111] Resolution 2006-07, *supra*.

> *In order to target police resources effectively, the MWWG recommends that jurisdictions support, where appropriate, police consideration of:*
> - *developing approaches to target high risk youth;*
> - *establishing collaborative approaches with relevant non-police agencies to assess the level of police intervention required in particular missing person cases, such as chronic run-away children;*
> - *setting policies and procedures consistent with the involvement of and advice from the relevant non-police agencies;*
> - *evaluating approaches currently in use in order to determine the gains, if any, in efficiencies and effectiveness in responding to missing persons reports, and;*
> - *sharing the results of evaluations on collaborative operational polices with other interested police agencies.[112]*

One important aspect of these protocols is a formal system to "fan out Missing Persons Information."[113] Linking relevant agencies early on in the police investigation by sharing information through a "fan out" system can be very effective. The Saskatchewan Provincial Partnership Committee on Missing Persons has identified the following steps to implement this system for multi-agency communication and collaboration:

- Protocols for police notification and community agency response;
- Processes to fan out the information;
- Guidelines on how the information is communicated, the type of information, and the treatment of the information;
- How agency privacy issues are dealt with, for example, what the agency can communicate about what they know about a missing person's status; and
- Police and community agency training to understand the protocol and procedures.

The Edmonton Project KARE has established what is considered to be a highly effective process to fan out information on missing persons. It involves 109 social agencies and 106 law enforcement agencies. A central police committee using the Internet and an external e-mail program contacts these agencies thereby reducing the amount of time traditionally used when physically deploying human resources to these places to make inquiries. The approach is not meant

> *...to eliminate personal contact between investigators and other agencies, but rather to enhance it. In addition to saving valuable investigative time, the*

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[112] MWWG Report, *supra*, Recommendation #23.
[113] Saskatchewan Report, *supra,* Recommendation #11.

customized sharing of information in this quick and detailed format could be seen as a demonstration of trust and willingness to work together.[114]

The Saskatchewan Committee points out that this "fan-out" system "will not work without ongoing efforts towards building partnerships, trust and open communication with social support agencies in the province." Its report contains the following tips:

- *These contacts would include medical facilities, women's shelters, soup kitchens, and drug addiction centres;*
- *Communication could be by Internet, phone or face-to-face;*
- *The protocols required may involve province-wide protocols with agencies or organizations with province-wide coverage, but may also involve development of relationships with local agencies and local protocols;*
- *A common template for developing protocols may be useful;*
- *Need to be sensitive to the helping role which many agencies play with people in difficult circumstances;*
- *Need to ensure privacy and safety;*
- *Need to ensure that a "fan out" protocol in no way jeopardizes the reliance that clients have on these agencies.[115]*

The report concludes that it may be that the Provincial Partnership Committee could play some role in developing the protocol relationship with community agencies.

(e)   Strengthening Investigative Skills and Techniques

The investigation of missing women and suspected multiple homicides pose significant challenges to law enforcement agencies and requires specialized skills and techniques. Serial predators require a wider law enforcement response than the response from any one police force or agency because the dangers extend beyond a single community.[116] One of the challenges is recognizing the links between crimes early enough to pool information and converge investigations.

Three elements assist in overcoming these challenges:

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[114] Sekela Presentation, *supra*.

[115] Saskatchewan Report, *supra,* at pp. 46-47.

[116] Mr. Justice Archie Campbell, *Bernardo Investigation Review* (Ontario: June 1996) at pp. 262-264.

- *A centrally supported organizational structure, based on co–operation among individual police forces, that combines unified leadership across police jurisdictions with organized case management procedures and inter–disciplinary support from forensic scientists and other agencies;*
- *A common case management computer and information systems to ensure that information crucial to a serial predator investigation can be consolidated and recognized and shared; and*
- *Training: the senior officer in command and senior investigators and forensic support team require special training in major case management, and also the general level of training for sexual assault, homicide investigators, and crime scene identification officers should be maintained at a high level.*[117]

Meeting the requirements for effective investigation and continuous improvement is facilitated by interdisciplinary policing approaches that integrate contributions from other fields including criminology and psychology and effective utilization of major case management models. Psychological profiling, geographic profiling[118] and victim targeting networks[119] can make significant contributions to solving multiple homicides. Psychological/behavioural analysis can make a major contribution to risk assessment models and the establishment of searchable and comparable fields for quantitative and qualitative analysis. In New South Wales, psychological services are incorporated into three stages of the investigation process: risk assessment input phase, pre-Coroner investigation phase and post-coroner investigation phase.[120]

Policing standards generally require the use of major case management in the investigation of homicides, serial predator offences, and missing persons where foul play is suspected.[121] Linkage blindness, which reduces the ability to make required connections between cases, can be significantly reduced through the use of a major

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[117] *Ibid.*

[118] D. Kim Rossmo, *Geographic Profiling* (Florida: CRC Press, 2000).

[119] Maurice Godwin, "Victim Target Networks as Solvability Factors in Serial Murder" Social Behavior and Personality (1998), 26(1), 75-84.

[120] Sarah Yule, "*Psychological Techniques to Assist in Progressing Missing Persons Investigations*" (Australia: Churchill Fellowship Report, 2005).

[121] See for example, *Alberta Policing Standards*. The major case management model is defined as: A systematic approach to the investigation and management of major cases (e.g. homicides, serial predator offences, institutional abuse, non-family abductions, missing persons where foul play is indicated, and aggravated sexual assault). Major case management includes case management procedures, electronic case management processes, and case management training.

case management system.[122] Several reports have recommended the development of standardization training and practice guides for recording and managing investigations in missing person cases.[123]

Linkage analysis is based on the assessment of crime scene data with a view to determining whether a crime is part of a series of crimes. In Canada, linkage analysts use the Violent Crime Linkage Analysis System (ViCLAS) database to assist in the development of reports on crime patterns that could connect a series of crimes. ViCLAS can be used to identify linkages between crimes in local areas as well as across international boundaries, as this system is also used by at least nine other countries. The MWWG found that challenges exist with respect to populating the database, as not all investigators contribute information on serious crimes, and recommends that such reporting be mandatory across Canada to ensure early recognition of links between sexual predator attacks.[124] The MWWG further encourages:

- *Where appropriate, police forces to review the resources and policies relevant to ViCLAS in order to increase and maintain the coverage of serious crimes within this system, and to ensure that trained specialists are available to provide analysis to investigators;*
- *Police investigators, who receive a "potential linkage" report from ViCLAS, to follow up with additional investigation on a timely basis; and*
- *Police investigators and forensic lab personnel, when they receive notification that a DNA linkage has been made on an outstanding case, to advise ViCLAS so that the ViCLAS personnel can update their database.[125]*

Project KARE has developed a number of innovative approaches to missing women investigations including specialized investigative checklists and matrices, enhanced community engagement and victim support, refined information management and case management systems, as well as capacity-building, through best practices workshops and better resourcing interviewing skills and techniques.[126] Project KARE is regarded as a world leader and has assisted in investigations in North America and the UK.

One of the approaches employed by Project KARE is the development of creative and innovative approaches by creating a template of best practices for use in other

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[122] Bernardo Investigation Review, *supra.*

[123] Saskatchewan Report, *supra*; MWWG Report, *supra*, Recommendation #31

[124] MWWG Report, *supra*, at p. 18.

[125] *Ibid.*, Recommendation #37

[126] Sekela Presentation, *supra.*

similar projects on local, provincial, national, and international levels. The Project has sponsored two separate best practices workshops to assist in the refinement of their policies and practices. These initiatives have garnered positive feedback from law enforcement agencies in North America and the UK. They include:

- Establishment of the **ProActive Team** made up of a number of highly trained investigators who immerse themselves into the world inhabited by vulnerable and marginalized women creating strong relationships and providing women with the opportunity to assist in policing efforts. It is "unique humanitarian approach" which extends to providing referrals to those interested in exiting the sex trade.
- Creation of a **Person of Interest Priority Assessment Tool** which is used to assess the priority by which to govern when and how investigations from among a multitude of potential suspects should progress. It is designed to decrease "the likelihood of higher-priority POI being lost in a sea of lesser priority subjects".[127]
- Creation of the **Elimination Matrix,** which is an objective and structured system that allows for the elimination of persons of interest in a proper and consistent fashion. At the conclusion of each investigative task, the POI is eliminated based on certain criteria and placed into one of four categories (conclusively eliminated; elimination probable; unable to eliminate; status unknown).

Project KARE has also developed a homicide and missing person electronic major case management system. Workload pressures due to large volume of information handled by Project KARE prompted the use and development of several high-tech approaches including a centralized repository of information that allows simultaneous searches of multiple datasets; a highly secure 60gb biometric transcription system; and several automated computer systems adapted to perform repetitive tasks using multiple applications.[128]

Chief Superintendent Mike Sekela described the specialized major case management system in these terms:

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[127] Series of questions that an investigator might ask to determine how likely it is that this particular subject is the person responsible for the offense. These questions might involve the person's availability to commit the offence; his motivation; his criminal history; and his deviant sexual practices (in the case of a sex related offence). Scores are assigned to each question; the higher the score, the higher the priority.

[128] Sekela Presentation, *supra*.

In serious crime investigations, MCM principles necessitate the presence of a command triangle made up of a Team Commander, a Primary Investigator, and a File Coordinator. Project KARE uses an electronic MCM (eMCM) system which is ultimately the responsibility of the File Coordinator. This database system called Evidence and Reports (E&R) was originally developed by the RCMP during the Swiss Air Flight 111 disaster in Nova Scotia and was used in that investigation to keep track of over 100, 000 exhibits.

Within Project KARE, every aspect of eMCM system has been designed around the electronic capture of information, from the investigator taking a statement, to disclosure, to the final stage of entering evidence into court.[129]

This system is continually refined in response to innovations in technology and case management methods.

Project KARE has strengthened its members' interviewing skills through the development of an interview questionnaire and an interview assistance team. The questionnaire includes summaries of Project KARE mandated cases, structured interview techniques and behavioural observation questions. As a result, the task force receives a consistent type of information, which can then be more efficiently assessed and categorized.[130] Project KARE also regularly uses the interview assistance team. This ensures that a proper and formal interview process is in place. It is a team effort in developing and coaching investigators on interview techniques. This team formulates a structured and strategic interview process, including Person Of Interest Plans, to ensure the chances of success with difficult interviews.

Another tool called the Investigator's Handbook has been developed by several members of Project KARE as a "how to" guide for new members assigned to the Project, ensuring consistency with ongoing investigations. This handbook has been shared with Central Intelligence Services of Alberta. It details everything about the Project and includes case summaries, structured interviews, and DNA collection methods.[131]

The MWWG supports the development of analytical tools such as those developed by Project KARE and encourages police agencies across Canada to:

- *Consider strategies to promote the empirical testing of specialized tools for*

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[129] *Ibid.*
[130] *Ibid.*
[131] *Ibid.*

> *narrowing the field of suspects in cases involving serial predators; and*
> - *Consider mechanisms for sharing current research information and promising practices relevant to these specialized tools, including profiling and instruments to assist in the assessment of potential suspects in serial murder cases.[132]*

The MWWG has recommended that police agencies across Canada move toward compatible major case management software in order to facilitate coordination between policing agencies[133] and the sharing of best practices with regard to major case management among police forces.[134]

The MWWG Report also addresses the need for an ongoing strategy to deal with cold case investigations of missing women. Recommendations include the provision of targeted resources; the selective release of information on cold cases to media and co-victims in order to advance investigations; and a review of record retention policies to increase access to historical files with a view to advancing these investigations.[135] Investigative task forces with a mandate to resolve long term missing women cases are operating in BC,[136] Alberta,[137] Manitoba,[138] and Ontario.[139]

(f)   Enhancing Support Systems

The extensive investigative efforts required by missing person investigations necessitates systems to support, supplement and reinforce the work of individual investigators and teams of investigators.[140] A system for the identification of clear paths of responsibility for the handling of missing person reports is critical and should include the specific duties of officers of different ranks, the exchange of cases between shifts, and the role of different units involved with missing persons.[141]

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[132] MWWG Report, *supra*, Recommendation #38.
[133] MWWG Report, *supra*, Recommendation #32
[134] MWWG Report, *supra*, Recommendation #33
[135] MWWG Report, *supra*, Recommendations #39-41
[136] Project E-Pana; Project Evenhanded.
[137] Project Kare.
[138] Project Devote.
[139] Project Resolve.
[140] Bernardo Review, *supra*.
[141] Guidance, *supra.*

Missing person units can be administrative or operational. Most of the larger Canadian police forces now have missing person units, although many smaller police forces do not. There is a wide variation in the structure and organization of these units. Even in the absence of a specialized unit, however, police agencies can ensure consistent approaches to missing persons by systems such as centralizing responsibility to a key individual or position and adopting effective policies and protocols.[142]

Missing person investigations involve a substantial amount of administration, coordination, and analysis. Many reports suggest that missing person units tend to be understaffed and could benefit from additional administrative and analytical support.[143] The role of the missing person coordinator is key to facilitating communication between police, other agencies, media and family, and bridging any gaps.[144]

The BC Police Missing Persons Centre was established in 2005 to support missing person investigations across the province and play a system-wide coordination function.[145] The Centre was established with the objective of developing provincial policy to govern the investigation, documentation and tracking of missing person files and found human remains.[146] It is an integrated unit within RCMP "E" Division Major Crime Section composed of RCMP and municipal police service resources. The Centre is responsible for oversight of the provincial Amber Alert system, provides training, and maintains the i2 database through quality assurance, maintenance and ongoing data entry. It responds to requests for assistance and participates in a number of national missing person initiatives.

Similar centres exist in other jurisdictions.[147] For example, the North Carolina Center performs a portion of the administrative responsibility for police departments.[148] It serves as the central repository for information regarding missing persons and assists local law enforcement agencies with entering data into the database, gathers and distributes information about persons reported missing,

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[142] MWWG Report, *supra*, Recommendation #25.
[143] Newiss, *supra*; MWWG Report, *supra*; *Report on Victoria Police Missing Person Investigations, supra.*
[144] Guidance, *supra*.
[145] At the recommendation of the BC Association of Chiefs of Police.
[146] Patterson, *supra*, based on personal communication with Sylvia Port, RCMP, 2004.
[147] http://www.ncmissingpersons.org/
[148] Cleveland Report, *supra,* at p. 21.

and works towards maximum cooperation with other local, state and federal agencies. The North Carolina Center maintains a 24 hour toll-free telephone line that assists families and law enforcement in need of immediate assistance and maintains a directory of resources related to referrals for services to families of missing persons. The Center also encourages research and study related to missing persons.

Updated and regular training on the subject of missing persons is an important element in the support system. One priority is the development of standardized training and practice guides for recording and managing investigations.[149] Joint training with partners may be particularly beneficial.[150] Some reports have recommended that all personnel who have a role in the process of taking reports and investigating missing person cases be required to participate in additional training at specified periods, for example, every three years.

Recent Canadian reports have prioritized the need for enhanced information technology systems to support missing person investigations. Police can access existing databases to assist in investigating cases of missing persons, such as CPIC; ViCLAS; the National Sex Offender Registry; the National Flagging System; the National DNA Data Bank (NDDB), which includes the Convicted Offender Index (COI) and the Crime Scene Index (CSI); as well as local databases of missing persons.

However, the information in some of these databases is limited, out of date because it is not entered in a timely manner and not always clear or consistent.[151] Furthermore, the information is reported differently from one jurisdiction to another.

The Saskatchewan Provincial Partnership Committee concluded that there is a need for a more systematic and consistent approach to collecting data on (1) missing person reports; (2) actual missing persons; (3) basic demographic information about missing persons; and (4) CPIC data entry.[152] A more systematic and comprehensive approach to data collection and entry should include:

- Use of a common intake and investigation forms;
- Increased reporting of missing persons cases onto CPIC; and
- Aggregate reporting from police reports at the local, provincial/territorial

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[149] Saskatchewan Report, *supra,* Recommendation #10.
[150] Guidance, *supra,* at p. 45.
[151] MWWG Report, *supra*.
[152] Saskatchewan Report, *supra*, at p. 5.

or national level subject to resources.[153]

Strong recommendations have been made for a national strategy to encourage consistency in reporting across jurisdictions and a national searchable database.[154] A comprehensive database and website would both support police investigations and, by making parts of the website public, would raise public awareness about missing persons. The Multi-Provincial Strategy on Missing Persons & Unidentified Remains has been working on this issue for some time. Discussions are also ongoing concerning a proposed Missing Person Index envisioned as "a database separate from the National DNA Data Bank, possibly with separate indices: human remains (unidentified human remains); personal effects of missing persons (voluntarily supplied but in accordance with guidelines and verification practices); and relatives of missing persons (voluntarily supplied, with measures to ensure active, informed consent)."[155] However, privacy concerns and other issues remain to be resolved.[156]

In 2010, Public Safety Canada directed the RCMP to develop a center to bring together all missing persons and unidentified human remains data. The National Police Support Centre for Missing Persons (NPSCMP) is in the process of developing this database and website. The full extent of the NPSCMP's role is yet to be determined as the Centre is engaged in a consultation process and is

> *...seeking to partner with a range of stakeholders in order to have police as well as civilian perspectives help form this public website. NPSCMP want to know what families of missing persons want posted on this site, as well as what different agencies would find most beneficial. Using technology to its fullest capacity and informing and including the public sector will help to establish this initiative and create this new support centre.[157]*

The new website is anticipated to be launched in March 2012 and the database is expected to be up a year later in March 2013.

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[153] MWWG Report, *supra,* Recommendation #26.

[154] MWWG Report, *supra*; Saskatchewan Report, *supra*; Western Regional Forum Report, *supra*.

[155] The National DNA Data Bank is not permitted to retain DNA samples from potential victims of crime.

[156] MWWG Report, Recommendation #35

[157] Western Regional Forum Report, *supra*, at p. 10 (Presentation by Sergeant Lana Prosper).

Additional tools have also been recommended, including a nationally linked database of information voluntarily provided by "high risk women." This move may hold promise but it also presents challenges that remain to be explored.[158]

Currently, there are no formal mechanisms in place that would require intelligence on missing person cases to be shared among jurisdictions. Specific protocols and assignment of responsibility for information sharing to specific officers within police forces could assist in this regard.[159]

(g)   Adopting Missing Persons Legislation and Other Statutory Reforms

Missing person legislation can help to simplify and speed up the process to investigate missing persons by permitting access to private records such as cell phone activity, online activity, and banking records. Saskatchewan and Alberta have enacted statutory provisions to remove barriers to accessing information while maintaining procedural safeguards and limiting the use of this information.[160] The MWWG has recommended that other governments consider the need for this type of legislation and for education of personnel responsible for public sector records such as health and social benefits to be aware of the need for timely police access.[161] Similar issues arise under federal legislation and should be remedied through amendments to specific statutes that limit disclosure of information or through comprehensive legislation.[162]

The US approach is to adopt more comprehensive legislative provisions concerning missing person investigations, which include standards for report acceptance and investigative responsibilities.[163] A common approach to dealing with missing person cases was endorsed in the US in the August 2005 Identifying the Missing: Model State Legislation:

> *The objective of the legislation is to overcome the inability of law enforcement authorities to share resources and information when conducting investigations and identifying remains and to ensure a safe return where possible. The scheme*

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[158] MWWG Report, *supra,* at p. 17.
[159] *Ibid.*, at p. 12.
[160] *Missing Persons and Presumption of Death Act,* S.S. 2009, Chapter M. 20.01; *Missing Persons Act,* S.A. 2011, Chapter M-18.5.
[161] MWWG Report, *supra,* Recommendations #20 and #21.
[162] Saskatchewan Report, *supra*, at p. 49.
[163] Model Statute, *supra.*

proposes statutory provisions to ensure that missing persons reports are promptly taken by law enforcement, the collection and analysis of information, to provide a process for prompt identification of "high risk missing persons", providing a step by step approach for improving the collection and analysis and dissemination of information to aid in the identification of human remains.[164]

A recent Australian report has recommended the enactment of federal legislation that mandates, amongst other things, **a national definition of a missing person; the minimum law enforcement response (including risk assessment and investigation) to missing persons cases; the sharing of information between agencies; and the collation, analysis and distribution of missing persons data.**[165]

(h)   Evaluating Progress and Auditing Programs

Police forces have introduced numerous changes in their policies for the investigation of missing persons and suspected multiple homicides over the past few years. It does not appear that systems are in place to evaluate whether these policies are being consistently followed or whether performance objectives are being met. Establishing standards for various aspects of the initiation and conduct of missing person investigations can provide the foundation for increased accountability if the standards provide sufficient detail to enable assessment of whether they are being followed.

Given the concerns that have been expressed regarding past inadequacies with missing women investigations, the establishment of performance objectives, measurable indicators and a process for evaluating progress and auditing programs appears to be essential. The issue of systemic reviews and audits was discussed in the Commission policy discussion report on *Police Protection of Vulnerable and Marginalized Women,* which emphasized the importance of the external review function, community input and continuing implementation of the change process.*[166]*

4.   QUESTIONS AND ISSUES FOR DISCUSSION

The third section sets out a number of questions designed to facilitate further discussion and to generate recommendations for change. The Commission invites

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[164] *Ibid.*

[165] Samways, *supra.*

[166] At pp. 15-18.

your responses to one or more of these questions in your written submissions, in addition to feedback on any element of this discussion paper.

Q1:   What types of research and analysis are required to support evidence-based best practices in the investigation of missing women and suspected multiple homicides? How should this research be carried out?

Q2:   Are existing BC police standards for missing person investigations comprehensive and effective? What gaps remain to be filled? Should standards be set at the local, provincial and/or national level?

Q3:   Is risk assessment effectively incorporated into missing person policies and practices? What additional risk assessment tools, policies and practices should be developed and implemented?

Q4:   Are existing missing person protocols comprehensive and effective? Are additional protocols required for particular groups of missing persons? What are the challenges in developing and implementing these protocols and how can they be overcome?

Q5:   What are the most promising initiatives to strengthen specialized investigative skills and techniques required to meet the challenges of investigating missing women and suspected multiple homicides? What steps should be taken to foster more effective use of major case management systems? What steps should be taken to integrate multidisciplinary approaches? Are there unmet investigative training requirements?

Q6:   What supports systems are required to facilitate effective investigations of missing women and suspected multiple homicides? What are the best practices for the organization and staffing of missing person units? What are the priorities for enhancing the sharing of information and intelligence as well as information technology systems in support of these investigations? How can the BC Police Missing Persons Centre and the National Police Support Centre for Missing Persons best support these investigations? Are there unmet training requirements?

Q7:   What, if any, legislative changes are required to enable effective investigations of missing women and suspected multiple homicides? Should BC adopt provincial missing person legislation? If so, what provisions should it contain? Is federal legislation required?

Q8:   What steps should be taken to measure and evaluate progress and new approaches and programs related to the investigation of missing women and suspected multiple homicides?