

**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

1. INTRODUCTION

In February 2006, Federal, Provincial and Territorial (FPT) Deputy Ministers Responsible for Justice endorsed the establishment of a working group of the Coordinating Committee of Senior Officials (CCSO) to review issues related to the high number of murdered and missing women in Canada.

In June 2006, FPT Deputy Ministers approved the mandate of the MWWG to consider the effective identification, investigation and prosecution of cases involving serial killers who target persons living a high risk lifestyle, including but not limited to the sex trade.

The goals of the MWWG were to:

- Share information and expertise with personnel across Canada who are responsible for identifying, investigating and prosecuting these cases.
- Develop strategies and proposals that would assist in addressing current barriers that hinder the resolution of cases involving victims of serial predators.
- Promote the development of resources and training to assist personnel who are responsible for handling cases of missing and murdered persons.
- Ensure that the *Criminal Code* and other relevant federal and provincial legislation provide the best tools for investigating and prosecuting cases of serial killers who target marginalized persons.

Since that time, FPT Ministers Responsible for Justice asked for further consideration of particular concerns related to missing Aboriginal women, and directed officials to report back in the fall of 2010 on efforts to create a national information database of missing persons.

The MWWG examined characteristics of the victims of serial sexual assaults and murder and their predators to determine the extent to which it is possible to identify who is at risk of victimization and of offending, and how best to intervene before that happens.

2. WOMEN WHO ARE VULNERABLE TO SERIAL SEXUAL ASSAULTS AND MURDER

Research indicates that serial sexual predators consider three main components when targeting victims: availability, vulnerability and desirability. While desirability is generally determined by the offender's personal preferences, both situational and marginalizing factors affect a woman's availability and vulnerability to serial sexual assault and murder.

Situational factors are features of a woman's environment; for example, if the woman has a high-risk occupation, or frequents remote, isolated places, she may be more vulnerable to attack. Marginalizing factors include characteristics of the woman herself, such as poverty and drug-addiction. A combination of situational and marginalizing factors can lead to significantly increased vulnerability to victimization.

Desirability of a victim may be determined by personal or physical characteristics, especially if the killer is attempting to fit his target into his own fantasy. In Canada, Aboriginal women appear to be particularly vulnerable to this type of violence; some groups, such as the Native Women's Association of Canada (NWAC), Amnesty International, and FPT officials have studied the factors that have led to the high number of Aboriginal women among those missing and murdered.

The MWWG reviewed past cases of murdered women and found that many of these victims were:

- Aboriginal women
- Living in poverty
- Homeless, transient, and lacking in social networks
- Addicted to alcohol or drugs
- Involved in sex work or other dangerous practices such as hitchhiking
- Experiencing mental health issues

Recommendation # 1

The MWWG recommends that FPT Ministers Responsible for Justice encourage Ministers responsible for work place health and safety to ensure that all employers assess the risk factors that may make isolated employees vulnerable to serial predators within work environments and develop safety plans with employees in order to promote safety and reduce risk of harm.

Recommendation # 2

The MWWG recommends that municipalities and First Nations, as appropriate, work with relevant community agencies and police to establish programs at key places where women rely heavily on hitchhiking, and incorporate strategies such as the shuttle bus transportation system recommended in the *Highway of Tears Report*.

Recommendation # 3

The MWWG recommends that:

- jurisdictions work with justice system partners such as local police; community justice services; Aboriginal court workers; and victims' services to support Aboriginal communities and organizations to assess safety risks to Aboriginal women and to develop local plans to respond to those risks.

- As a priority Aboriginal organizations or organizations that work with high-risk Aboriginal populations be funded to support individual or group safety planning awareness and engagement, taking into account, in particular, the specific barriers women face, and their lack of protections on or off reserve.

Recommendation # 4

The MWWG recommends that the FPT Community Safety and Crime Prevention Working Group should be asked to examine the need to make the personal safety of women a priority, with particular consideration given to those factors shown to increase the risk of violence from predators.

3. PREDATORS AGAINST MARGINALIZED WOMEN

Sexual offending ranges from non-contact conduct, such as voyeurism and exhibitionism, to contact offences that may not include violence (e.g., frotteurism), to very serious sexual assaults that can involve additional, severe physical violence.

Researchers who examine the characteristics of violent serial sexual offenders indicate that those with more sexually deviant interests and an antisocial orientation are more likely to re-offend. Serial sexual offenders and serial killers tend to target strangers.

Serial sexual killers, as a group, follow a pattern of repeated abduction of women, infliction of assault, degradation and torture, and, as the final act, murder. There is evidence to suggest that, in many cases, the subjugation, torture, and humiliation of the victim is the purpose of the crime and the actual homicide is a 'postscript'. However, some researchers have found that killing can also be a form of sexual gratification for some serial killers.

Serial killers, more so than other offenders, tend to go to great lengths to avoid detection and elude apprehension, including moving the body of their victim some distance from the crime scene, ensuring weapons and other incriminating evidence are not left behind, and/or covering the victim's body up or hiding it so that discovery is delayed.

Early criminal behaviour of serial killers often begins with lower level offending, such as burglaries, stealing female undergarments, voyeurism and non-violent sexual assaults (such as frotteurism), and escalate to more serious violent crimes. These offenders are likely to continue offending until they are apprehended.

Recommendation # 5

The MWWG recommends that FPT Ministers Responsible for Justice consider undertaking or encouraging the continuation of research into the escalation of violence in criminal sexual predation as related to risk assessment processes.

Causes of Serial Sexual Predation

Researchers and theorists have examined both broad socio-cultural influences as well as characteristics specific to the offender. Prediction and intervention depend upon understanding what drives a person to become a serial sexual killer.

Socio-Cultural Factors

The following socio-cultural factors have been associated with serial killing: pro-violent norms, misogyny and consumption of pornography. Some researchers suggest these factors can lead to desensitization toward the consequences of violence and increased associations between sexual arousal and violence against women. However, research indicates that a direct causal relationship between sociocultural factors and sexual violence is difficult to establish. The MWWG has concluded that broad socio-cultural factors may influence predators but are unlikely to cause predation.

Individual Factors

Factors specific to the individual, whether genetic, experiential or otherwise, may be useful in identifying those who are predators or predicting those who may be capable of becoming predators.

Current research into personality traits indicates that psychopathy is the most consistently found characteristic of serial killers, although not all serial sexual killers are psychopaths.

The Integrated Paraphilic Model (IPM) incorporates multiple factors to explain the development and maintenance of deviant sexual fantasies that lead to sex crimes and, in the extreme, sexual murders. The elements that are part of this model include predispositions, traumatic childhood events, as well factors that lead to the development of sexual deviancy.

Recommendation # 6

The MWWG recommends that FPT Ministers Responsible for Justice, in cooperation with other partners, should continue to provide adequate levels of monitoring, social support and intervention to sex offenders to interrupt patterns of serial predation.

Progress in Prediction and Intervention

Predictive Assessment

Research on predictive assessment generally focuses on criminal behaviour escalation and psychopathy. The study of offender characteristics, crime scene behaviours, and engagement in particular crimes may be used to predict risk of escalation in both the nature of the crime an offender may commit and the level of violence used to effect it.

The aim of much of the research on escalation is to enable the creation of an assessment tool that could be used by police to help prioritize investigations and to inform current practice with regard to the management and treatment of sexual offenders.

Assessing psychopathy has been used to assist in predicting which offenders are more likely to kill. For example, the Psychopathy Checklist-Revised (PCL-R) may provide some ability to predict which adults may be more likely to commit sadistic and/or violent acts, including sexual homicides, by measuring psychopathy and deviant sexual arousal.

Recommendation # 7

The MWWG recommends that jurisdictions support research that monitors and evaluates the efficacy of measuring levels of psychopathy in offenders as a means of intervention.

Intervention

Where possible, it is important to be able to stop offenders while they are still in the preparatory stages of committing a violent sexual offence. The *Criminal Code* already criminalizes all forms of sexual assault and murder, as well as attempts to commit those offences. However, anecdotal evidence from law enforcement indicates that police encounter suspects in possession of substances and materials, for example 'date rape' drugs, duct tape, ropes, and knives, that may indicate an intent to commit sexual assault and murder. There is a need to consider whether it is possible to enhance the criminal justice system's ability to deal with such conduct prior to the attempt stage by such measures as creating an offence related to the possession of such materials and substances as recommended by the ULCC.

Recommendation #8

The MWWG recommends that there be consideration by federal, provincial and territorial officials to better provide the tools needed to address preparatory conduct involved in facilitating sexual offences under the *Criminal Code*.

Predators may openly disclose their intention to commit further crimes through statements made to friends or acquaintances. In such cases, the person to whom the intention is confided may inform authorities, or, if ordered to do so, provide the information to the court. However, when this type of disclosure occurs in the context of privileged communications, for example to a lawyer, psychiatrist or other professional, the situation becomes more complicated. The extent to which that professional can disclose to authorities, or has a duty to do so, may not be clear.

Recommendation #9

The MWWG recommends that FPT Ministers Responsible for Justice direct officials to engage in discussions with health professionals and other affected professional bodies to ensure that the existing protocols and legislation in each jurisdiction are adequate to address the public safety exemptions or whether legislative changes are required.

High risk offenders considered dangerous to the community may be subject to court orders that require an individual to abide by specific conditions for up to two years. These orders can be made if there are reasonable grounds to believe that the individual will commit a personal injury offence (s. 810.2) or commit a sexual offence against a person under the age of 16 (s. 810.1).

Provinces and Territories have also developed programs that assist in the monitoring and control of high risk offenders. The assessment of high risk offenders is often conducted by a committee, using information that has been collected from various sources and assessed in terms of the threat posed by the individual.

Recommendation #10

The MWWG recommends that jurisdictions support the use of risk assessment and monitoring of serious offenders, and support the work of Corrections authorities to continue improving these approaches.

The examination and identification of factors associated with serial sexual killing would assist with early intervention and treatment of anyone who shows signs of escalating offending behaviour. Although there is some scepticism among researchers regarding the efficacy of specific predictive schemes that would allow for early intervention, some researchers believe that multiple-factor assessment approaches, i.e., approaches that incorporate multiple individual factors, hold promise.

Sexual offender treatment programs, such as the Intensive Treatment Program for Sexual Offenders provided by the Correctional Services of Canada are provided to offenders who have committed offences that have sexual overtones. Further study into the effectiveness of this or other cognitive-behavioural programs with sexual murderers might assist correctional personnel in developing appropriate programs for these offenders.

Recommendation # 11

The MWWG recommends that jurisdictions encourage law enforcement training authorities to include in police training information about the multiple factors that are characteristic of individuals who commit serial sexual offences.

Recommendation # 12

The MWWG recommends that jurisdictions provide support to justice institutions, including correctional facilities and forensic psychiatric institutions, to develop and implement research-based therapeutic interventions that have the potential to interrupt paraphilic fantasies and the escalation of violence in sexual offenders.

3. SERIAL MURDERS – MAJOR CASES

The MWWG reviewed the characteristics of cases involving the serial murders of marginalized women across Canada. These cases were used as background for the procedures addressed in the remaining sections of this report.

4. RESPONDING TO CASES WHERE WOMEN ARE MISSING AND POSSIBLY MURDERED

The MWWG found general and systemic issues relating to the reporting of and responding to missing persons by police, the public, and their families, including barriers to the public understanding of when and how to make a report, to the police taking a report and to reports being regularly placed on appropriate databases, including CPIC. 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. Also, between 20 to 30 sets of human remains are found each year in Canada.

Missing Persons Reports: Police Procedures

When a report of a missing person is made to police or other authorities, there are a number of steps typically taken, including receiving the report, completing

an initial assessment of the report, entering the report onto the Canadian Police Information Centre (CPIC), gathering related information on the missing person, prioritizing the report, and investigating the case.

Some police agencies have well-articulated policies, protocols and forms for receiving reports of missing persons, analyzing and responding to them. In addition, a number of jurisdictions have identified a specific responsibility centre within the police force that specializes in receiving and responding to missing person reports.

Several jurisdictions have also established missing persons public websites, that are searchable and encourage the public to provide information to the police regarding missing persons. Some websites are linked to Coroners' offices and provide information on unidentified human remains. The objectives of such websites are to support investigations of missing persons, raise awareness about missing person cases, and give members of the public a useful tool for providing additional information regarding the whereabouts or the identity of those listed.

Barriers to Reporting Missing Persons Cases

The MWWG examined factors that may hinder or prevent someone from reporting a missing person, including uncertainty about reporting procedures, estrangement of the missing person from her family, or concerns of the family about contact with the police. The WG found that the public tends to have a number of misconceptions about processes for reporting missing persons. Most common is the misperception that 24 to 48 hours should pass before reporting a person missing to police. Some police may also hold these beliefs.

Saskatchewan's *Final Report of the Provincial Partnership Committee on Missing Persons* identified the need for public education on procedures for reporting missing persons. Several jurisdictions and organizations, such as NWAC, for example, have launched publicly accessible education mechanisms, such as websites, that provide accurate information concerning the procedures to report missing persons, including how to document information reported on specific cases.

When cases of missing persons are reported, families need to be reassured that the cases continue to be active and that they will receive accurate and ongoing updates on investigation. Meeting these needs is an important step in helping families cope, as well as facilitating their ongoing participation with the police investigation and/or trial.

Recommendation # 13

- The MWWG recommends 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. This could be developed in conjunction with implementation of a National Data Base.

- The MWWG recommends that jurisdictions work with law enforcement/police agencies to ensure that the public is made aware of reporting practices for missing persons in their jurisdiction; to evaluate the adequacy of current educational mechanisms; and consider how to make information more accessible through websites. This could include a national public education campaign about missing persons' issues and police policies and procedures in order to change misconceptions.

Recommendation # 14

In order to increase the likelihood that disappearance of marginalized women will be reported in a timely fashion, the MWWG recommends that jurisdictions encourage police to develop specialized positions or specific units within police agencies so that:

- knowledgeable personnel are given clear responsibility for contact with families and the public in missing person reports; and
- identified police personnel can link with vulnerable communities to increase awareness about reporting missing persons, specifically to:
 - let people know that the reporting of a missing person is not limited to immediate family members, and;
 - reassure individuals who may be associated with criminal lifestyles that they can access police services and report a disappearance without fear of arrest.

Recommendation # 15

The MWWG supports the Saskatchewan *Provincial Partnership Committee on Missing Persons'* Report in urging that police continually communicate with families of missing persons in order to provide ongoing updates to them on the status of the case.

Recommendation # 16

The MWWG supports the recommendation made in the Saskatchewan *Provincial Partnership Committee on Missing Persons'* Report that tools be created for use as an information resource for families of the missing and/or murdered, such as a simple checklist for families to follow that outlines steps they could take during investigation and prosecution of the case.

Recommendation # 17

Building on recommendations in the Saskatchewan Report, the MWWG recommends that jurisdictions give consideration to an expansion of the Victims Services mandate to include provision of support to families of missing persons, and that protocols be developed between police and victim services for engagement and support of the families once that need has been identified.

Barriers to Responding to Missing Persons Cases

The MWWG found that policies, procedures and structural responsibilities for missing persons vary widely among police agencies. Police from missing person units have emphasized the importance of recording and following up on every missing person report received, persisting in investigating the cases until they are resolved, and treating any report of a missing person seriously until there is evidence that the case does not need to be investigated further.

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. Risk assessment tools, coupled with training on the issues, could assist police in making effective decisions regarding the priority of the cases and next steps.

Some larger police agencies have developed missing person units staffed by senior and experienced police officers. These units utilize standardized in-take forms and assessment tools, and have clear policies for analyzing and prioritizing the reports.

Lack of funding and other resources can, however, create barriers to establishing such units, particularly within smaller police forces. Consistent and appropriate approaches to missing persons cases can be accomplished by other means, such as centralizing responsibility to a key individual or position, adopting effective policies and protocols (e.g. in respect of reporting procedures and data collection), and providing training to personnel who may receive reports.

Information on missing persons cases is currently shared among police agencies via CPIC. However, this information is limited; it does not include a national searchable database of intelligence information. The CPIC database is not always current, as information is not necessarily entered in a timely manner. Information entered is not always clear or consistent, for example, with respect to whether a person is suspected to be missing, known to be missing, missing and at risk of becoming a victim of criminal acts. This lack of consistency makes it difficult to link cases sharing common characteristics.

Non-police information, such as social assistance and health or employment information, bank or phone records, can also be of significant assistance at the analysis and investigation stages. For example, the priority of a file may be increased if the missing person is a marginalized woman and evidence shows that the person has not followed her normal routine, such as collecting a welfare cheque.

In some investigations, police have been able to obtain information from health and other databanks to assist in identifying human remains as belonging to a missing person. However, access to many relevant databanks may be restricted as a result of Freedom of Information and Privacy legislation.

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

Coroners and medical examiners hold information about unidentified human remains, which may be vital to the resolution of certain missing persons cases, for example, where the case is the result of a death or murder. Within jurisdictions, protocols establish who is responsible for unidentified human remains and how these remains will be processed.

There is a growing interest in a national searchable database that would contain missing person reports as well as information on unidentified human remains. The Multi-Provincial Strategy on Missing Persons and Unidentified Remains Working Group was to develop a strategy for the establishment of a national approach for identifying missing persons and unidentified human remains, in order to support police investigations and to provide public access to part of the database to raise public awareness of missing persons.

Other barriers to effective resolution of missing persons cases have been identified in a number of recent reports. 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.

Recommendation # 18

The MWWG encourages FPT 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.
- A standardized, specialized in-take form for recording a missing person report and a specialized investigative checklist is used.

Recommendation # 19

The MWWG recommends that jurisdictions support and encourage police to develop, as recommended in the Saskatchewan *Provincial Partnership Committee on Missing Persons* report:

- A common assessment tool to help assess the priority of the investigation.

- A practice of entering cases on CPIC as soon as possible after it is established that the person is missing.

Recommendation #20

The MWWG recommends that FPT governments consider the need for legislation that would allow police access to personal information of persons reported missing.

Recommendation #21

The MWWG recommends that FPT governments support training and education for personnel responsible for records in departments of health, social assistance, and other government agencies to be aware of the need for timely police access to records in cases of missing persons and to encourage development of protocols for the sharing of that information relative to permissible legislative exceptions such as “law enforcement purposes.”

Recommendation # 22

The MWWG recommends that FPT Ministers Responsible for Justice support, as a priority, the work of the Multi-Provincial Strategy on Missing Persons & Unidentified Remains to establish a national missing person database containing both police missing person information and information on unidentified human remains. This database should be accessible to and searchable by both police and coroners or medical examiners, with designated sections accessible to the public by website.

Recommendation #23

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.

Recommendation #24

The MWWG recommends that jurisdictions support the recommendations of the Saskatchewan *Provincial Partnership Committee on Missing Persons*’ Report that the police develop media and public communications protocols

to implement best practices to disseminate information about missing persons and to request the public's help in locating a missing person.

Recommendation #25

The MWWG recommends that jurisdictions support the following Saskatchewan *Provincial Partnership Committee on Missing Persons* recommendation:

- All police forces should assign a police officer responsible for the coordination of missing persons' files and establish a backup process to avoid gaps in effectively responding to missing person reports, in conjunction with recommendation 14 that calls for the identification of a specific unit within police services.

Recommendation #26

The MWWG recommends that FPT Ministers Responsible for Justice support further exploration of the recommendation by the Saskatchewan *Provincial Partnership Committee on Missing Persons* that a more systematic and comprehensive approach be taken to data collection on missing persons in Canada and that the Ministers ask the CACP to consider the following approaches with respect to data entry/collection:

- 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 or national level subject to resources.

Recommendation # 27

The MWWG recommends that jurisdictions:

- review the police response to missing Aboriginal person cases to understand barriers (cultural and systemic) to reporting and investigation and determine how police responses could be improved.
- encourage police to consider the need to develop standardized police intake forms and appropriate assessment criteria based on the risk profile of Aboriginal women and other marginalized women to ensure an appropriate and consistent police response.

Recommendation # 28

The MWWG recommends that jurisdictions encourage police forces to work with Aboriginal organizations to develop and disseminate tools and information about the reporting process for missing women that reflects different literacy levels and is available in a range of languages/formats.

Recommendation # 29

The MWWG recommends that jurisdictions encourage police training on missing person investigations to incorporate specific information respecting Aboriginal people and particularly Aboriginal women, in order to enhance

cultural sensitivity and mitigate any potential distrust on behalf of the families caused by past relationships.

5. CRIMINAL INVESTIGATIONS OF CASES INVOLVING MISSING WOMEN

Homicide investigators indicated that the initial response by police to reports of missing persons is critical, especially where suspicious circumstances indicate that foul-play or serial murder may be at issue. Delays in launching an investigation can lead to the loss of valuable witness accounts and potential leads, as well as the degradation of forensic evidence. Such delays may compound the consequences of any delays in the actual reporting to police.

Police policy guidelines set out a number of first steps that must be taken in cases involving an abducted person who is in serious danger. These steps include protecting the scene, obtaining DNA if possible, establishing roadblocks, and retaining records of 911 telephone communications.

There are, however, particular challenges associated with cases of women who are missing under circumstances that indicate a crime may have been committed against them. For example, there may not be an obvious crime scene, if the victim was abducted prior to being assaulted or murdered. Serial predators also often hide evidence, for example, by moving and then burying the bodies of victims in different areas, making it difficult to establish a pattern of killing.

Failure to make connections between cases in a criminal investigation is referred to as 'linkage blindness'. A major contributor to linkage blindness, according to some researchers, is a lack of information and lack of cooperation in sharing information between police agencies. However, linkage blindness can be exacerbated by uncooperative or unreliable witnesses and a slow response from authorities if the person is transient and marginalized.

Recommendation #30

The MWWG recommends that cases matching the profile of women particularly vulnerable to serial predators be flagged as priority cases when a missing person report is received.

Recommendation # 31

The MWWG recommends that jurisdictions encourage police, as recommended in the Saskatchewan *Provincial Partnership Committee on Missing Persons*' Report, to develop standardized training and practice guides for recording and managing investigations in missing person cases.

Major Case Management

Linkage blindness can be significantly reduced through the use of the Major Case Management (MCM) system. MCM is an innovative approach to solving crime and dealing with complex incidents; it combines specialized police training, investigation techniques, and computer software.

MCM was developed in response to the recommendations of Mr. Justice Archie Campbell in the Bernardo Investigation Review. MCM is intended to address the concerns raised regarding appropriate sharing of information, coordination, cooperation and communication among police and their justice partners. Under the MCM System, a Major Case Manager is assigned to the case and charged with a variety of investigative responsibilities, including ensuring that all reported links between major cases are investigated, and notifying other investigations units if there is a reasonable likelihood that the same person has committed the crimes within single or multiple jurisdictions.

Recommendation # 32

The MWWG recommends that a move toward compatible MCM software be considered by police agencies across Canada in order to coordinate between police agencies in major investigations.

Recommendation # 33

The MWWG recommends that jurisdictions encourage police forces, as they develop improvements to MCM, to also explore strategies that would promote sharing these best practices with other police forces in a timely manner.

Other Investigative Tools

Police can access existing databases to assist in investigating cases of missing persons, such as: Canadian Police Information Centre (CPIC), the Violent Crime Linkage Analysis System (ViCLAS), the National Sex Offender Registry, the National Flagging System, the National DNA Data Bank (NDDDB), which includes Convicted Offender Index (COI) and the Crime Scene Index (CSI), as well as local databases of missing persons.

Voluntary (Proactive) Databases

Some communities have established proactive databases to specifically assist in the investigation of missing and murdered women. People who are at a high risk of going missing may volunteer to be registered in the database, providing identifying information about themselves and their practices. In Alberta, over 85% of the sex trade workers approached have voluntarily provided this information. This information is only used if they disappear or are killed. Once

released, the information may be shared with consent or pursuant to a court order.

A variation on this voluntary program tracks and monitors vulnerable women, particularly those involved in street-level prostitution. In cases where a woman involved in the tracking program has not made contact with police within a predetermined interval of time, usually 30 days, a missing person investigation is automatically triggered making her location and well being a priority.

The MWWG noted a number of benefits that could result from the establishment of a national database, including building positive relationships between police and those living a high-risk lifestyle, and identification of people who are likely to go missing due to lifestyle or mental illnesses. The MWWG supports a study of the feasibility of a national linked voluntary database, but notes that a number of challenges must be addressed, including: whether and how to link with existing independent databases; information confidentiality; how to develop and manage such a database; cost implications; and any relevant *Charter* and/or privacy implications.

Recommendation # 34

The MWWG recommends that jurisdictions conduct a feasibility study on the development of a voluntary database containing information on individuals considered to be at high risk of going missing, including developing criteria for such a database; and that the federal government lead the feasibility study, including a review of any legislative authority required for the collection and use of this information.

The Proposed Missing Persons Index (MPI) and the Existing DNA Databank

Police who were consulted by the MWWG have noted that the ability to cross-match unidentified human remains with other NDDDB profiles could assist in the investigation of cases involving missing women, particularly given the difficulties associated with routine cross-checking of human remains profiles obtained by Coroner's Offices with missing person reports. However, the NDDDB does not now retain samples of DNA from potential victims of crime as the enabling legislation does not permit its inclusion.

The development of an MPI has been under discussion since the topic was raised at the Federal/Provincial/Territorial Ministers meeting in 2003. An MPI proposal envisioned a database separate from the NDDDB, 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).

Recommendation # 35

The MWWG recommends that jurisdictions support further consideration of the feasibility and utility of a Missing Persons Index, including potential resolutions to privacy concerns relating to the possible cross-matching feature of the sub-indices, and also subject to the ongoing review of the DNA Data Bank scheme.

Criteria for Narrowing the Field of Suspects

Specialists in crime analysis use a wide variety of techniques to establish patterns, trends or other information that may help narrow the field of suspects under investigation. These techniques include establishing linkages with other crimes under investigation, criminal or psychological profiling and geographic profiling.

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 it is also used by nine other countries.

Challenges have largely concerned populating the database, as not all investigators contribute information on serious crimes. ViCLAS appears to be effective in identifying crime series; as of April 2007, there were over 300,000 cases entered in ViCLAS, and over 88,000 crime series had been identified, which may support the proposition that there are a large number of serial offenders committing crimes against people on a regular basis in Canada.

Criminal profiling seeks to develop a description of the offender, while geographic profiling seeks to provide clues as to where the offender can be located and his behaviour. It should be noted that both of these techniques may form part of a broader linkage analysis.

While criminal and geographical profiling draw conclusions on the basis of crime scenes, other methods of narrowing the field of suspects involve the development of key criteria to narrow a large pool of offenders to a smaller number of likely suspects.

Recommendation # 36

The MWWG recommends that Ministers recommend to CACP that they support local and national police agencies in developing a strategy to raise awareness and use of all available databases by considering the development of a national police electronic resource, such as a web page, containing current information on available databases as well as

resources such as those contained by National Flagging Coordinators on specific offenders for use in investigations of serial homicides, and a description of each with contacts for additional information.

Recommendation # 37

The MWWG recommends that jurisdictions encourage,

- 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 ;
- 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.

Recommendation # 38

The MWWG recommends that jurisdictions encourage police agencies across Canada to:

- consider strategies to promote the empirical testing of specialized tools for narrowing the field of suspects in cases involving serial predators.
- 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.

Special Task Forces

Police agencies in certain jurisdictions have established special procedures and resources for addressing the challenges of cases that involve serial killings across police jurisdictions. Integrated task forces, comprised of personnel from the different police forces involved in the investigation of a potential crimes series, have helped to address some of the inherent challenges by enhancing the sharing of information and coordination of investigational efforts.

Despite these promising practices, dissimilarities in provincial legislation, as well as the absence of standardized police practices and information sharing protocols across law enforcement agencies, continue to present ongoing challenges in these investigations.

Cold Case Investigations

The term ‘cold case’ generally refers to a case in which every workable lead has been exhausted and no new physical evidence is available. Unfortunately, many

cold cases involve missing persons, and in particular, missing women. 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.

To reduce the number of unsolved homicides, some Canadian jurisdictions have dedicated new resources to investigating and solving 'cold' cases of missing and murdered women. According to police, these new resources have been instrumental in solving some of the cases.

Proper resource allocation and the availability of historical records and evidence have been cited as significant factors in solving cold cases. A 2005 U.S. report recommended that policies be implemented to prioritize unsolved homicides, and, in particular, to maintain case materials for at least a period of 50 years, and submit information on these cases to the relevant database, which maintains case information indefinitely.

The MWWG agrees that access to historical data is directly relevant to a thorough review and analysis of these difficult cases. In some cases, however, records may be inaccessible to police due to record destruction policies within police and prosecution agencies, corrections and courts. Variations amongst policies on record retention and destruction have also been noted as problematic issues in other contexts, including the Milgaard, Driskell, and Sophonow inquiries.

In addition to preserving historical evidence, ongoing and informative communication with the homicide victims' families can increase the solvability of missing persons cases, as new information comes forward. Current information could be exchanged through an accessible website, such as a 'cold case' website, with links to cases in Canada, the U.S.A. and the broader international community. Such websites offer users the opportunity to obtain information about unsolved cases, including homicides and missing persons. These sites typically give telephone numbers for people wishing to provide further information about any of the cases.

Recommendation #39:

The MWWG recommends that jurisdictions consider the provision of targeted funding to police agencies to ensure that there are adequate resources for dealing with cold case files.

Recommendation #40

The MWWG recommends that jurisdictions encourage police forces to examine policies on releasing information on 'cold cases' to media and

'co-victims', with a view to determining the best strategies for determining how and when to provide this information in order to advance investigations and to provide assurance to families and friends that appropriate attention is being given to the case.

Recommendation #41

The MWWG recommends that jurisdictions review their record retention policies for police, prosecutions and courts with a view to assessing the extent to which access to historical records would assist in solving cases, such as the identification leading to new DNA samples being collected for those historical cases and thus linking them to DNA crime scenes on other unsolved cases.

Investigation and Pre-Charge

In any criminal case, the prosecutor's role traditionally begins after charges have been laid; however, models of early Crown involvement have assisted in developing certain cases. In these models, the prosecutor is available to police to provide advice on how evidence is gathered during the investigation.

Early Crown involvement in complex cases from pre-charge to post-charge may be an important factor in the success of a case. Prosecutors can assist with critical decisions early in the investigation that could potentially impact on the evidence that will be gathered and its ultimate admissibility in court, including: applications for search warrants, wiretaps, and subpoenas; continuity of evidence; DNA and forensic testing; approach taken in questioning of suspects; and voluntariness of confessions. The prosecutor's role, in both the pre-charge and post-charge stages, is to act in an advisory capacity to police, ensuring that the latter take the lead in the management of the investigation itself.

Recommendation # 42

The MWWG recommends that jurisdictions give consideration to the incorporation of early Crown involvement on suspicious missing persons' files where foul play is suspected.

6. POTENTIAL VICTIMS: PREVENTION, SUPPORT, AND SAFETY PLANNING

The importance of safety planning and safety awareness for women as a prevention tool has been noted. Preventative measures or safety planning may include encouraging positive behaviours within target groups, planning responses should they be stalked or chased, and developing support networks should they need help.

Community agencies play an important role in supporting those marginalized women by providing much-needed services such as food banks, temporary shelters, referrals to other services including medical services, and other necessary supports. In addition, community agencies may support victims of crime, assisting them in giving statements to police, or assisting those who report a missing person. They may also distribute safety information to women, such as “bad date” information sheets, which provide prostitutes with a way to share information with one another concerning violent and/or dangerous customers. In particular, the FPT Aboriginal Justice Working Group recommended that Aboriginal liaison officers be deployed to work with Aboriginal families in cases of missing persons.

Recommendation # 43

The MWWG recommends that jurisdictions consider testing and evaluating community mobilization processes, such as adaptations of the Community Solutions to Gang Violence initiative in urban communities with a high population of vulnerable women.

Recommendation #44

The MWWG recommends that jurisdictions encourage and support, as appropriate, police services to consider using an Aboriginal liaison officer to work with Aboriginal families, wherever possible, and police and Aboriginal organizations/agencies to develop and implement protocols for working together and with Aboriginal families and communities.

7. THE ROLE OF THE MEDIA IN MISSING WOMEN CASES

The MWWG found that media reports can affect the process of locating missing women, can encourage or discourage the offender to commit more crimes, and can increase the public’s feeling of safety or danger. Media reports can compromise the privacy of victims and affect how society views them. Finally, media reports can compromise the investigation and trial of serial predators.

Identifying and Locating Missing Women – Media Involvement

Police investigators use media strategies to inform the public, service agencies, and non-profit organizations about missing women cases. News programs and “cold case” re-enactments on television shows have been known to prompt the general public to report information that provided assistance to investigators in some cases.

However, many of the family members of missing persons have made efforts to bring the public’s attention to the situation by conducting their own searches, constructing and displaying posters, requesting public service announcements

through local radio and television stations, and contacting community groups for assistance.

Recommendation # 45

The MWWG recommends that jurisdictions encourage police investigators involved in cases of missing or murdered women to design and implement effective media plans in order to ensure proactive and strategic use of media sources for educating and soliciting information from the public concerning details of the investigation.

Educating the Media

Media headlines referring to missing women cases have been known to label victims as missing prostitutes or sex workers, and not as the missing victims that they may be. Studies of prostitution-related media reveal images of the “lone street-walker,” working in the shadows, at night, and at risk. Questions have been raised about whether this type of media coverage helps fuel the sadistic and violent fantasies of serial killers.

In some cases the media can hinder ongoing investigations, by, for example, releasing information concerning police techniques or publishing of inaccurate information. Some police officers have suggested that concrete guidelines be established to better regulate media releases in order to mitigate the potential negative impact on ongoing investigations.

Recommendation #46

The MWWG recommends that media best practices should be developed in consultation with police and media and made public.

Victims and Their Families – Media Involvement

There are many issues that families need to confront in a missing persons case. Families may wish to disseminate information to help with the immediate search, issue press releases to maintain public support for a search, or respond to inquiries about the missing person and the family’s reaction to the police investigation. However, the media may also seek information they are not able to obtain from investigators, such as details regarding the murder of a victim, from surviving family members. While police and prosecution may caution against sharing such information, which can compromise the investigation and/or resulting trial, family members may succumb to pressure from the media to speculate or disclose confidential information. It should also be recognized that media fascination with the serial killer can cause harm to the victims’ families, who are forced to confront the details of how their loved ones may have suffered, been tortured or mutilated.

Victim services workers can play a vital role by working regularly with family members, providing information, assisting in shaping their responses to the press, and helping them deal with the associated trauma.

Recommendation #47

The MWWG recommends that Heads of Prosecution and the FPT Working Group on Victims participate in the development of and distribution of best practices for police, prosecutors and Victims Services respectively to use when dealing with victims' families, witnesses and the media in missing and murdered person cases.

Offenders and the Media

Investigating officers of serial murder cases noted that offenders have often tracked media stories about their cases and taken great interest in the reports, even keeping news clippings as "souvenirs."

In the 2005 U.S. Department of Justice symposium on serial murder, attendees suggested that, in cases where offenders are actively communicating with the media, investigators should consult behavioral experts on the development of a proactive media strategy that would help to circumvent these issues.

Recommendation # 48

The MWWG recommends that jurisdictions consider the recommendation made in the 2005 FBI symposium on serial murder that investigators should consult with behavioral experts on the development of a proactive media strategy in order to circumvent issues related to interactions between the offender and the media.

Media Involvement During the Trial Process

Court cases involving serial predators and murdered women often become sensationalized in the media, which may be detrimental to the trial or subsequent cases. Police Services Boards are responsible for establishing policies respecting disclosure of personal information, and ensuring that the purpose of disclosure includes keeping the public informed about the law enforcement, judicial or correctional processes concerning that individual. Representatives from the Ontario prosecution, defence and police developed a guideline for the disclosure of information during criminal proceedings, to curtail statements concerning a criminal matter that may prejudice the criminal trial and/or compromise privacy.

Recommendation # 49

The MWWG recommends that jurisdictions ensure that media involvement in any large and complex trial should be managed within a framework supported by the Judiciary.

Recommendation # 50

The MWWG recommends that jurisdictions consider the recommendation of the Panel on Justice and the Media that consideration be given to formally implementing the guidelines established in the “Protocol Regarding Public Statements in Criminal Proceedings” document.

8. THE TRIAL PROCESS

Cases involving the serial killing of marginalized women pose particular challenges. One of these challenges is the status of the victims and witnesses if they are sex workers. Another challenge is a cluster of issues associated with any large and complex case that results in a ‘mega-trial’.

Witness Management and Support

Women who are marginalized by working in the sex trade may face cultural biases that are exacerbated by other characteristics such as drug addiction, poverty and Aboriginal status. It must be recognized, however, that the legal context for the criminal justice system’s treatment of these women has undergone a significant evolution over the past three decades. While ‘rape myths’ and stereotyped views of women and sex workers in particular continue to surface, the criminal justice system has taken measures to counterbalance these biases. These measures include special rules to prevent fishing expeditions into a witness’s therapeutic records, and jurisprudence that recognizes the particular vulnerability of sex workers. In fact, the status of the victim as a sex worker is considered to be an aggravating factor in sentencing.

Witnesses with addictions or mental health issues may be difficult to locate and may not be able to remember key dates and times. This can lead to inconsistent statements at various stages of the proceedings that will need to be accounted for by the prosecution. Those involved in the sex trade, including other prostitutes, pimps or johns, may be reluctant to share information because they are intimidated by others in the trade or afraid of reprisals from law enforcement. These factors present difficulties in obtaining KGB (under oath) statements from witnesses, which can be of assistance in these kinds of cases.

Specialized victim support workers were used in the Pickton case in BC. These workers were responsible for assessing the needs and expectations of the witnesses, and mediating these requests as needed. For those witnesses who have personal challenges, the demand placed on the workers can be significant.

In some cases, family members were in contact with the media, and negotiated their needs through that venue.

During the Svekla case in Alberta, Project KARE accessed police-based victim services units with plans for referrals to contacts, court support required, and provisions of assistance to "high maintenance" witnesses.

Some best practices have emerged from cases such as Pickton and Svekla. These include the importance of:

- maintaining close contact with complainants/witnesses during the investigation stage and prosecution stages;
- working with victim services to facilitate open communication with complainants during periods of delay in proceedings;
- thorough preparation of complainants and witnesses; and
- ensuring that evidence is corroborated.

Mega-Cases

Prosecuting serial killers will usually involve multiple charges, and can carry with it the challenges associated with any 'mega-case', including handling a large volume of evidence, determining what evidence needs to be disclosed and what is not relevant etc. Furthermore, mega-cases of any kind, whether involving terrorism, gang warfare or serial killing, tend to be highly sensationalized and involve management of public fears, in determining where the trial can be held, maintaining jury members over a lengthy trial, ensuring public safety both in the community and in the courtroom, and maintaining and supporting multiple witnesses.

Specific issues that may arise in the prosecution of serial killers of marginalized women include managing the disclosure process for large bodies of evidence; applications for change of venue; challenges for cause to jury panels and other issues, such as the psychological impact of the trial on jurors given the often gruesome nature of offences and duration of trials, publication bans to protect the integrity and privacy of vulnerable witnesses, and other evidentiary issues such as similar fact evidence and difficulties in obtaining KGB (under oath) statements and maintaining communications with the families of victims.

Proposals aiming to render the criminal justice system more responsive to the tremendous demands of long and complex cases, such as the management of mega-trials, were agreed to by FPT Ministers in 2007 and referred to Justice Canada "for the detailed policy work necessary to move the initiative forward".

Recommendation # 51

The MWWG recommends that Heads of Prosecution and FPT Working Group on Victims examine the issue of victim and witness support best practices in this context. The best practices identified in the Pickton and

Svekla prosecutions may provide a valuable starting point for this examination.

Vicarious Trauma

Researchers, prosecutors, jury members, police or others working on violent sexual crime cases may experience vicarious trauma from exposure to the evidence, which may reveal the commission of highly violent and disturbing crimes. Policies are in place within police organizations, legal services and victim services that recommend counseling and support in these circumstances.

For example, according to RCMP Policy, if a member experiences certain situations, psychological counseling is mandatory. Although the investigation of serial homicides does not fall into this category, Project KARE (Edmonton, Alberta) ensured the psychological well-being of its members by having two Member/Employee Assistance Program Agents (M/EAP) on staff. The M/EAP Agents provide confidential referrals and information to members not only when the member requests it, but also when a need is identified by the agent, the supervisors, or co-workers.

Recommendation # 52

The MWWG recommends that jurisdictions support justice agencies in developing plans for supporting those who have close contact with offensive material in cases involving missing and murdered women given the disturbing nature of these files.

9. CONCLUSIONS

The Missing Women Working Group recognizes the serious harm done to women, families and communities by serial predators who target marginalized women. Through research and consultation, the MWWG has concluded that effective strategies to reduce the murder of marginalized women are available. Many of these strategies can be found in the progress that has occurred over the last decade in all areas related to missing and murdered women.

Research has provided valuable information on the types of women who are most vulnerable to predators. These are women who have been marginalized by situational and individual factors such as being poor, being Aboriginal, having addictions or living a high risk lifestyle. This information is critical in targeting resources to initiatives that will prevent the murder of these women. Research has also assisted in identifying key characteristics of men who become serial sexual killers. The justice system in Canada has borrowed tools from this research to assist in identifying and intervening with these men before they escalate their offending. However, it is clear that this research is in the very preliminary stages, and support for more research is required to assist in the

development of detailed, precise, and effective prevention, predictive and intervention strategies.

The Working Group found that the ability to identify and track missing persons cases is foundational in addressing missing and murdered women. Currently, the public lacks understanding of how and when to report missing persons, there is insufficient training and resources available to police in managing these reports, and there is a need for further development of criteria and processes for prioritizing specific cases for criminal investigation. This area of policing is developing quickly, and the MWWG found excellent models for handling missing person cases using personnel with specialized skills and training and, in some agencies, establishing specialized missing person units. However, the investigation of missing persons cases can be hindered by inadequate data. For example, the WG was told that the information on missing persons in CPIC is not current and comprehensive. Police also noted the need for a national linked missing person database with links to databases of unidentified human remains. Such a database should be searchable by police across jurisdictions. Additional tools were suggested, such as a national linked database containing information voluntarily provided by high risk women. The WG found that this may hold promise in assisting investigations but presents challenges that remain to be explored.

Major case management has been a key tool in investigating serious and complex criminal cases that cross policing jurisdictions. This method has been successfully used in investigating cases of women murdered by serial predators, and continues to be refined by police personnel. However, police require high quality information on serious and violent offenders. For example, ViCLAS is a challenge to maintain and the MWWG notes the need for additional resources to ensure that it is populated with comprehensive information.

The majority of the MWWG recommendations target practices and resources. However, legislation may be useful in promoting information sharing between justice and health or social services agencies. Consideration could also be given to addressing offender activities that could be considered preparatory to sexual offences within the *Criminal Code*.

Many of the promising practices identified by the MWWG emerged directly from the experiences of police and prosecutors involved in the Pickton (BC) and Svekla (Alta) cases. For example, early involvement of prosecutors in these cases was noted as important in providing advice on how evidence is collected. As another example, police and prosecutors stressed the need for strategic approaches to the media at all points of the case and offered their experience to other jurisdictions dealing with such cases.

The MWWG concluded that the community can play important roles in both preventing these crimes and assisting in the investigation. The WG proposed

that resources be provided for the development of prevention strategies, such as safety planning, for women who are marginalized by being poor, Aboriginal or living high risk lifestyles. Collaboration and information sharing between police and key community agencies can help in identifying women who have gone missing and are at high risk of being murdered.

Finally, the MWWG stresses that while the number of serial predators in Canada may not be large, the number of their victims is significant and the impact of these cases is widespread. The MWWG urges that serious consideration be given to the recommendations of this report, in order to build the infrastructure required to effectively prevent such crimes and to more rapidly bring those who are responsible into the justice system to be held accountable.

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