

**COORDINATING COMMITTEE OF SENIOR
OFFICIALS (CRIMINAL)
MISSING WOMEN WORKING GROUP**

REPORT AND RECOMMENDATIONS

On

Issues Related to the High Number

of

Murdered and Missing Women in Canada

January 2012

TABLE OF CONTENTS

1. INTRODUCTION.....	4
2. WOMEN WHO ARE VULNERABLE TO SERIAL SEXUAL ASSAULTS AND MURDER	5
2.1. SITUATIONAL FACTORS	6
2.2. MARGINALIZING FACTORS	9
Aboriginal Women	9
Substance Abuse and Mental Illness	10
2.3. THE INTERACTION OF SITUATIONAL AND MARGINALIZING FACTORS.....	10
Is Desirability a Factor?.....	11
3. PREDATORS AGAINST MARGINALIZED WOMEN	13
3.1. CHARACTERIZING SEXUAL PREDATORS	14
Escalation of Violence in Predatory Crimes	15
3.2. WHAT CAUSES A PERSON TO BECOME A SERIAL SEXUAL KILLER?	17
Socio-Cultural Factors	17
Individual Factors	18
3.3. PROGRESS IN PREDICTION AND INTERVENTION	19
Escalation and Predictive Assessment.....	19
Psychopathy and Predictive Assessment.....	20
Intervention Based on Evidence of Intent.....	21
Intervention through Monitoring Practices	24
Intervention through Treatment.....	25
4. SERIAL MURDERS – MAJOR CASES.....	26
King County, Washington: Green River Task Force	26
Canadian Cases	27
5. RESPONDING TO CASES WHERE WOMEN ARE MISSING AND POSSIBLY MURDERED	28
5.1. MISSING PERSON REPORTS: POLICE POLICIES AND PROCEDURES	28
5.2. BARRIERS TO REPORTING AND RESPONDING TO MISSING PERSONS	29
Understanding, Ability, and Willingness of the Public to Report a Missing Person.....	29
Police Response: Specific Areas of Consideration	33
Availability of Information	34
Use of Missing Person Information in Police Investigations	37
Non-Police Agencies.....	39
Dedicated Personnel for Missing Persons Investigations	41
Other Factors Influencing the Processing of Missing Persons Cases	42
5.3. CRIMINAL INVESTIGATIONS OF MISSING WOMEN	44
Major Case Management.....	44
Other Investigative Tools	47
Other Proposed Databases	49

The Proposed Missing Persons Index (MPI) and link to the National DNA Data Bank (NDDB) ...	51
Criteria for Narrowing the Field of Suspects	52
Special Task Forces	57
Cold Case Investigations	58
5.4. INVESTIGATION AND PRE-CHARGE STAGE OF CRIMINAL CASES	61
6. POTENTIAL VICTIMS: PREVENTION, SUPPORT, AND SAFETY PLANNING.....	63
Community Agencies	64
Pro-active Initiatives to Increase the Safety of Sex Workers.....	66
7. THE ROLE OF THE MEDIA IN MISSING WOMEN CASES	67
Media Reports About the Missing Person	68
Protecting the Victims' Families – Media Involvement.....	69
Dealing with Offenders and the Investigation – Media Involvement.....	70
Media Involvement during the Trial Process	71
8. THE TRIAL PROCESS.....	72
8.1. WITNESS MANAGEMENT AND SUPPORT	72
8.2. MEGA-CASES.....	74
Additional Trial Issues In Cases Of Serial Murders And Sexual Assaults	74
8.3. VICARIOUS TRAUMA	76
9. CONCLUSIONS.....	78
10.WORKS CITED.....	80

1. INTRODUCTION

In recent years, the public has become increasingly aware of missing women¹ who became victims of serious crimes of violence. Police departments, advocacy groups, and the media from across Canada (Vancouver, Prince George, Edmonton, Regina, Winnipeg, and Southern Ontario) have identified the disappearance of many women over a period of about twenty years. While some of the missing women were found alive and had actually disappeared in order to start a new life, many of the missing women were later identified by their remains located at crime scenes. These women were victims of murderers; some were victims of serial killers, more specifically, the subset of serial sexual killers.

At their meeting in February 2006, 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. Alberta and British Columbia were asked to co-chair this working group. The CCSO Missing Women Working Group (MWWG) includes members from the justice and public safety departments of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, Nova Scotia, and Canada. The members of the MWWG include police and prosecutors who have had experience with cases involving predators, as well as members with expertise in criminal law policy analysis and social science research.

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 identified goals were as follows:

- 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 provides the best tools for investigating and prosecuting cases of serial killers who target “marginalized” persons.²

The MWWG considered strategies for determining the best way to intervene and prevent further predatory homicides of women. These strategies included: protection of persons who are at high risk of being victimized by these predators; early reporting and improved responses to cases of missing women who may become victims of violence; evidence-based identification of those who may be considered suspects in an investigation; intervention with those who may become predators; management of prosecutions in high profile cases; and, improved databases, records-management policies, training, and information sharing.

¹ The MWWG focused this report on adults, but recognizes that there are numerous additional issues associated with missing children who become victimized by violence.

² Marginalized persons will be further defined and discussed in Section 2.2.

The MWWG reviewed literature and research and consulted with academic researchers, police, prosecutors, community advocates, coroners, DNA experts, and people with direct experience in the sex trade on issues related to victim vulnerability, high-risk offenders, serial predators, investigative techniques, databases, and prosecutions. The MWWG has also established links with task forces responsible for major investigations of murdered women.³

The strategies considered by the MWWG have been proposed or vetted by members of the relevant sector of experts, including victim services personnel, police, prosecutors, social scientists and clinicians. The MWWG has also linked with other policy tables that are considering issues specific to Aboriginal women and has incorporated material and recommendations from these tables into this report.

During discussions in September 2008, FPT Ministers Responsible for Justice directed further work on the broader issue of “missing persons”, noted in particular the seriousness of the issue of missing and murdered Aboriginal women, and directed officials to report back on efforts to create a national information database of missing persons.

Other groups have also studied missing persons, missing women, and related issues. One of the more notable reports is Saskatchewan’s *Final Report of the Provincial Partnership Committee on Missing Persons*,⁴ which recommends steps to improve the overall response to missing persons, including: actions to improve public education and awareness about the risks of persons going missing; responding to missing person situations; supporting the needs of families in missing person situations; and identifying improvements needed within response systems, such as police. The MWWG drew heavily on the work of the Saskatchewan committee in responding to the FPT Ministers’ directions to consider a national missing person database.

The research done for this report was primarily conducted between 2006 and October 2010, when FPT Ministers released the summary document. This report does contain some additional references to events that occurred after October 2010.

2. WOMEN WHO ARE VULNERABLE TO SERIAL SEXUAL ASSAULTS AND MURDER⁵

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

³ Project Evenhanded (British Columbia), Project KARE (Alberta), and relevant provincial agencies.

⁴ Provincial Partnership Committee on Missing Persons, October 2007.

⁵ In this report, MWWG was sensitive to avoid unduly publicizing the offenders, to appropriately recognize victims, and to respect the privacy interests of victims’ families. However, there were inevitable tensions between these objectives. There were a few instances where reference to specific offenders was considered warranted, but generally the report uses initials to refer to the victims and missing women when specific cases are mentioned.

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.

2.1. Situational Factors

Situational factors impact on both availability and vulnerability. For example, isolation makes women more available to potential predators by decreasing the chance that violence would be noticed by those who could help. Occupations that require a woman to be alone with a client also involve an increased risk to personal safety. A 2008 report by the Canadian Centre for Justice Statistics on Homicide in Canada, for instance, identified some occupations as involving more personal risk to safety than others,⁶ such as involvement in the sex trade, working as a real estate agent,⁷ as a parole officer,⁸ or in any retail or service industry job that requires employees to work alone.⁹

Situational risk factors are not always related to occupation; any activity that places a woman with a stranger in an isolated place can result in increased risk of violence.

⁶ Homicides are often associated with a victim's involvement in illegal activities, such as gang activities, drug trafficking and prostitution. While there may be suspicions about various cases, police were able to establish that a total of three prostitutes were killed as a direct result of their profession. This is down from an average of seven killed annually over the past decade. There were another 25 homicides committed against persons working in other types of criminal activities such as drug dealing or organized crime, which is 30 fewer than in 2008. (Canadian Center for Justice Statistics, 2008)

⁷ In particular, real estate agents experience more risk, particularly where the job involves meeting unknown prospective clients in isolated areas or homes that are un-occupied, holding open houses that may be attended by unknown prospective clients, or driving unknown clients to appointments. The number of murders of real estate agents involved in these activities is significant. For instance, a Calgary real estate agent, S. L., was sexually assaulted and murdered in January 2004 while collecting rent from tenants. John Adam Robson pleaded guilty to the murder and was sentenced to life in prison. S.L.'s murder is not an isolated case. For an article published in the *Globe and Mail*, journalist Rick Cash compiled the following list of women in real estate, in addition to the Calgary woman noted above, who have been victimized:

- I.P. was supposed to meet a potential buyer on Nov. 15, 1979. Her body was discovered the next morning. Winnipeg police reopened the investigation in November, 2007.
- W.C, a Mississauga-based real estate agent, was attacked in June 1996 by two men posing as potential buyers of a model home. Two men were convicted.
- J.M. was severely beaten and left for dead during an open house in Duncan, BC, in October, 1993. Ken Hibbert was twice convicted for attempted murder but was released in May, 2002 after the Supreme Court of Canada ordered a new trial and the Crown decided against a third.
- B.S. from Matsqui, BC was stabbed to death in March 1985 while showing a home alone. Wesley Gareth Evans, a mentally handicapped man, was released in 1991 when his convictions were overturned by the Supreme Court of Canada.
(Hunter & Langdon, February 5, 2008, p. A6)

⁸ For example, L. P, a federal parole officer in Yellowknife, was stabbed to death on October 6, 2004 by the parolee she was visiting. This was her first visit with him since he had been granted parole following a 1990 manslaughter conviction; she attended the meeting alone. The suspect pled guilty to second degree murder and was sentenced to life in prison. Corrections Canada announced a series of changes in its safety protocol in late October 2004, which was a direct response to L.P.'s death. Changes included ensuring that female parole officers do not visit parolees alone.

⁹ Other women have been assaulted or killed while working alone in the service or retail industry. The murder of 16 year old B.S., for example, took place at a Winnipeg doughnut shop on December 23, 1981 when she was working alone. A similar incident occurred in March 1999 when a young woman working during the day in a Winnipeg sex video store survived a brutal attack that took place as she proceeded to locate a product requested by a customer who was unknown to her.

Hitchhiking, for example, is a well-known risk-associated activity, as the series of disappearances¹⁰ along Highway 16 in British Columbia attests. Other activities, such as walking in less populated areas of a city, crossing a large campus, or jogging on an isolated trail, can also increase the risk of violence to women.¹¹

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 Symposium Recommendation Report*.¹²

Poverty is a situational factor at the root of many other factors that increase vulnerability to violence. Financial poverty leads to a poverty of choices, opportunities and resources, placing individuals in various situations of risk.¹³ Poverty can result in homelessness, which renders women particularly vulnerable to experiences of violence.¹⁴ Physical and sexual violence are not only common experiences for homeless women,¹⁵ but also represent central and persistent fears for most homeless women both on the streets and in shelters.¹⁶ In fact, one study on homeless women indicated that violence, more than mental health or addiction problems, was their most prevalent concern.¹⁷ The women in these studies indicated that they used survival strategies, such as aligning themselves with particular males, as a means of protection from physical and sexual assault. However, these efforts at negotiating safety were limited, unreliable, and often ineffective.¹⁸ Homeless women who

¹⁰ While the exact number is not known, in 2009 police indicated that they were investigating 18 cases of missing women along Highway 16. However, other reports, including the report from the Highway of Tears symposium, indicate that the number of missing women along Highway 16 is at least 30 to 32. (Lheidli T'enneh First Nation, Carrier Sekani Family Services, Carrier Sekani Tribal Council, Prince George Native Friendship Centre & Prince George Nechako Aboriginal Employment & Training Association, 2006, p.9)

¹¹ While there are many examples of violence in these situations, the case of M.T. is of note. M.T. was jogging along a secluded road in Victoria, BC when she was murdered in 1987. Her body was never found. More recently, W.L. was murdered in the afternoon of April 3, 2009 while jogging alone on a trail in Pacific Spirit Regional Park, Vancouver, BC.

¹² Lheidli T'enneh First Nation et al., 2006, p. 20.

¹³ Fukuda-Parr, 1999.

¹⁴ Reid, Bermann & Forchuk, 2005.

¹⁵ In a recent study of 974 homeless women, 34% reported experiencing major violence, including being kicked, bitten, hit with a fist or object, beaten up, choked, burned, or threatened or harmed with a knife or gun, at least once during the 12 months prior to the interview. Half of these women experienced an assault at least twice during that time period. In this study, homelessness was not the only operating factor. Childhood violence and trading sex for money, food or drugs, were also key factors in predicting violence. (Wenzel, Leake & Gelberg, 2001, 744)

¹⁶ Gaetz & O'Grady, 2002; Whitzman, 2006; Wenzel et al., 2001.

¹⁷ Reid et al., 2005.

¹⁸ Ibid.

have been victims of sexual or physical abuse also have a high prevalence of substance abuse, which leaves them particularly vulnerable to future victimization.¹⁹ Additional situational factors, such as the severity of homelessness (length of time without a home) and the specific living environment (exposed areas and/or higher crime areas) further increase the likelihood of the woman experiencing violence.²⁰

Homelessness presents some of the toughest barriers to securing and maintaining steady employment.²¹ Those living on the street are largely excluded from the formal economy, and are left to support themselves by engaging in various income generating activities, such as panhandling, involvement in the sex trade, petty crime, and drug dealing. These activities involve varying degrees of vulnerability to harm, with panhandling and the sex trade leading to the greatest risk.²² The networks and environments associated with such high-risk work increase the potential for those persons involved to be exposed to violence, and increase the likelihood that substance abuse will either be initiated or continued.²³

Transience, a factor closely associated with homelessness, may also increase vulnerability to violence. The MWWG considered the effects of transience in two groups of women: Aboriginal women and sex workers. Amnesty International's *Stolen Sisters* report noted that many transient Aboriginal people are unaware of or unable to access essential social services available to them.²⁴ Since, as a whole, Aboriginal people living "off reserve" move more frequently than other people living in Canada, their levels of vulnerability may be elevated.²⁵ While for some, transience reflects an effort to maintain a connection to family and culture by regularly commuting back and forth to home communities, for others, it is a reflection of rootlessness stemming from factors such as lack of employment opportunities or affordable housing.²⁶

Transience may be required for sex workers who move in a circuit from city to city, but transience can also reflect an attempt to start a new life. Many of the sex trade workers interviewed in a British Columbia study, for example, indicated that they have frequently moved between cities in Alberta and British Columbia, hoping to "start fresh," and leave the sex trade.²⁷ Unfortunately, without any resources or connections in the new communities, the majority of the study participants ended up working in the street-level sex trade in the new city. Having no knowledge of the local area and nowhere to live once they arrive in the new community, these women experienced an increased level of violence than others generally.

Sex work itself may be considered a situational factor that is linked to violence. For example, street sex work involves a high level of violence,²⁸ as it brings together a constellation of situational and marginalizing risk factors, each of which increases the risk. This issue is discussed later in the section on the interaction of multiple factors.

¹⁹ For discussions of homelessness and violence, see: Godfrey, 2007; James, Johnson & Raghavan, 2004.

²⁰ Tucker et al., 2005; Wenzel et al., 2001; Reid et al., 2005.

²¹ Gaetz & O'Grady, 2002.

²² For more information see: Gaetz & O'Grady, 2002; Wenzel et al., 2001.

²³ James et al., 2004.

²⁴ Amnesty International Canada, 2004.

²⁵ Statistics Canada, 2006a.

²⁶ Ibid.

²⁷ Justice Institute of British Columbia, 2006.

²⁸ Manitoba Justice, 2006.

2.2. Marginalizing Factors

The MWWG is using the term ‘marginalizing factors’ to refer to those characteristics that are internal to the individual and which increase vulnerability, such as age, gender, perceived race, ethnicity, addictions, and mental illness. Aboriginal identity, mental illness, and substance abuse in particular are thought to marginalize women and increase their vulnerability to sexual predators.

Aboriginal Women

There have been a large number of missing and murdered Aboriginal women in Canada. These cases have been considered by, among others, Amnesty International and the National Aboriginal Women’s Association (NWAC). Estimates of the number of these cases vary depending upon the source of the information.²⁹ According to these organizations, Aboriginal women, given their heritage of colonization, often do not feel valued as equal citizens and may become marginalized, impoverished, and lacking in social supports.³⁰

The Amnesty International report entitled *Stolen Sisters*, released in October 2004, critiques the societal and justice responses to the disappearance and murder of Aboriginal women. A subsequent Amnesty International report, released in 2009, entitled *No More Stolen Sisters* reiterates the urgency of this issue and calls on police, specifically, to improve responses to cases involving missing Aboriginal women.

The MWWG is of the view that federal, provincial and territorial governments have two roles in responding to violence and abuse in Aboriginal communities: 1) to assist Aboriginal communities (and agencies working with Aboriginal communities) to develop and implement community-based initiatives to address victimization and abuse; and, 2) to ensure that services, programs and responses are linked to Aboriginal needs and initiatives at every possible point along the justice continuum. The justice continuum includes family and criminal justice responses in prevention, intervention, and enforcement. It can include responses from government and non-government agencies in justice, health, social services, education, and other relevant sectors.

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.

²⁹ In its 2009 report, Amnesty International reported on research conducted by the Native Women’s Association of Canada and noted that as of November 2008, 510 Aboriginal women and girls were entered into the NWAC database as missing or murdered. Of the 510 women and girls, 127 (25%) have been identified as missing and 340 (67%) have been identified as murdered. There are 43 cases where the nature of the case remains unconfirmed, or where a situation of ‘wrongful death’ has been identified. (Amnesty International, 2009)

³⁰ In Canada, 36% of Aboriginal women live below Statistics Canada’s Low Income Cut-off, which is double the percentage of non-Aboriginal women and more than the number of Aboriginal men (32%). (Statistics Canada, 2006b, p. 200)

Substance Abuse and Mental Illness

Substance abuse can increase a person's vulnerability to violent victimization, largely as a result of impairment of judgement and decreased states of awareness. Experience of violence, in turn, can increase the person's consumption of intoxicants as a coping mechanism. Similarly, mental illness can impair a woman's judgement and lead to decision-making that increases her level of risk. However, victims are rarely marginalized by a single factor. For example, research substantiates the association between violent victimization, poverty, mental illness, and substance abuse problems.³¹ The effect of multiple factors is discussed in the next section.

2.3. The Interaction of Situational and Marginalizing Factors

Factors such as gender, perceived race, ethnicity, physical ability, sexual orientation and access to income can form interlocking "structures of constraint",³² which may limit access to social goods and choices. Women operating within these limited choices lack some of the protections available to other women.

Women who engage in high risk conduct are particularly likely to experience additional marginalizing factors. Although situational factors alone may elevate risk of violence in some cases, such as those involving activities like hitchhiking or jogging in remote areas, in many cases situational and marginalizing factors combine to significantly increase risk. For example, poverty may induce some women to engage in high risk conduct, such as involvement in the sex trade, which in turn may lead to consumption of intoxicants as a coping mechanism.³³ The psychological distress associated with the sex trade and any high-risk sexual behaviour may lead to more frequent and severe substance use,³⁴ which is associated with high probabilities of experiencing physical and/or sexual assault.³⁵

Census data from 2006 shows that Aboriginal women and men comprise 3% of the adult Canadian population.³⁶ While data indicating the rate of involvement of Aboriginal women and youth in the sex trade is somewhat limited, existing research shows that this rate is disproportionately high.³⁷ For example, in a sample of 47 women in Alberta, Saskatchewan, and Manitoba who became involved in prostitution before the age of 18, Aboriginal women outnumbered non-Aboriginal women (55% compared to 43%). This effect was particularly pronounced in Saskatchewan, where the sample was 100% Aboriginal, and in Manitoba, where 63% of the sample was Aboriginal. In contrast, 31% of the women in the Alberta sample were Aboriginal. In 2000, Save the Children Canada released a report claiming that 90% of youth involved in the sex trade in some communities are Aboriginal. However, representatives from agencies working with these youth in British Columbia and Alberta³⁸ stated that involvement of Aboriginal youth was closer to 30 - 40% in their communities.

Women involved in the sex trade are vulnerable to violence. However, when Aboriginal women, who are disproportionately affected by isolation and social marginalizing factors,

³¹ Morrow, 2004; Godfrey, 2007; James et al., 2004.

³² Whitzman, 2006.

³³ Tucker et al., 2005.

³⁴ Ibid.

³⁵ Wenzel et al., 2001.

³⁶ Statistics Canada, 2011, p.36.

³⁷ First Call and Youth Coalition, 1996; Save the Children, 2000; McEvoy & Danilu, 1995; Prostitution Awareness and Action Foundation of Edmonton (PAAFE), 2005.

³⁸ Taillon, 2001.

become involved in the sex trade, their vulnerability to violence is significantly increased.³⁹ This is exemplified in the high number of life-threatening attacks reported by Aboriginal women in the sex trade. In reviewing the level of violence against these women, the *Stolen Sisters* report concluded that this population is over-policed and under-protected.⁴⁰

Poverty may also lead to vulnerability to human trafficking, which involves the recruitment, transportation, or harbouring of persons for the purpose of exploitation (typically in the sex industry or for forced labour).⁴¹ Those who suffer social, legal and economic disadvantage are most at risk of becoming trafficked.⁴² People who are initially marginalized by poverty, or other factors, find themselves faced with even fewer life options once they become controlled by traffickers. Some have suggested that the intersection of race, gender, and poverty leads to a high rate of trafficking for the purpose of sexual exploitation in Canadian Aboriginal women and girls, both within provinces, across provincial borders and possibly internationally.⁴³ However, NWAC's recent report found that trafficking did not emerge as a significant factor in the 115 cases of murdered and missing women that were reviewed in that study.⁴⁴

The MWWG found that the intersection of situational and marginalizing factors negatively impacts women's safety. As these factors combine, the danger increases significantly. More study of how these factors are related to violence and victimization may assist in the development of strategies to enhance women's personal safety.

Recommendation # 4

The MWWG recommends that the FPT Community Safety and Crime Prevention Working Group 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.

Is Desirability a Factor?

Research on the role of desirability of a potential victim to a predator as a factor in serial sexual killings is somewhat mixed. One assumption, based on cases such as serial killer Theodore Bundy, is that the offender's personal preferences and his need to fulfill his fantasy will lead the predator to narrow the field of victims on the basis of their personal and physical characteristics. In this view, desirability of a potential victim is established both by the victim's "resource value" (i.e. the degree to which she matches the predator's fantasy) and the intensity of the predator's need.⁴⁵ This means that the more desirable the victim is to the predator and/or the more intense his need is to fulfill the "killing fantasy," the more likely it is that a victim fitting those specific criteria will be targeted by the predator. Although Theodore Bundy appears to have sought out victims who were young and Caucasian, with longish brown hair, there remains little direct evidence to more generally suggest that serial killers of women prey on victims with any specific physical characteristic or set of characteristics beyond gender, race, and age.

³⁹ Amnesty International Canada, 2004.

⁴⁰ Ibid.

⁴¹ See *Criminal Code of Canada*, 1985, sections 279.01 to 279.04; Department of Justice Canada, August 2005; United Nations Office on Drugs and Crime, April 2006; Criminal Intelligence Service of Canada, 2009.

⁴² Department of Justice Canada, August 2005.

⁴³ Sikka, 2009.

⁴⁴ Native Women's Association of Canada, 2010, p. 38.

⁴⁵ Lord, W., presentation to the Child Abduction Response Plan Project Group, June 19, 2001.

While the research shows that the victims of serial killers tend to be female, the age of victims varies widely. One study reported that such victims tend to be young,⁴⁶ and another study stated that most of the victims (67%) were between ages 19 – 29.⁴⁷ However, it should be noted that these studies focussed on the broader group of “sexual killers,” not just “serial” sexual killers. Studies that looked only at serial sexual killers show a wider age range for the victims, and that somewhat older women are chiefly targeted. As an example, a study of 125 serial sexual killers in the USA found that the average age of the victim at the time of death was 28 years of age.⁴⁸ Another study found that most of the victims of serial sexual killers were females between the ages of 18 and 50.⁴⁹

The relationship between the perceived race of a potential victim and that of the killer has been discussed in the research literature as a factor in determining desirability. Studies in the United States tend to suggest that most sexualized serial killings are intra-racial,⁵⁰ which, when linked with the fact that white males appear to be over-represented as the killers,⁵¹ would mean that most victims would also be white. A second study indicates that where all the victims involved in a serial murder case are of the same race, the offender is most likely to be of that same race.⁵² This may not hold true in Canada. While the MWWG is not aware of any research tracking the characteristics of victims of serial sexual killers in Canada, it should be noted that a large proportion of the missing and murdered women in the Vancouver area were Aboriginal and that the convicted killer of at least some of these women is Caucasian.⁵³

It is the view of the MWWG that the intra-racial nature of many of these killings does not necessarily support the assumption that the victims are targeted because of their race. An alternative and possibly simpler explanation, which would be consistent with the Canadian experiences, is that the predator seeks victims in an area where he believes he will not attract notice. For example, a non-Aboriginal man with business that regularly takes him into a neighbourhood of Aboriginal women may not be seen as suspicious, in spite of his distinctive physical appearance. In other words, availability of the victim and anonymity of the predator may be key factors. However, the MWWG agrees that the complexities of the relationships between predators and their victims needs further research in order to determine more specifically who will likely be targeted, so that more effective prevention and intervention strategies can be developed.

⁴⁶ Between 1991 and 2001, 184 homicides out of a total of 6,714 (less than 3%) were preceded by sexual assault toward the victim. Most of these incidents had an identified accused (89%) and the vast majority of these accused (98%) were male (Table 3). The majority of sexual assault-related homicides (82%) involved female victims. About half of all victims were under age 25 and 14% were children under 15. In contrast, two-thirds of accused were 25 years of age or older. (Statistics Canada Juristat, 2003, p.5)

⁴⁷ Newiss, 2004, p. 31.

⁴⁸ Woodworth, Porter, Drugge, Earle & Boer, 2003.

⁴⁹ Godwin, 2008, 51-52.

⁵⁰ Fox & Levin, 1996.

⁵¹ Dietz, 1996; Fox & Levin, 1998; Andreau, May 2005; Pakhomou, 2004.

⁵² Godwin, 2008.

⁵³ Culhane, 2003.

3. PREDATORS⁵⁴ AGAINST MARGINALIZED WOMEN

Predators against marginalized women may engage in a range of criminal conduct, including sexual offences and homicide, and are generally recidivists. There is evidence, discussed in more detail below, to suggest that such offenders tend to escalate their crimes along a continuum of offences, ranging from non-contact crimes to murder, particularly in the case of serial sexual killers who represent the majority of serial killers (60%)⁵⁵ and tend to target marginalized women.

Serial killing, when compared to the incidence of single homicide offences, is relatively rare; for example, serial sexual killers only account for 3 per cent of incarcerated sexual murderers.⁵⁶ However, the impact of this relatively small number of offenders on society is significant in that, on average, each serial sexual killer is responsible for the murder of 10 victims.⁵⁷ In the United States, for instance, almost 20% of all sexual murder victims between 1975 and 1999, or approximately 42 victims per year, were the victims of serial sexual killers.⁵⁸ A study of serial murderers operating in Germany between 1929 and 1999 found that 53 offenders were responsible for a total of 247 murders.⁵⁹ These findings indicate that serial killers and serial sexual killers, while rare when compared to the incidence of other homicide-related offenders, have a disproportionate impact on society.

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, killing of the victim. 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'.⁶⁰ However, as noted earlier, some researchers have found that killing can lead to sexual gratification in some offenders.⁶¹

The predator who targets and kills multiple women is usually a male⁶² motivated, at least in part, by a sexual element of the crime.⁶³ This is often evident from the nature of the attacks on the victims, but has also been verified, in some studies, by interviews with these offenders. For example, according to recent research, serial prostitute murderers are almost exclusively sexually motivated, in contrast to single prostitute murderers.⁶⁴ These killers

⁵⁴ In this report, the term "predator" means an offender who targets strangers, cultivates relationships for the primary purpose of facilitating sexual victimization, has multiple victims, and/or commits especially violent offences. This interpretation is consistent with the term's use in some U.S. legislation, including *Community Protection Act* 1990, 1990 Wash. Laws 1002; Sexually violent predators. *California Welfare & Institution Code*, 2003, §6600; Civil commitment of sexually violent predators, *Texas Health & Safety Code*, 2000, §841.001; Civil commitment of sexually violent predators, *Virginia Code Annotated*, 2004, §37.1-70.1.

⁵⁵ Proulx, Beaugard, Cusson & Nicole, 2007, p. 11.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Snook, Cullen, Mokros & Harbort, 2005, p.7.

⁶⁰ Andreau, May 2005.

⁶¹ Perkins, 2008.

⁶² Female serial killers tend to operate from a different motive, which is a need for power and control (e.g., nurses who kill patients). Their victims tend to be weak, vulnerable and dependent on them. Some males also operate from this motive. For further information on this distinction, see: Fox & Levin, 1998.

⁶³ Fox & Levin, 1998.

⁶⁴ Moses, 2006, p.255.

tend to operate from a sexual and sadistic fantasy,⁶⁵ a characteristic that sets them apart from men who commit single homicides. However, researchers have noted that the sexual element may vary among offenders within this group. For example, the homicide itself can lead to sexual gratification for some offenders while for others it is simply an act to destroy evidence. Sexual offenders and their offences can be sorted into specific categories including lust murders (where the homicide produces the gratification), rape killings (where the homicide occurs during or after the rape, as part of the assault), and “killing after sex” offences⁶⁶. Most serial sexual killers operate alone; however, there are specific cases where an accomplice was identified, such as in the kidnapping, rape, and murder of both K.F. and L.M. in Ontario.⁶⁷

It is difficult to estimate the number of serial killers until the linkage between various homicides is made and the crimes are solved. As a result, the rate of victimization resulting from serial killing may be underestimated.⁶⁸

3.1. Characterizing Sexual Predators

In assessing the characteristics of serial sexual offenders, researchers have measured personality disorders, sexual pre-occupation, intimacy deficits and a tendency to respond to stress through sexual acts and fantasies.⁶⁹ One distinguishing characteristic of sexual offence recidivism is a history of ‘sexual deviance’. Deviant interests can include highly unusual but legal sexual acts, such as fetishism and auto-erotic asphyxia, or they can include illegal acts, such as sexual activity with children or sexual assaults on adults.⁷⁰ Anti-social orientation, measured by indices such as psychopathy, appears to be linked to violent offence recidivism.⁷¹ This body of research is beginning to identify specific characteristics of offenders that could assist in predicting those who may be at risk of committing much more violent sexual offences in the future.

Further, in North America and Europe, serial sexual killers tend to be white males, age 20 to 40, with a history of sexual offences and burglaries.⁷² Like all serial sexual offenders, serial killers tend to victimize strangers. A study of 21 serial killers and their 96 victims found that 70% of the victims had no previously established relationship with the person who killed them and 25% were only “acquaintances”.⁷³

Researchers have identified other characteristics of the crimes committed by serial killers, including serial sexual killers, which may be used to differentiate them from single homicide offenders.⁷⁴ Serial killing is a complex crime, involving planning for the selection, targeting, approaching, controlling, murder, and disposing of the victim’s body. Serial killers tend to take numerous steps in order to avoid detection and elude apprehension.⁷⁵ They may

⁶⁵ Ibid.

⁶⁶ Malmquist, 1996 as cited and reviewed by Perkins, 2008.

⁶⁷ *R. v. Bernardo*, 1995.

⁶⁸ Wilson, 2003.

⁶⁹ Public Safety and Emergency Preparedness Canada, 2004.

⁷⁰ Ibid.

⁷¹ Ibid.; Hanson & Bussière, 1998.

⁷² Pakhomou, 2004; Fox & Levin, 1998. While serial sexual killers tend to be mostly Caucasian, serial killers span all racial groups. There have been cases of white, African-American, Hispanic, and Asian serial killers, for instance, in the United States. (Federal Bureau of Investigations, 2005, p. 6)

⁷³ Pakhomou, 2004.

⁷⁴ Salfati & Bateman, 2005.

⁷⁵ Fox & Levin, 1998; Holmes & Holmes, 1992, p. 53.

spend considerable time concealing their crimes, which can include moving the body some distance from the crime scene, ensuring weapons and other incriminating evidence are not left behind, and covering the body up or hiding it so that discovery is delayed.⁷⁶ In cases involving single homicides, however, the crimes are not often well hidden. In fact, it is not unusual for the perpetrator to flee the crime scene, making little if any attempt to hide the body or other evidence associated with the crime.

Also, some serial killers may select an occupation that enhances their ability to commit their crimes and maximize the distance between various stages of each homicide, such as long-haul trucking.⁷⁷ Recently, researchers have begun to explore “post-offence travel distance” as a potentially distinguishing characteristic of certain types of serial homicides.⁷⁸ While current research shows that most offenders simply travel to their residence, certain types of serial killers incorporate considerable post-offence travel, making them more likely to avoid detection. At least one report suggests that these offenders continue to refine their crimes to match their fantasy and yet avoid detection.⁷⁹

Escalation of Violence in Predatory Crimes

As noted above, there is evidence to suggest that serial sexual offenders escalate their criminal conduct from low-level offences to more serious offences, such as sexual assault, and sometimes homicide. The repeated commission of certain types of offences may be important indicators that a particular offender is at risk of committing increasingly serious offences, warranting intervention efforts at an early stage before the offender progresses to serial sexual offending and homicide.

Researchers have studied a segment of violent serial sexual offenders who tend to increase their level of blunt force over a series of offences.⁸⁰ These “escalating offenders” were found, at the time of their first reported sex offence, to attack their victims for longer periods of time and use more profanity than non-escalating offenders.⁸¹

⁷⁶ Fox & Levin, 1998; Godwin, 2008, p. 84-85.

⁷⁷ In 2004, the FBI’s Highway Serial Killings Initiative was established as a result of investigators discovering a number of murdered women next to major Interstate highways. Preliminary indications are that these killers may seek out long-haul trucking as an occupation because it offers them a mobile lifestyle, which takes them across multiple jurisdictions. It also offers access to vulnerable victims who lead unsafe lifestyles (primarily prostitutes, but also hitchhikers and people stranded by the side of the highway), and few witnesses to the crimes. Truckers who live in one state can commit their crime in another state and quickly be in yet another state; thus making linkage of the suspect to the crime very difficult. In April 2009, the FBI announced that the Highway Serial Killers Initiatives had led to solving some of these cases, and that they have 10 suspects (truckers) in custody who may be responsible for 30 homicides. (Federal Bureau of Investigations, 2009a; Federal Bureau of Investigations, 2009b)

⁷⁸ Van Patten & Delhauer, 2007.

⁷⁹ Federal Bureau of Investigations, 2005.

⁸⁰ An illustration of escalation can be found in the well-documented example of a serial sexual offender, Don Bakker. Bakker was arrested for a particularly sadistic assault on a sex trade worker from the Downtown Eastside of Vancouver. In fact, Bakker had documented himself on video carrying out various assaults and was consequently convicted of several offences involving both adult women and female children. His videos depicted a behavioural progression towards increasingly more sadistic and violent behaviours. (Hazelwood & Burgess, 1987)

⁸¹ Warren et al., 1999.

Further, the criminal histories of serial sexual killers often include burglaries as well as sexual assaults.⁸² Sexually motivated serial killers tend to commit “pre-killing” crime⁸³ that is not likely to attract significant legal consequences, such as voyeurism and the stealing of female under garments.⁸⁴ This activity then escalates to more serious violent crimes.⁸⁵ In some cases, violent sexual predators have been known to begin with legal but deviant practices, and escalate to killing their victims.⁸⁶

As noted above, serial sexual homicides are often motivated by a sexual fantasy, usually a “capture and control” fantasy that involves sadistic elements.⁸⁷ These fantasies tend to be compulsive in nature, escalating from mental rehearsals of the fantasy to an attempt to act out the fantasy on a victim.⁸⁸ The offender may practice some aspects of this fantasy with consensual sexual partners, including paid partners before selecting his victims.⁸⁹ These “behavioural tryouts,” as they are commonly known, may continue until partners are no longer available or are no longer fulfilling the fantasy. The commission of these offences on multiple victims may be the result of attempts by the killer to perfect the re-enactment of the fantasy in real-life, or may represent an evolution of the fantasy to more vicious and severe acts as it becomes altered and reinforced by the perpetration of the real-life attacks.⁹⁰ If the fantasy is not fulfilled in the commission of the crime, behavioural profilers suggest that the killer will escalate the violence further.⁹¹ This drive to perfect the fantasy may explain why these offenders tend not to “burn out” but keep killing until they are apprehended.⁹² In addition, it has been noted that serial murderers may continue to offend due to a sense of empowerment gleaned from the fact that they have not yet been caught by police.⁹³

While sex workers may be seen as primary targets of violence due to the isolation, vulnerability, and marginalization involved in their high risk lifestyles, the potential victim group for serial sexual killers may be much broader, as is evident from well-known cases such as the victims of Paul Bernardo.

In summary, although the research on the distinguishing characteristics of those who become serial sexual killers tends to support the assertion that serial sexual killers escalate the seriousness of their offences and become increasingly violent, further development of this body of research is necessary in order to more accurately target monitoring and intervention programs that could prevent these offenders from killing.

Recommendation # 5

The MWWG recommends that the 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.

⁸² Godwin, 2008.

⁸³ Andreau, May 2005.

⁸⁴ Godwin, 2008.

⁸⁵ Skrapec, 1996.

⁸⁶ Davidson, Insp. K., E Division RCMP Behavioural Sciences Branch, presentation to the MWWG, July 2006.

⁸⁷ Fox & Levin, 1998.

⁸⁸ Andreau, May 2005; Logan & Pylypiak, 2005.

⁸⁹ Logan & Pylypiak, 2005.

⁹⁰ Davidson, Insp. K., E Division RCMP Behavioural Sciences Branch, presentation to the MWWG, July 2006.

⁹¹ Knight, 2006; Andreau, May 2005.

⁹² Fox & Levin, 1998.

⁹³ Federal Bureau of Investigations, 2005, p. 7.

3.2. What Causes a Person to Become a Serial Sexual Killer?

Researchers and theorists have examined both broad socio-cultural influences as well as characteristics specific to the offender that may contribute to the development of a serial sexual killer.⁹⁴ Prediction and intervention depend upon understanding the factors that drive a person to become a serial sexual killer.

Socio-Cultural Factors

The following socio-cultural factors have been associated with serial killing in the media and in research: pro-violent norms, misogyny, and consumption of pornography. Studies of serial sexual killers do not support a direct causal relationship between any of these factors and the crimes committed by these offenders. However, each of these will be briefly discussed to explain why socio-cultural factors are not likely to cause the development of these predators.

Pro-Violent Norms

The transmission of pro-violent norms and misogynistic patterns of behaviour have been studied in reference to various socio-cultural and structural elements, including video games,⁹⁵ execution rates,⁹⁶ and television shows⁹⁷. As an example, the video game *Grand Theft Auto* rewards players for engaging in sexual relations with prostitutes and allots higher points if they beat the prostitute to death afterwards and steal her money.⁹⁸ Some researchers conclude that these forms of entertainment lead to desensitization toward violence,⁹⁹ and to alterations in cognitive processes, such as increased associations between sexual arousal and violence against women.¹⁰⁰ However, the MWWG did not find empirical evidence linking these forms of entertainment to serial sexual killing.

Links have been suggested between male serial homicide and the number of executions in a culture,¹⁰¹ leading to the suggestion that the use of capital punishment has a brutalizing effect on individuals.¹⁰² However, a correlation between the number of executions and the number of homicides does not lead to a conclusion that one causes the other.

Misogyny

As serial sexual predation is often directed at adult women, this area has attracted gender-based analyses of sexual violence and, in particular the effects of misogyny in western culture. The Concise Oxford Dictionary defines misogyny as the hatred of all women, not hatred of specific groups or individual women. It should be noted that in studying sexual killers, only self-reported feelings of hatred (rather than hatred itself) can be empirically measured. As a result, the question of whether these predators hate all women is not easily answered.

⁹⁴ Ibid.

⁹⁵ Leonard, 2003; Funk, Baldacci, Pasold & Baugardner, 2004; Funk, 2004.

⁹⁶ DeFronzo et al., 2007; Bowers & Pierce, 1980.

⁹⁷ Caputi, 2003; Funk et al., 2004.; Huesmann, Moise-Titus, Podolski & Eron, 2003; Johnson, Cohen, Smailes, Kosen & Brook, 2002; Leonard, 2003.

⁹⁸ Leonard, 2003.

⁹⁹ Funk et al., 2004.

¹⁰⁰ Durant, Champion, Wolfson, August 2006; Folino, 2000.

¹⁰¹ DeFronzo, Ditta, Hannon & Prochnow, 2007.

¹⁰² DeFronzo et al., 2007; Bowers & Pierce, 1980.

Research has shown that a subgroup of serial killers have a history of being physically or sexually victimized by their mothers¹⁰³ and may, in fact, hate women as a result. However, a recent examination of studies of motives behind serial sexual murders suggests that anger or hostility toward women, rather than explaining the crimes, are inferences made after the fact.¹⁰⁴ An examination of the offenders' own explanations for why they committed these acts are frequently laden with descriptions of the fun, pleasure or thrill that the offenders experienced in committing the crime.¹⁰⁵ This could suggest that the deviant acts the offender carries out upon the victim, such as sexual acts involving torture and humiliation of the victim, is motivated by sexual pleasure. While it would be difficult to argue that cultural misogyny directly causes specific individuals to kill women, misogyny could be considered a contributing factor to these crimes.

Violent Pornography

Violence against adult women is sometimes combined with sexuality in certain types of pornography, which, according to some scholars may lead to sexual aggression in men.¹⁰⁶ Some of the research suggests that effects include the creation of a predisposition of some males to desire rape or intensification of the desire to rape, and the undermining of some males' internal and/or social inhibitions against acting out rape desires.¹⁰⁷ While some experimental research appears to support the link between violent pornography and sexual violence, overall the results have been varied.¹⁰⁸ While the consumption of pornographic material may be a contributing factor in the perpetration of sexual violence, the inconsistency of these findings makes a causal relationship difficult to establish. The extent to which a relationship between the use of more violent types of pornography and violent sexual offending exists would benefit from more research.

Socio-Cultural Factors and Prevention

The Working Group has concluded, on the basis of research and reports from major investigations of cases involving serial sexual killers, that broad socio-cultural factors may influence predators but are unlikely to cause predation. The MWWG acknowledges, however, that, when used in conjunction with individual characteristics, analysis of the underlying socio-cultural factors may help to broaden our understanding of the environment in which this type of violence is taking place.

Individual Factors

Factors specific to the individual, whether genetic, experiential or otherwise, may be more useful than socio-cultural factors in identifying predators or predicting those who may be capable of becoming predators.

Single Factor Explanations

Of all of the individual characteristics associated with serial killers, the most well-known is psychopathy, which has been defined as follows:

¹⁰³ Proulx et al., 2007.

¹⁰⁴ Myers, Husted, Safarik & O-Toole, 2006.

¹⁰⁵ Myers et al. (2006) include quotes from serial killers who explained their actions in terms of 'having fun', 'enjoying it', 'unspeakable delight', etc.

¹⁰⁶ Caputi, 2003.

¹⁰⁷ Jensen, 2003.

¹⁰⁸ For a more comprehensive discussion of this issue, see: Jensen, 2003; Caputi, 2003; Boyle, 2003.

“On the interpersonal level, psychopaths are grandiose, arrogant, callous, dominant, superficial, and manipulative. Affectively, they are short-tempered, unable to form strong emotional bonds with others, and lacking in guilt or anxiety. These interpersonal and affective features are associated with a socially deviant lifestyle that includes irresponsible and impulsive behaviour, and a tendency to ignore or violate social conventions and mores.”¹⁰⁹

Of the current research into individual or personality traits, psychopathy appears to have gained the most acceptance as a stable trait in criminals and as a characteristic of serial killers. Researchers have noted, however, that not all serial sexual killers are psychopaths.¹¹⁰ Some may have other forms of psychological disorders. For example, ‘catathymic’ offenders are motivated by a build-up of emotion associated with a fixed idea that violence is the only possible way to gain relief.¹¹¹

Psychopathic offenders tend to kill for instrumental reasons (e.g. to get something such as money or a thrill from deviant sex). Catathymic offenders tend to kill compulsively,¹¹² often stalking their victim as their obsession builds.¹¹³

Multiple Individual Factors

Most current explanations of sexual predation incorporate many factors. For example, the Integrated Theory of Sexual Offending (ITSO) incorporates psychopathology, brain functioning, neuropsychological deficits, and clinical symptoms (such as mood disorders) in explaining how people become sexual offenders.¹¹⁴ The ITSO has not been applied to serial sexual killers at this time. However, the Integrated Paraphilic Model (IPM) may address this gap in that it incorporates multiple factors to explain the development and maintenance of deviant sexual fantasies that lead to sex crimes and, in the extreme, sexual murders.¹¹⁵ 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.

3.3. Progress in Prediction and Intervention

Escalation and Predictive Assessment

Research on predictive assessment generally focuses on patterns of an offender’s criminal behaviour, particularly escalation, and personal characteristics such as psychopathy. The study of offender characteristics, crime scene behaviours, and engagement in particular crimes may be used to predict the risk of escalation in both the nature of the crime an

¹⁰⁹ Hare, 1999, p. 183.

¹¹⁰ Federal Bureau of Investigations, 2005.

¹¹¹ Schlesinger, 2004.

¹¹² West, 2000.

¹¹³ Schlesinger, 2004.

¹¹⁴ Arrigo, 2007.

¹¹⁵ Ibid.

offender may commit and the level of violence used to effect it.¹¹⁶ This field is showing a great deal of promise, not only in documenting patterns of escalation, but also in its ability to predict who will escalate their crimes. In a study on serial rapists, for example, it was indicated that approximately 25% of sex offenders demonstrate an escalation in use of force in the commission of their offences. Using a combination of offender data and victim information concerning details about the perpetration of the crime, researchers were able to successfully classify the offender as either an increaser or non-increaser with a 92% accuracy rate.¹¹⁷ The fact that differences in the behaviours between increasers and non-increasers were identifiable at the first in a series of sexual assaults indicates that these behaviours preceded the escalation of violence and, as a result, can be used as significant predictors if identified early enough.¹¹⁸

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 assist in prioritizing investigations, and to inform current practice with regard to the management and treatment of sexual offenders. In fact, current research is underway to examine relapse patterns, persistence, and severity of escalation in the sexual offending of high-risk sexual offenders.¹¹⁹ The overarching goal of this research is to increase understanding of the psychological processes and situational “triggers” that comprise offenders’ progression towards re-offending, and to identify factors that may be associated with offenders’ behaviour escalation (i.e., frequency, severity) across offences. This knowledge can be used to develop therapeutic interventions, which would assist in controlling the offenders’ behaviour. Additionally, by identifying sexual offence progression indicators, police agencies may be able to more effectively monitor sexual offenders and intervene prior to the perpetration of a future sexual offence. Courts might include this information as part of a comprehensive tool for predicting the potential risk posed by offenders looking to reintegrate into the community.¹²⁰

While this approach to risk assessment and prediction is useful in identifying patterns of behaviour and typical characteristics of offenders who tend to escalate criminal behaviour and levels of violence, there is currently no conclusive evidence that any one factor or set of factors can be used to predict sexual homicide with complete accuracy.¹²¹ In all likelihood, therefore, the consideration of multiple factors may prove to be most useful for predictive assessment and intervention.

Psychopathy and Predictive Assessment

As noted earlier, psychopathy is generally accepted as a trait characteristic of serial killers. Therefore, the measurement of psychopathy has been used to assist in predicting which offenders are more likely to kill.¹²² The Psychopathy Checklist-Revised (PCL-R) was developed to assess psychopathy and the risk of offending. Under the PCL-R scale, psychopathy is characterized by 20 criteria relating to affective/interpersonal traits (e.g., glibness, superficial charm, pathological lying, and lack of remorse) and aspects of an impulsive and antisocial lifestyle.¹²³ There may be some ability to predict which adults are

¹¹⁶ Knight, 2006.

¹¹⁷ Warren et al., 1999, p. 44.

¹¹⁸ Warren, J. et al., 1999, p. 47.

¹¹⁹ Ibid.

¹²⁰ Warren et al., 1999, p. 54.

¹²¹ Pakhomou, 2004.

¹²² Logan & Pylypiak, 2005.

¹²³ Woodworth et al., 2003.

more likely to commit gratuitous and sadistic violent acts, including sexual homicides, by measuring psychopathy in combination with deviant sexual arousal.¹²⁴ Furthermore, these indicators can be used with others, such as a history of childhood abuse, animal cruelty, and sadistic fantasies, to predict whether a person is capable of a pattern of homicides.¹²⁵

Information about the presence of psychopathy in offenders is often contained in file dossiers maintained by the National Flagging System, a database containing information on convicted violent high-risk offenders that is accessible to police. This database will be discussed in more detail later in the report.¹²⁶ However, psychopathy ratings may not be available for many suspects in cases of serial sexual killings, which can seriously limit the ability to predict who may commit these crimes. Nonetheless, research into the frequency and degree of psychopathy among serial sexual offenders may enhance the understanding and identification of serial sexual murderers by investigators.¹²⁷

The usefulness of predicting patterns of crime and identifying potential serial sexual offenders using factors such as past criminal patterns and psychopathy measures, while currently somewhat limited, will no doubt increase as research into this area continues to develop. If the PCL-R is combined with knowledge of offenders' pattern of offending, for instance, it may be possible to predict when they are likely to re-offend. Currently, "personalized crime cycles" can be established for sexual offenders. These are specific behaviours shown by the individual, such as increased moodiness, or use of alcohol or pornography, which typically precede that person's criminal behaviour. These behavioural cues are used to predict whether the person is moving into a dangerous stage and is ready to commit an offence. At such points, therapeutic intervention can stop the development of the cycle and prevent the crime.¹²⁸

Recommendation # 7

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

Intervention Based on Evidence of Intent

While future predatory behaviour might be predicted from a group of factors such as past criminal behaviour and characteristics of the offender, intervention may also be possible when an offender either provides evidence of his intent or actually states his intent to commit these crimes.

All forms of sexual assault and murder, as well as attempts to commit those offences, are already offences in the *Criminal Code*. Where possible, it is important to be able to stop offenders before they actually commit a violent sexual offence or while they are still in the preparatory stages of committing such an offence. Law enforcement officials may infer the intent to commit a violent sexual offence when they discover that a person is in possession of substances and materials that are often used in commission of sexual assault and

¹²⁴ Hare, 1999.

¹²⁵ Ibid.

¹²⁶ The National Flagging System identifies convicted high-risk violent offenders across Canada. (see *infra* p. 51)

¹²⁷ Federal Bureau of Investigations, 2005.

¹²⁸ Logan & Pylypiak, 2005.

murder, such as “date rape” drugs, duct tape, ropes, and/or knives. Anecdotal evidence from law enforcement indicates that police encounter suspects in possession of such substances and materials. However, possession of these materials is not an offence under the *Criminal Code*.

In 2008, the Uniform Law Conference of Canada (ULCC) passed a resolution, tabled by Saskatchewan, to address this issue:

That the *Criminal Code* be amended to create a new offence prohibiting possession of items suitable for facilitating the commission of sexual assault in its various forms, kidnapping, abduction or hostage-taking, without lawful excuse, in circumstances that give rise to a reasonable inference that they had been used or were intended to be used to facilitate the commission of one or more of those offences.

The MWWG agrees that 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 further consideration by federal, provincial and territorial officials to better address preparatory conduct involved in facilitating sexual offences under the *Criminal Code*.

Predators also may 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 is free to inform authorities, or, if ordered to do so, provide the information to the court. However, when this type of disclosure happens 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.

As an example, in 1996, Mr. Jones (pseudonym) was charged with an aggravated attack on a prostitute in British Columbia.¹²⁹ Upon the advice of his lawyer, he sought psychiatric help in an attempt to strengthen his defence. The lawyer informed Mr. Jones that anything revealed in the sessions with the psychiatrist would be privileged and confidential. In his interview with the psychiatrist, Mr. Jones revealed his ongoing plans to abduct, rape and kill prostitutes. The information he related to Dr. Smith (also a pseudonym) about the crime to which he pled guilty was graphic and convincing, as summarized in the court record:

...(the plan) involved deliberately choosing as a victim a small prostitute who could be readily overwhelmed. He planned to have sex with her and then to kidnap her. He took duct tape and rope with him, as well as a small blue ball that he tried to force into the woman’s mouth. Because he planned to kill her after the sexual assault he made no attempt to hide his identity.

¹²⁹ *Smith v. Jones*, 1999.

Mr. Jones planned to strangle the victim and to dispose of her body in the bush area near Hope, British Columbia. He was going to shoot the woman in the face before burying her to impede identification. He had arranged time off from his work and had carefully prepared his basement apartment to facilitate his planned sexual assault and murder. He had told people he would be going away on vacation so that no one would visit him and he had fixed dead bolts on all the doors so that a key alone would not open them.

Mr. Jones told Dr. Smith that his first victim would be a “trial run” to see if he could “live with” what he had done. If he could, he planned to seek out similar victims. He stated that, by the time he had kidnapped his first victim, he expected that he would be “in so deep” that he would have no choice but to carry out his plans.¹³⁰

Dr. Smith launched an action for a declaration permitting disclosure of the information from his session with Mr. Jones. This would set aside the solicitor-client privilege (and, by extension, the doctor-patient privilege), and permit the information to be disclosed in the interests of public safety. The trial judge ruled that Dr. Smith had a duty to disclose his information to the police and Crown. The BC Court of Appeal and the Supreme Court agreed with the trial court’s finding. At the Supreme Court, the majority decision was to remove the ban on the publication of the contents of the file, except for those parts of the doctor’s affidavit that did not fall within the public safety exemption.

While the circumstances of this case are unique, there are scenarios that arise from time to time in a treatment or assessment context, where an individual reveals specific details of a desire or intent to commit a serious offence. These admissions have been known to include details of offence planning, and/or details of an intended victim with such a level of specificity that the professional has serious concern of imminent harm posed to an identified individual or an identified groups of persons.¹³¹ Assessment of these cases is not always straightforward and can involve a complex balancing of competing interests, each of which makes an important public safety contribution. Most professionals are required to adhere to protocols establishing guidelines in this regard.¹³²

The MWWG considers that there is value in further exploring the use of the public safety exemption regarding disclosure of information that reveals an intent to commit predatory crimes.

¹³⁰ Ibid., paras 37 – 39.

¹³¹ Some psychiatrists and psychologists conducting risk assessments currently alert the subject at the outset of their communications to the non-confidential nature of the discussions and to the issue of possible disclosure to authorities. They will often have the subject sign a written consent or acknowledgment to that effect. For instance, Dr. S. Lohrasbe, an experienced forensic psychiatrist in BC, provides the party retaining him with a letter outlining basic parameters of the retainer and a specific reference to the fact that if during the course of the assessment he comes to believe that an individual represents a foreseeable, imminent and serious threat to an identifiable person or group, he is obliged, ethically and legally, to take reasonable steps to protect such a person or group. This will usually involve some disclosure of information provided to him.

¹³² For example, psychologists must follow protocols governed by the relevant provincial regulatory organization, such as the Canadian Code of Ethics for Psychologists, Practice Guidelines for Providers of Psychological Services, Personal Health Information Acts and other relevant provincial legislation, including child abuse reporting guidelines. Lawyers are bound by ethical duties imposed by the relevant provincial law society.

Recommendation #9

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

Intervention through Monitoring Practices

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 serious personal injury offence¹³³ (s. 810.2) or a sexual offence against a person under the age of 16 (s. 810.1). The vast majority of these applications are brought against offenders on warrant expiry,¹³⁴ that is, those who are identified by Correctional Services Canada and the Parole Board of Canada (formerly known as the National Parole Board) as being likely to re-offend in a violent or sexual manner such that they are denied parole for reasons of public safety.

Provinces and territories have also developed programs that assist in the monitoring, control, treatment and support 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.¹³⁵ These programs are useful in tracking offenders who have already committed and been convicted of sexual assaults, but other strategies are required for those who are only under suspicion for committing serial sexual homicides. In such cases, suspicions may lead to short term intensive police surveillance of a suspect. However, this approach cannot be sustained for extended periods of time if there is a cluster of suspects and little evidence to link any of them to the crimes.

While current monitoring strategies may be useful for controlling violent sexual offenders, they may not be sufficiently precise for use with those who are at high risk of committing serial predatory crimes.

¹³³ “Serious personal injury offence” is defined in section 752 of the *Criminal Code* as follows:

- (a) an indictable offence, other than high treason, treason, first degree murder or second degree murder, involving
 - (i) the use or attempted use of violence against another person, or
 - (ii) conduct endangering or likely to endanger the life or safety of another person or inflicting or likely to inflict severe psychological damage on another person, and for which the offender may be sentenced to imprisonment for ten years or more, or
- (b) an offence or attempt to commit an offence mentioned in section 271 (sexual assault), 272 (sexual assault with a weapon, threats to a third party or causing bodily harm) or 273 (aggravated sexual assault).

¹³⁴ Officials working with the National Flagging System, personal communication, April 30, 2008

¹³⁵ Some examples of proactive threat assessment include the BC High Risk Recognizance Advisory Committee, the Alberta Integrated Threat Risk Assessment Center (ITRAC) specifically regarding Family violence, the Alberta Section 32 High Risk Offender Protocol, and Manitoba’s Criminal Organization and High Risk Offender Unit (COHROU).

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 to work towards improving these approaches.

Intervention through Treatment

Research on factors associated with serial sexual killing holds promise for the early identification and treatment of youth who appear to be developing violent sexual tendencies, prediction of possible escalation in violent sexual offenders, and the possibility of controlling the factors that drive such an offender.

Psychological treatment of potential offenders rests on the assumption that there is an underlying psychological disorder, and that this disorder can be addressed. The question becomes whether there are any such disorders that are common to serial sexual killers. Some practitioners suggest that psychopathy, discussed earlier, is such a characteristic.

Measurement of psychopathy levels in incarcerated offenders is already a common practice. To date, efforts to treat psychopaths, however, have not shown much promise. While psychopathy has been widely embraced as a useful concept by justice personnel, more current models, such as the Integrated Paraphilic Model and Integrated Theory of Sexual Offending, which incorporate multiple individual factors, have received less recognition and use. There is optimism among researchers and practitioners that these multiple-factor assessment approaches hold promise for prediction and intervention.¹³⁶ However, some professionals believe that science will never provide the type of specific predictive schemes that would, in practice, lead to intervention in the criminal patterns of offenders.¹³⁷

Detailed research on the characteristics of these offenders and their victims is necessary in order to understand how these crimes happen. Research on sexual murders in BC, using both the examination of files and interviews with 20 men convicted of committing this crime, yielded details about these offenders, including a frequent history of head injury as well as physical and sexual abuse. The discovery of these specific characteristics suggests progress both in discovering origins of sexual killings and in preventing future crimes. There are treatment programs available for sexual offenders, such as the Correctional Service of Canada's (CSC) moderate or high intensity sex offender programs. There have been some adaptations to these programs for Aboriginal offenders and some healing lodges have developed local interventions. CSC also uses the Sex Offender Risk Appraisal Guide to predict sexual recidivism.¹³⁸ 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.

¹³⁶ Arrigo urges work on definitional clarity for a synthetic framework in order to provide a "useful and dependable forecaster for those individuals likely to engage in such behaviours." (Arrigo, 2007, p. 27)

¹³⁷ Mossman, 2008.

¹³⁸ The Sex Offender Risk Appraisal Guide can be found at: <http://www.csc-scc.gc.ca/text/pblct/forum/e082/e082g-eng.shtml>.

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.

4. SERIAL MURDERS – MAJOR CASES

Several jurisdictions contributing to this Report investigated cases involving the murders of a series of women. These jurisdictions established task forces to investigate the cases and, as a result, major projects were initiated to manage the cases. The first of these projects, the Green Ribbon Task Force (Ontario), revealed a number of gaps in existing procedures that were later addressed in Justice Archie Campbell's 1996 report and recommendations to the Ontario Ministry of the Solicitor General and Correctional Services.¹³⁹

The cases listed below provide examples of major investigations of missing women, some of who were murdered by serial sexual killers. Many projects in Canada, including investigations in British Columbia and Alberta, benefitted from the experiences of the Green River Task Force (Washington State, U.S.A.) and other similar cases in the U.S.A. The cases will be referred to either by the jurisdiction or name of the task force assigned to resolve them.¹⁴⁰

King County, Washington: Green River Task Force¹⁴¹

Gary Leon Ridgway was arrested by the King County Sheriff's Office Vice Unit during a "John Patrol" in May of 1982. He entered a plea of guilty on his first court appearance. The first murder attributed to, and acknowledged by Gary Leon Ridgway, occurred on July 8, 1982. W.C. was found in the Green River on July 15, 1982. Subsequent murders occurred in 1982, and the victims were discovered either in the Green River or nearby. The first tips relating the murders to Gary Leon Ridgway did not come to the Green River Task Force until 1984. By the time Ridgway was first questioned by Task Force detectives in 1984, he had killed 45 of his 49 victims. The Green River Task Force investigated Gary Ridgway off and

¹³⁹ This report determined that the work of the most dedicated, skilful, and highly motivated investigators, supervisors and forensic scientists can be defeated by the lack of effective case management systems and the lack of systems to ensure communication and cooperation among law enforcement agencies. As such, 27 recommendations were made that addressed gaps in existing procedure, including: increased awareness and training concerning stalking; increased application of all relevant resources, techniques and investigative sources; identification, arrest and questioning, and; sexual assault victim concerns.

¹⁴⁰ Media attention has raised the profile of cases of missing and murdered women in Canada. These cases are generally known by the name of the killer, which has led some writers to suggest that this feeds the killer's need for recognition and fame. Therefore, some authors, such as Dietz (1996) have adopted the practice of never speaking or writing the name of the killer and refer to the names of victims instead. It is neither easy nor convenient to refer to cases by the names of the victims, especially if there are numerous victims. Nonetheless, the MWWG recognizes the validity of this point of view.

¹⁴¹ The Green River Task Force information is included in this section because the lessons learned from that case specifically informed Canadian investigations such as Pickton. Investigators from BC and Alberta met with members of the Green River Task Force to inform them of investigational practices that were useful in their investigation.

on for three more years before enough evidence was accumulated to justify a search warrant compelling him to provide a saliva sample and DNA.

Canadian Cases

Ontario¹⁴²

Between May of 1987 and December of 1992, Paul Bernardo sexually assaulted at least eighteen women in Scarborough, Peel Region and St. Catharines, Ontario. He was convicted of killing two women and was responsible for killing a third.

Between 1995 and 2006, the bodies of five murdered women were found in the Niagara region. The victims had been marginalized as a result of involvement with the sex trade and drug abuse. In 2006, a task force of twelve Niagara Regional Police detectives was formed to investigate the homicides. An individual was charged with the murder of two of the women, C.C. and D.D. and was committed to stand trial for first degree murder on both counts in February 2008. The case is still before the courts. The investigation continues into the deaths of the other three women.

Saskatchewan

John Martin Crawford was convicted of the 1992 murders of S.N., E.T., and C.W. in Saskatoon, all of whom were Aboriginal women. Crawford had previously served jail time for brutally killing 35-year-old M.S. in Lethbridge, Alberta in 1981. Crawford was released from prison in 1989. After his conviction in the 1992 murders, a young prostitute came forward and told police that in the spring of 1992 she was taken to a remote place by Crawford and nearly choked to death. In the summer of 1992, another woman made a similar complaint. Crawford is currently serving three concurrent life sentences with no chance of parole for 20 years in the penitentiary at Prince Albert, Saskatchewan.

Alberta: Project KARE

In June of 2004, Thomas Svekla reported to the police that he had found the body of a murdered and mutilated sex trade worker, R.Q., in a secluded farmer's field outside of Edmonton, near Fort Saskatchewan. He was regarded as a person of interest. The investigation was ongoing until May of 2006. It was then that Thomas Svekla's sister reported to the police that Thomas had brought a hockey bag from High Level, where he had been living, to her home in Fort Saskatchewan. Inside the hockey bag, was the body of a woman, T.I., who was also involved in the sex trade. After his arrest, investigation into R.Q.'s homicide intensified and further evidence was uncovered which substantiated a second charge of second degree murder. Svekla was eventually convicted of second degree murder for the killing of T.I. and was found not guilty in the R.Q. case.

In September 2008, Project KARE charged Joseph Laboucan, who is serving a life sentence for the sexual assault and killing of N.C., with the murder of a woman who disappeared shortly before N.C. was killed in 2005.

British Columbia: Project Evenhanded and E-PANA

In the late 1990s, an increasing number of women from the Downtown Eastside of Vancouver were identified as missing. In 2002, Robert William Pickton was arrested for the murders of two of the women. As the investigation into the missing women continued, the

¹⁴² The MWWG is aware of the Russell Williams case; however, this investigation did not inform the recommendations of this report as it was ongoing at the time of writing.

number of charges grew. The remains of 31 women were found on his property located in a farming community outside of Vancouver. The women were from a group of more than 60 prostitutes and drug addicts that had gone missing. Pickton was convicted of 6 counts of second degree murder. Weeks after Pickton's conviction, police arrested Davey Butorac on charges of homicide against two women.

Investigations continue into the cases of young women who have gone missing or been found murdered in the area of Highway 16, a seven hundred and twenty-four kilometer stretch between Prince Rupert and Prince George, British Columbia. The exact number of missing women and girls is not known.

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

In 2005, Public Safety and Emergency Preparedness Canada (currently Public Safety Canada) released a consultation report on missing persons in Canada. The report indicated that over 100,000 missing persons are reported annually and most of these are found very quickly. However, RCMP report that approximately 4,800 persons were still recorded as missing after a year, and that this number of long-term missing persons continues to grow, with approximately 270 new cases reported annually. In addition, about 20 to 30 sets of human remains are found each year in Canada.¹⁴³

The 2005 report notes that most missing person cases in Canada are not a result of criminal activity; however, the way in which law enforcement handles missing person cases generally will impact on their ability to resolve those that involve criminal activity. The MWWG reviewed the above report and other literature, including analyses of specific cases, information from investigations, police, and families of missing women, including women who were missing and then known to be murdered. The review revealed general and systemic issues relating to the reporting of and responding to missing persons cases. These issues include the adequacy of police policies and procedures, consistency in the implementation of those policies and procedures, and public availability of information about them.

5.1. Missing Person Reports: Police Policies and 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; an initial assessment of the report; entering the report onto the Canadian Police Information Centre (CPIC)¹⁴⁴; gathering related information on the person missing; prioritizing the report; and, investigating the case. Policies, procedures and structural responsibilities for missing persons vary widely among police agencies. 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, and which, in turn, may have protocols with other sections for referral of cases.

¹⁴³ Public Safety and Emergency Preparedness Canada, 2005, p.1.

¹⁴⁴ CPIC is a national information-sharing system that provides law enforcement agencies with information on crimes and criminals. CPIC is responsible for the storage, retrieval and communication of shared operational police information to all accredited criminal justice and other agencies involved with the detection, investigation and prevention of crime.

The amount and quality of the information available to police in missing persons reports are major determinants of the quality of their analysis and response. Key information can also come from other agencies. The RCMP, for example, has established policy guidelines in the RCMP Operation Policy Manual to guide the investigator in the investigational process. In cases that have been identified as possibly involving an abducted person who is in serious danger, the Manual sets out a number of first steps that must be taken, such as protecting the scene, obtaining DNA if possible, establishing roadblocks, and retaining records of 911 telephone communications. The Manual provides guidance in dealing with specific scenarios, such as directing officers to query the CPIC Wandering Persons Registry if the person is believed to be suffering from dementia, and to contact other services, such as the National Missing Children Services for assistance if the person is a child. Moreover, any case of suspected abduction would be investigated using major case investigative principles.

Police agencies that currently do not use standard policy or procedures in missing person cases would benefit from adopting a more consistent approach to these cases.

5.2. Barriers to Reporting and Responding to Missing Persons

A number of problems have emerged in consultations and reports, which may impede the successful resolution of missing persons cases.¹⁴⁵ There are two general issues:

- the understanding, ability and willingness of members of the public to report a missing person and to openly share information with the police; and
- the quality of the police response.

Understanding, Ability, and Willingness of the Public to Report a Missing Person

The MWWG found that the public tends to have a number of misconceptions about processes for reporting missing persons.¹⁴⁶ Misconceptions may be found among some police members as well.¹⁴⁷

Family members of persons who have gone missing are often first to take note of their relatives' disappearance; however, in some situations, close friends or helping agencies may be the first to note the person's disappearance. The MWWG was told that, in certain

¹⁴⁵ Provincial Partnership Committee, 2006; Ontario Provincial Police, personal communication, 2008; Highway of Tears Symposium, March 2006.

¹⁴⁶ The Saskatchewan Report proposed a range of recommendations, including the need for public education regarding the reporting of missing persons.

¹⁴⁷ Examples of cases dealt with by a missing persons unit illustrate some of the problems that can lead to public frustration and lack of reporting of missing persons:

- One man describes the difficulties he experienced with police and with reporting requirements over the years since his brother first disappeared: "1998/99 we tried to report my brother missing back then but due to his age we were told that "perhaps he wanted to disappear." We tried contacting the police again recently and were told: "It's been too long, and was a cold case." I have tried with all of my energy to find my brother over the last few years, I have tried to contact numerous agencies but because we do not have a "missing persons report" out on him, they cannot help us with our search..."
- A missing persons unit assisted another jurisdiction on a missing person case involving a 24 year old woman. The family tried for 19 years to report their sister missing but because she was a transient, police declined to take the case. This case was eventually solved.

situations, a friend or agency believed that they would not be given the same credence by authorities as an immediate relative when reporting that someone close to them had gone missing.¹⁴⁸ Another common misconception is that 24 to 48 hours should pass before reporting a person missing to police.¹⁴⁹

Police, non-profit service agencies and other service providers are attempting to improve the public's understanding of reporting processes through educational strategies, such as the provision of information on policies and processes, as well as through the establishment of relationships between non-profit service agencies, agency clients, and families of missing persons. Of particular interest is the approach taken by several jurisdictions in establishing missing persons public websites¹⁵⁰. These websites are searchable and encourage the public to provide information to the police regarding missing persons. They also aid family and friends by demonstrating that the "loved one" is not forgotten and that the case remains open. Some websites include unidentified human remains information and others are linked to Coroners' offices, which provide this information.¹⁵¹

Some organizations, such as NWAC,¹⁵² have launched public education initiatives that provide accurate information concerning the procedures for reporting missing persons and for documenting information reported on specific missing persons. Contact information, or even forms, are provided to allow members of the public to provide additional information on these cases. In Saskatchewan, for example, a checklist is provided on the Saskatchewan Association of Chiefs of Police website in order to help guide members of the public through the process involved in reporting.

Missing persons cases can involve investigations that extend across jurisdictional boundaries, involving multiple police forces and various sources of information. As such, there may be benefit in considering how to raise national awareness of the issues related to missing person cases in terms of prevention, response and support to families. National organizations, such as the National Crime Prevention Council or the International Centre for Crime Prevention, as well as the Alzheimer Society, Child Find or similar organizations, could have a role to play in enhancing public information and education.

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.

¹⁴⁸ Participants in the Highway of Tears symposium, held in March of 2006 in Prince George, expressed concerns that their reports to police had not been taken seriously.

¹⁴⁹ Provincial Partnership Committee, 2006.

¹⁵⁰ At the time of writing, missing persons websites had been implemented in BC, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, and Nova Scotia. The RCMP has a national website on missing and abducted children, found at <http://www.rcmp-grc.gc.ca/omc-ned/about-apropos/search-rech-eng.htm>. Information on missing persons can also be found on websites such as www.unsolvedcanada.ca, which is run by a non-profit society with the objective of helping victims.

¹⁵¹ Alberta, Saskatchewan, Manitoba, and Ontario have websites that provide the public with information on both missing persons and unidentified human remains.

¹⁵² Native Women's Association of Canada, 2008.

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; to evaluate the adequacy of current educational mechanisms; and to consider how to make information more accessible through websites. This could include a national public education campaign or use of common key messages about missing persons' issues and police policies and procedures in order to change misconceptions.

If the person is estranged from their relatives, the family may not be aware that the person is missing. Some families may have deliberately severed contact with the missing person and may not be willing to make a report should they become aware of a disappearance or suspicious circumstances.¹⁵³

There are other barriers to obtaining information necessary to locating missing persons. Some families or family members live criminal lifestyles and would have concerns about involvement with police. Similarly, some families may not trust police authorities and may delay reporting or fail to share with police all the information they have until or unless a trust relationship is established. There can also be cultural or language difficulties at play. This could lead to either delay in reporting or failure to report a missing family member. Family members may also suspect or be aware of the fact that a member is deliberately missing as a strategy to evade police and would be reluctant to file a missing person report as a result.¹⁵⁴

Deliberate disappearances can occur for many reasons. For example, a person may move to another area to start a new lifestyle and sever connections with a criminal past. In such cases, the person may take steps to avoid being found. In addition, the family may wish to protect the person's new identity and either not report or block efforts of others to find the missing family member.

For those families that do make a report of a missing family member, it is important that they be encouraged to share as much information as they have or can obtain. This may be facilitated by on-going communications between family and police throughout the investigation. Families need to be reassured that cases continue to be active. Even if years pass, families tend to appreciate accurate and ongoing updates on investigation. This can also build a positive relationship between the police and the family, which can be useful in getting support for further evidence collection, such as DNA or obtaining further information as the investigation continues. The importance of on-going communication between families and the police and for having an identified family spokesperson or key contact has been recognized.¹⁵⁵ It is a significant issue for families of long-term missing people as has been demonstrated in the consultations held in Saskatchewan in spring 2007 and fall 2009 with families of long-term missing persons¹⁵⁶.

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 within police agencies so that:

¹⁵³ Vancouver Police Department Missing Persons Unit, personal communication, July 6, 2006.

¹⁵⁴ Vancouver Police Department Missing Persons Unit, personal communication, February 23, 2007.

¹⁵⁵ Provincial Partnership Committee on Missing Persons, October 2007.

¹⁵⁶ For more information on these consultations, see: www.justice.gov.sk.ca/MissingPersons.

- 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 *Final Report of the Provincial Partnership Committee on Missing Persons* 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.

The support needs of the families of the missing or murdered can be quite complex. Government, community and service agencies responsible for this support role need to achieve a coordinated approach to ensure that these needs are being adequately met.

Families experience a process of continual grieving for the missing person as they have no certainty or closure regarding the status of the missing person. The Australian Federal Police estimates “that for every person reported missing, the impact is felt by 12 others, predominantly family members and friends, but also work colleagues and other community members. Families and friends of missing persons face a range of physical, emotional, psychological and financial impacts.”¹⁵⁷ Families may feel isolated and unable to connect with other families who have gone through or are going through similar trauma.

The Saskatchewan Report speaks of the sense of confusion and frustration many families feel in not knowing what to do before or after reporting a person missing and wanting some central source of information to go to. Families may need information on how to proceed, such as checklists or media help kits. They may need emotional support to deal with the ongoing trauma and crisis experienced by the family, including resources needed to deal with aspects of the ongoing investigation or criminal proceedings. Victim services and mental health resources may be a source of such support. Financial support may also be necessary to help cover travel and sustenance costs, the costs of putting up posters, holding awareness walks, and other costs.

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 actions they can or should take during investigation and prosecution of the case.

¹⁵⁷ Australian Federal Police, 2006, p.34.

Recommendation # 17

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

Police Response: Specific Areas of Consideration

While there are models of excellent police responses to missing person cases, there are also problems that can impede the police in working collaboratively and in resolving these cases.

Police from missing persons units emphasized the importance of recording and following up on every missing person report received, and persisting in investigating the cases until they are resolved. In the absence of such policies, police may refuse to accept certain reports based on misunderstandings of how to handle these cases. For example, the Ontario Provincial Police (OPP)¹⁵⁸ found that there have been cases where police have refused to accept a Missing Person Report for the following reasons:

- the person is an estranged family member;
- the person is old enough to choose to disappear;
- there was no apparent reason to suspect foul play;
- there was no apparent reason to suspect the person is in harm's way; and,
- the person has been gone for an extended period of time and there probably would be no leads left to follow.

While there may be merit in considering these reasons when determining the status of some cases, they should not be used as criteria for screening reports. Police who have experience and expertise in resolving missing person cases have proposed that the report should be taken and treated seriously until there is evidence that the case does not need to be investigated further. This approach could be effected by implementing a policy that instructs police agencies to accept all missing person reports and, in every case, to use a standard in-take form, which requires officers to obtain critical information.

Recommendation # 18

The MWWG encourages the 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.

¹⁵⁸Ontario Provincial Police, submission to MWWG, October 22, 2008.

While some cases are clearly urgent or very urgent and will trigger referrals and resource commitments appropriate to the level of urgency, problems can emerge if police are not aware of how to assess and prioritize missing person cases. Risk assessment tools, along with training in risk assessment, could assist police in making the most effective decisions regarding the priority of the cases and identification of next steps. The completion of standard forms could also support the collection of common statistics to better understand the volume and outcomes of missing persons cases and support provincial/territorial or national data collection.

The assessment process, in its early stages, may be able to determine whether a person is truly missing or simply repeating a pattern, such as missing a curfew. Once the determination is made that the person is missing, if the case is recorded on CPIC, some information about that person would be available across Canada.

Timely entry of this information into CPIC could be critical in some circumstances. For instance, when police stop a vehicle for a traffic violation they have the opportunity to make enquiries of occupants' names and can then check CPIC for corresponding entries. This allows them to determine whether that person has been reported missing, thus enabling immediate intervention.¹⁵⁹

Recommendation # 19

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

- 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.

Availability of Information

In investigating a missing person report, police may require information that is not easily accessible to them. For example, if there is insufficient information to raise a suspicion of foul play in a missing person case, then police are unable to rely on criminal law powers to access non-police information. The police may have difficulty in accessing information about the person or the circumstances in which they went missing due to lack of clear legislative authority permitting access to such information.

Timely access to information is integral to the analysis of a missing person case and can be of vital importance in an investigation. This could include employment information, social assistance records, bank records, health records, phone records, and information on the whereabouts of family members, which could be used to establish whether an individual is actually missing and, if so, whether the disappearance may be the result of an accident or a serious crime. Access to this type of information may also be critical to determining when a

¹⁵⁹ In one documented case, two young girls from Winnipeg, who were being housed in a safe house for Aboriginal children at risk of sexual exploitation, left suddenly in a vehicle to travel to Saskatchewan. They were accompanying two South Asian men who had befriended them over recent months. Although the girls themselves had called staff from Brandon Manitoba to indicate they were fine, it appears that sometime thereafter their circumstances changed. Highway patrol officers did pull the car over but as they had not been told about the girls' status and had no reason to detain or search the vehicle, the vehicle was allowed to proceed without further intervention. (Perrin, 2010, pp. 92-93)

person went missing and establishing the facts surrounding the disappearance. Determining such factors impacts on the ability of police to elicit basic information from family, friends and witnesses and assists in the determination of whether charges should be laid. This type of information is particularly important in cases where delayed discovery of human remains contributes to the inability of forensic experts to establish a time of death. In such cases, evidence, such as cell phone or on-line activity establishing when a victim went missing, may be critical to proving the commission of a crime, narrowing time of death, or locating the missing person alive.¹⁶⁰

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.¹⁶¹ However, access to many relevant databanks or information sources may be restricted as a result of freedom of information and privacy legislation or people's unwillingness to share information. In some cases, police have reported that even where the legislative authority is arguably broad enough to permit disclosure of records, police are often met with firm responses from staff and employees responsible for records that the information is not to be disclosed. This impedes investigations into missing person cases where the evidence is insufficient to support recourse to *Criminal Code* powers, such as search warrants. As well, existing legislation allowing for the release of information may not be understood by the parties involved; implementation of protocols to ensure understanding may assist in this regard.

In Saskatchewan, *An Act Respecting Missing Persons and Persons Presumed to be Dead* and repealing *The Absentee Act* was passed in spring 2009 and is now in force. This Act provides police with the authority to obtain an order to get vital personal information needed to assist with an investigation, such as information on whether they have accessed their bank account or cashed their welfare cheque. There are also provisions within the Province of Saskatchewan Health Information Protection Regulations¹⁶² allowing the Minister of Health to release personal health information if required to locate a person reported missing. Thus, police can access health records of missing persons to find out the type of medication they were using, when they were last seen, by whom, and their medical conditions.

Many of the women missing from Vancouver during the Pickton investigation regularly accessed social agencies such as income assistance offices, child protection offices, police, courts, health authorities, or correction services. In that investigation, police found it helpful to access medical records to determine which missing women likely were victims of foul play. These records showed that some of the women had been accessing medical services up to three times per week prior to their disappearance, which assisted in estimating the timing of their disappearance.¹⁶³

¹⁶⁰ Similar to the issue of identification of whether an individual is in fact missing, enabling police to have early access to victims' personal records such as health records, employment and social assistance records, would also be useful to the court in cases when dealing with gaps in evidentiary issues such as time of death. Given that many people are now extensively using cell phones and the Internet on a daily basis, including 'cyber-soliciting', consideration should also be given to including police access to records of missing persons held by Internet Service Providers and cell phone companies.

¹⁶¹ For example, Project Evenhanded used information from the BC Cancer Agency to acquire DNA samples of some of the missing women, which helped Project Evenhanded match these samples with unidentified human remains and establish the identity of some of the remains.

¹⁶² s. 5, H-0.021 Reg. 1.

¹⁶³ Vancouver Police Department, August 2010, p.193.

Manitoba recently amended its provincial health legislation, *The Personal Health Information Act* (PHIA). These amendments were proclaimed into force in May 2010. More specifically, clause 22(2) (l.1) of *PHIA* will permit a "trustee" of personal health information (including a Manitoba government department, government agency, municipality or other "public body") to disclose personal health information:

"(l.1) required by police to assist in locating an individual reported as being a missing person, if the information disclosed is limited to demographic information;"

"Demographic information" is defined to mean "an individual's name, address, telephone number and e-mail address" (amendment to subsection 1(1) of *PHIA*). These amendments would not permit police to determine when or where a suspected missing person last accessed medical services.

In contrast, Alberta's *Missing Person Act*, which was introduced on February 28, 2011, would allow a police agency to obtain personal information in missing persons cases where it cannot yet be confirmed that a crime has been committed. Under the proposed legislation, police must apply to the courts to obtain this information and fundamental privacy rights have to be balanced through the course of the investigation. In emergency situations, when the police believe a missing person may be at risk of harm or death, police can issue a demand for a specified list of records that are urgently needed to locate a missing person. Information collected under this *Act* will be confidential and can only be used in situations cited in the legislation. Records and information collected must be kept separate from other police agency records. As noted above, this legislation would only apply in missing persons investigations where police do not yet have any basis for initiating a criminal investigation and therefore cannot rely on the usual warrants, production orders.

The MWWG has heard that police access to this type of information was variable across the country and concludes that legislation is an option that should be considered if existing protocols do not facilitate such access. Jurisdictions considering such legislation may wish to consult with those provinces that have brought such measures into force.

Recommendation #20

The MWWG recommends that Federal, Provincial and Territorial governments consider the need for legislation that would allow police access to personal information of persons reported missing.

Recommendation #21

The MWWG recommends that federal, provincial and territorial 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".

Use of Missing Person Information in Police Investigations

According to current procedure, police enter information about missing persons into the investigative database of CPIC¹⁶⁴, which is accessible by police in other jurisdictions. However, the utility of the database depends upon timely and consistent entering of data by police. Police need to have accurate information about the missing person as the search is fanned out and extended. If police come into contact with the person, they should have reliable information regarding the person's status as 'reported missing'. This allows them to follow up with the appropriate agency and ensure that CPIC reflects that the person has been found.

Investigations can be impeded if information has not been entered into an appropriate database or if police possessing relevant information in one jurisdiction do not share it or make it available to other jurisdictions. This problem becomes acute when information that is not shared could link a group of cases with common characteristics. All provinces and territories have a Criminal Intelligence Service and some police forces have established agreements between their Criminal Intelligence Service agencies to share information on practices utilized in missing person cases reported within their jurisdictions.¹⁶⁵ Currently no formal mechanisms exist that would require intelligence information on missing persons to be shared between different police jurisdictions. However, many informal mechanisms across Canada do exist for law enforcement agencies to communicate information on various investigations.

Police hold information about reports of missing persons while coroners and medical examiners hold information about unidentified human remains. Within jurisdictions, protocols have been established to ensure that possession of and responsibility for unidentified human remains is clear and that both agencies understand how these remains will be processed. The MWWG understands that while there are good linkages between police and coroners data in some jurisdictions, to date, there is no standard analytical linked database accessible to all police, coroner and medical examiners nationwide that could assist with the identification and location of missing persons.

Linkage of information between police agencies and coroners' offices is necessary for the identification of some human remains and for resolution of a portion of missing person files.¹⁶⁶ Protocols for sharing information between police agencies and coroners' offices may include the sharing of ongoing research, and best practices for collection of evidence to be further analyzed in a forensic context.¹⁶⁷ Police investigators and those involved in collecting evidence need to be kept apprised of the continuing scientific advances with

¹⁶⁴ As noted previously, *supra* note 145, CPIC refers to the Canadian Police Information Centre, a national database that contains information on crimes and criminals.

¹⁶⁵ For example, Edmonton's Project KARE shares some of its practices through Criminal Intelligence Service Alberta (CISA) where the reports are then disseminated to Criminal Intelligence Services Canada (CISC).

¹⁶⁶ Alberta, Saskatchewan, Manitoba and Ontario have websites that provide the public with a chance to submit information on both missing persons and unidentified human remains.

¹⁶⁷ For instance, while fingernail collection is generally undertaken at autopsy in cases of suspected foul play, ongoing research indicates that there is potential for greater DNA results in linking to an assailant when specific processes are undertaken. (Matte, M. Ontario Centre for Forensic Sciences, presentation at the Promega/CFS DNA Technology Workshop, 2008)

respect to collection and analysis of other biological evidence where the human remains have been exposed to the elements for a period of time.¹⁶⁸

While the linkage of police and coroners' information within provinces has been effective in resolving some cases, calls have been made for a national searchable database that would contain missing person reports as well as information on unidentified human remains. This concept was suggested by the Saskatchewan Report, which recommended a national website or linked websites on missing persons.¹⁶⁹ The Canadian Association of Chiefs of Police (CACP) has also supported the development of a coordinated, multi-province missing persons and unidentified human remains database, which could have an accessible public website associated with it.¹⁷⁰ As result of the research conducted and recommendations being put forward, a total of 28 additional/upgraded fields to CPIC for missing persons and unidentified human remains have been approved by CPIC authorities. These changes, which are being implemented incrementally, are intended to assist police investigators and medical examiners and coroners in identifying possible linkages between cases by creating a connection between the missing persons information and unidentified human remains information.

In October 2010, the federal government provided \$4M to establish the RCMP National Police Support Centre for Missing Persons. This funding is part of a renewed focus on these cases and will bolster the Canadian Police Information Centre's ability to capture additional data. A new website will also be created to allow the public to provide tips and information on missing persons cases and unidentified human remains.

The MWWG supports the coordinated, national approach to assist with the identification of human remains and the location of missing persons as an effective way to match human remains with missing persons. It could also provide a significant humanitarian benefit to all individuals who have suffered through the loss of a loved one.

Personnel assigned to the work associated with the national database could also be vested with responsibility to link with the forensic DNA analysts in their jurisdictions. New developments in forensic research and best practices for forensic analyses could then be shared between police agencies, medical examiners and coroners and science professionals.

¹⁶⁸ Fourney, R., Director of National Services and Research, Forensic Science and Identification Services, National Police Services RCMP, personal communication, 2010.

¹⁶⁹ "Recommendation 6: The SACP [Saskatchewan Association of Chiefs of Police] is encouraged to promote the concept of a national website or linked websites and the Saskatchewan Minister of Justice is encouraged to raise the need for a national website or linked websites on missing persons at the next meeting of Ministers Responsible for Justice." (Provincial Partnership Committee on Missing Persons, October 2007, p. 3)

¹⁷⁰ The first Multi-Provincial Steering Committee meeting took place in Ottawa in November 2008. Attendees included representatives from policing, coroners, and medical examiners as well as other justice sector stakeholders. Sub-Committees were established to examine technical, policy and procedures, freedom of information and privacy as well as stakeholder issues. Stemming from the National meeting, the technical group was tasked with assessing several existing applications by comparing the functionality of the applications against the identified design criteria. The design criteria were decided upon by all participants during the first National meeting. The primary applications that were assessed include GPIC, Rapid ID, AMPUHR, Resolve, PLASSDATA and NamUs.

The concept of linking unidentified human remains information with information about missing persons at a national level is discussed below in the section on the proposed Missing Person's Index.

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

The MWWG recommends that Ministers 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 Ministers ask the CACP to consider the following approaches with respect to data entry/collection:

- Use of 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.

Non-Police Agencies

In certain circumstances, protocols between police and other agencies are required to ensure that reports of missing persons are submitted quickly and reliably. Many larger police agencies have protocol agreements with non-police agencies that set out when and how a missing person report should be made to police. The following are examples of such protocols.

Protocol for Addressing Youth who are Chronically Late for Curfew

Many missing person reports involve youth who are deemed to be chronic "runaways". Specific protocols between police and other agencies have, in some situations, been implemented to address these situations effectively and, at the same time, reduce the amount of police time required to resolve the cases. As an example, the Vancouver Police Department's (VPD) Missing Persons Unit worked with the provincial Ministry of Children and Family Development, as well as foster parents, to change how chronic runaways from foster homes and group homes are reported to police. Caregivers, who once would call police to report a youth missing if the youth missed curfew by a few minutes, are now asked to consider the circumstances more carefully before reporting the youth as missing (e.g., how long the youth has been "missing"; whether or not the youth has a history of being late for curfew; whether or not the caregiver has attempted to locate the youth by calling the youth's friends, checking places the youth frequents, e-mailing or texting the youth). The VPD Missing Persons Unit reports that this has drastically reduced the number of unnecessary calls to police and has allowed police resources to be focused on "real" missing person's cases. These and other new practices were cited as significantly contributing to the achievement of the VPD Missing Person Unit's high resolution rate of cases: 100% resolution of missing person cases reported in 2006 and nearly the same level

in 2007. Other police agencies, including the Edmonton Police Service, are exploring similar approaches.

Protocols to Address High Risk Victims, including Street-Involved Youth

Police have joined forces with other non-police agencies to establish protocols for dealing with missing persons cases efficiently and effectively. Various police forces, for example, have established protocols with schools, community agencies and even the media to assist in finding missing persons quickly. Once the protocols are put in place, all parties may better understand their roles and responsibilities in missing persons cases and take the necessary action to assist police in finding the missing person.

In Winnipeg and Regina, recent initiatives have been undertaken by police and child welfare authorities to identify potential high risk victims, including girls and young women who are at risk of being violently victimized and murdered by predators. Once identified as a high risk victim, that youth's file is subsequently handled by the same investigator each time a missing person report is made by a family member or group home personnel. That investigator can identify some of the factors that have put the youth at risk and, using this information, link to other agencies. Protocols are established for the sharing of information among agencies that have recent relevant data on the youth. A key component of the Winnipeg initiative also involves media notification as to the youth's physical description and public alerts seeking assistance in locating the subject, clearly identifying the concern that she is at risk of being exploited.

The Winnipeg Streetreach Program, part of Manitoba's Sexual Exploitation Strategy, coordinates the outreach efforts of more than a dozen organizations including police, health care agencies, agency outreach workers, Child and Family Services and child care workers. There is regular case planning with multiple service providers, which includes coordinated two way radios that allow outreach workers to respond safely and quickly to developing situations. An outreach coordinator in the northern extension of the model, Streetreach North, based in Thompson Manitoba will also be tasked with linking stakeholders and the RCMP, focusing on runaways and additional training for RCMP officers on the issue of sexual exploitation among youth.

It is clear from the above examples that there is a need to focus police resources on cases of persons who are actually "missing." These examples, however, do not detract from the need to ensure that missing persons cases are reported to the police and that police maintain the responsibility of determining the best approach to be taken in following up on these reports. Missing children and youth are particularly vulnerable to being victims of crime, including sexual abuse and human trafficking, or to being lured into crime when on the street. Given this, delays in reporting cases of missing youth is not advisable.

Recommendation #24

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 #25

The MWWG recommends that jurisdictions support the recommendations of the Saskatchewan *Provincial Partnership Committee on Missing Persons* regarding linkage with the public and non-police agencies, that a media and public communications protocol should be established to disseminate information about missing persons and to request the public's help in locating a missing person.

Dedicated Personnel for Missing Persons Investigations

Some larger police agencies have developed missing persons 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. According to some police, this is a significant improvement over traditional approaches, in which sections dealing with missing persons cases were chronically under-resourced.

A specialized unit may be instrumental in the development of innovative policies and protocols for responding to missing persons. For example, BC's Missing Persons Unit, a partnership between the RCMP and municipal police, has made recommendations to the BC Chiefs of Police to develop a standardized policy for the reporting of missing persons. The Vancouver Police Department's Missing Persons Unit, which is a specialized unit within the Vancouver Police, developed standardized forms and procedures that it has shared with other similar units across Canada. The Winnipeg Police Service Missing Persons Unit is currently engaged with social service agencies on a range of initiatives to improve "whole system" response, including streamlining the routing of missing persons reports.

Funding and other resources, however, can be barriers to establishing specialized units, particularly within smaller police forces. Nevertheless, consistent and appropriate approaches to missing persons cases can be accomplished by other means, such as centralizing responsibility for taking missing reports to a key individual or position even in smaller police forces, adopting effective policies and protocols, and providing training to personnel who may receive reports.

Recommendation #26

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 persons reports in conjunction with recommendation 14 that calls for the identification of a specific unit within police services.

Other Factors Influencing the Processing of Missing Persons Cases

Experienced personnel, standardized and consistent policies and protocols for processing missing person reports, and access to necessary information can all help police in resolving missing persons cases. However, there may be other factors at play that could impede effective treatment of these cases.

Allegations of police bias against sex workers, against women living a transient lifestyle, and against Aboriginal women have been made in several reports. For example, participants in the *Highway of Tears* Symposium expressed concerns that their reports to police of missing family members had not been taken seriously.¹⁷¹ In several situations, they were told that their daughter or mother was known to have a transient lifestyle, was perhaps staying with friends and would “turn up” at a later date.

Reports published by Amnesty International¹⁷² and NWAC also claim that there is systemic bias in the policing community against women of Aboriginal descent due to their marginalization, particularly the ways they are perceived by the largely Euro-Canadian authority figures. According to these reports, the influence of such associations have resulted in a reluctance or refusal, on the part of police, to accept a missing persons report; failure to effectively evaluate a report and make the necessary decisions to commence a thorough investigation; and/or a mishandling of a victim’s family or potential witnesses.¹⁷³

Amnesty International has cited incidents where police have failed to respond to missing persons reports filed by Aboriginal families. Instead of following up with basic investigational procedures, such as interviewing family or friends or making public appeals for information, police maintained that the women had either run away or chosen to break ties with family or friends.¹⁷⁴ In 2008, the United Nations Committee on the Elimination of Discrimination Against Women identified deficiencies in the Canadian justice system specific to the handling of cases of missing or murdered Aboriginal women.¹⁷⁵ In order to address these deficiencies, it has urged Canada to undertake thorough investigations into the numerous

¹⁷¹ Leheidli T’enneh First Nation et al., 2006, p. 30.

¹⁷² Amnesty International Canada, 2009.

¹⁷³ The following example illustrates this point. In November 1978, a 19-year-old woman disappeared from a school in Quebec, where she was living in dormitories so isolated that she was dependent on hitchhiking for transport between school and the dorms. The isolation she experienced may also be demonstrated by the fact that it was a week before anyone noticed she was missing. Once reported, school authorities suggested to the family that her disappearance might be attributed to lesbian tendencies, and they continued to charge her family for tuition and board throughout the winter months before her body was discovered. This demonstrates the vulnerability to danger experienced by isolated women, as well as the types of callous interactions and responses that may be experienced by women considered to be participating in deviant lifestyle practices. Moreover, the *Times Colonist* ran a week-long series on Vancouver Island cold case files that outlined not only the details of the crime itself, but interviews with families of the victims. A common theme was a mishandling of victims’ families. Examples include: failure to return phone calls and/or keep families updated about the progression of the case; sexual advances by police officers on a victim’s widow; improper sharing of evidence, such as photos of the mutilated body of the victim. While the specific impact of these behaviours on these investigations can not be identified, it is significant to note that these themes were common to the various cold cases examined. Further analysis into such issues, however, may provide more reliable insight into whether and how similar types of police response may factor into the quality of an investigation, such as through the deterioration of important witness relationships. (Hanes, 2008) For additional information on historical cases, see: Kines, 2008; Shaw, September 23, 2008; Shaw, September 24, 2008.

¹⁷⁴ Amnesty International Canada, 2004.

¹⁷⁵ Committee on the Elimination of Discrimination Against Women, October 2008.

cases of missing and murdered Aboriginal women and to review these cases to determine whether or not the quantity of these incidents reflects a racialized pattern of violence. The Committee also strongly recommended that Canada review its protocols for dealing with such cases and develop measures for better addressing the gaps in the system that have lead to this situation. Canada filed an interim report in response to this recommendation in February 2010. A supplemental response was provided in December 2010 that detailed the Government of Canada's investment of \$10 million over two years to improve community safety and to ensure that the justice system and law enforcement agencies can better respond to cases of missing and murdered Aboriginal women.¹⁷⁶

The MWWG has reviewed a range of approaches that may be promising in dealing with missing and murdered Aboriginal women, and notes that a number of police agencies have already taken steps to address barriers to responding effectively to these cases.

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 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 persons 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.

Some jurisdictions, particularly those that have had high profile cases of serial murderers (e.g., Project Evenhanded, Project KARE), have established very clear procedures that reverse a historical tendency for bias to negatively impact the processing of cases involving Aboriginal marginalized women. In these jurisdictions, a woman living a high risk lifestyle who goes missing is now flagged as a priority case for investigation.

¹⁷⁶ Both the Interim report and the Supplemental report can be found on the UN Website at: <http://www2.ohchr.org/english/bodies/cedaw/followup.htm>.

The final Interim report (including the corrigendum) can be found at: <http://www2.ohchr.org/english/bodies/cedaw/cedaws42.htm>.

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 persons report is received.

5.3. Criminal Investigations of Missing Women

Homicide investigators indicated that the initial response by police to reports of missing persons is critical, especially where suspicious circumstances indicate the possibility of foul play. 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. As noted above, the assessment of a missing person report leads to a determination of how police should intervene and the level of resources committed to an investigation, if one is required.

Recommendation # 31

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

As discussed above, many factors can make it difficult to identify serial homicides as such, which can lead to “linkage blindness”. Linkage blindness is a term connoting the failure to recognize that several crimes may have been committed by one person.¹⁷⁷ 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.¹⁷⁸ However, linkage blindness can be exacerbated by uncooperative or unreliable witnesses and a slow response from authorities if the person is transient and marginalized.¹⁷⁹

Major Case Management

Linkage blindness can be greatly reduced through the use of the Major Case Management (MCM) system. MCM, which combines specialized police training and investigation techniques, is an innovative approach to solving crime and dealing with complex incidents. MCM has been widely adopted by police services across the country. It is both a philosophy and a system. Philosophically, it reflects the notion that large or complex cases generally result in a large volume of information being processed and often involves collaboration and information sharing between agencies. The objective of MCM is to identify clear goals and objectives; establish lines of responsibility and decision making authority; create infrastructure for the recording, storage and sharing of information; and create operational efficiencies. While MCM can be done using paper files, it is now more common and more efficient to use a computer software program.

Various computer programs can be used in MCM. One example includes a computer software system called PowerCase. The software manages vast amounts of information involved in investigations of serious crimes.¹⁸⁰ This common automated case management software application assists by linking cases across jurisdictions and promoting cooperation

¹⁷⁷ Egger, 1984.

¹⁷⁸ Summerfield, 2006.

¹⁷⁹ Fox & Levin, 1998.

¹⁸⁰ Ontario Ministry of Community Safety and Correctional Services, 2010.

and information sharing between law enforcement agencies. It is especially useful in helping police identify common links in crimes committed in different locations that might have been committed by the same person. Earlier identification of linked cases may lead to earlier apprehension of predatory offenders thus reducing future victimization. It should be noted that the principles of MCM are used across Canada for serious and major cases,¹⁸¹ but the actual procedures are adapted to the individual cases and resources available. Individual police agencies determine the type of information management system used, as well as how resources are to be allocated to software, training, and related resources when managing major files.

The origins of the MCM approach are found in the notorious case of serial sexual killer, Paul Bernardo, who had been identified as a sexual offender by several police investigators. Information files regarding his offences and allegations against him were kept by different police services. The information was not appropriately shared between the agencies and, as a result, there were serious delays in considering the victims as possibly linked to a single predator. The lack of information shared between these agencies was cited as a key factor in Bernardo's ability to continue his violent offences.¹⁸² Following the November 1995 conviction of Paul Bernardo on a number of charges, including murder in respect of two victims, Mr. Justice Archie Campbell was appointed to review the roles played by the police, the Centre of Forensic Sciences, the Office of the Chief Coroner and the provincial government during the Bernardo investigations.

In his 1996 report, Justice Campbell found that the lack of coordination, cooperation and communication among police and their justice partners contributed to a dangerous serial predator "falling through the cracks." One of Justice Campbell's key recommendations was to establish a common automated case management software application, mandated by regulation, for use in investigating homicides and sexual assaults.¹⁸³ Likewise, this recommendation was made in the Final Report of the Commission of Inquiry into the Wrongful Conviction of David Milgaard.¹⁸⁴

In response to Justice Campbell's recommendation, the government of Ontario developed the MCM¹⁸⁵ system in partnership with the Ontario policing community. The Ontario MCM

¹⁸¹ The *Ontario Major Case Management Manual* defines major cases as: homicides as defined by 222(4)CCC; sexual assaults, including sexual interference, sexual exploitation and invitation to sexual touching; non-familial abduction attempts; missing person occurrences, where foul play is strongly suspected; occurrences suspected to be homicide involving found human remains; criminal harassment where the offender is not known to the victim; and "any other case designated by the major case management executive board." RCMP note an MCM investigation can be triggered by these serious crimes or it can be triggered by complex (major) cases such as multiple frauds or robberies. "Serious" refers to the nature of the offence where an individual(s) is personally at risk; "major" refers to the complexity of an investigation. Either can trigger MCM. (Ontario Ministry of Community Safety and Correctional Services, October 2004, p. 7)

¹⁸² It is possible to collect data from ViCLAS on all sex trade worker homicides in Canada and the names of the offenders. The names of the offenders could be run on various databases to search for past interactions with sex trade workers and for past convictions for solicitation and communicating for the purposes of prostitution.

¹⁸³ Ontario Ministry of Solicitor General and Correctional Services, 1996.

¹⁸⁴ Commission of Inquiry into the Wrongful Conviction of David Milgaard, 2006.

¹⁸⁵ Major Case Management supports major case investigations by:

- assisting investigators in managing, sorting and analyzing huge volumes of investigative data (police notes, interviews, witness statements, door-to-door leads/tips, names, locations, vehicles, phone numbers, etc.)
- streamlining investigations

system was developed and implemented for use by all Ontario police services (initially on a voluntary basis) in the investigation of sexual predatory offences.

Police investigators have noted that the MCM approach has been critical in ensuring processes proceed effectively and efficiently during lengthy investigations of serious crimes. Under the MCM System, a Major Case Manager is assigned to the case and charged with a variety of investigative responsibilities. Included within these responsibilities is the obligation to ensure that all reported links between major cases are investigated. These responsibilities include notifying other investigations units if there is a reasonable likelihood that the same person has committed the crimes within single or multiple jurisdictions.¹⁸⁶

The Province of Ontario has mandated the use of MCM systems.¹⁸⁷ Possibly as a result of the legislative requirements, the Ontario approach circumvented some of the problems experienced in other jurisdictions. For example, the Winnipeg Police Service initially found that there were problems in purchasing MCM software without providing the necessary training and supports, thus limiting their ability to use it at an optimal level. Some other jurisdictions have purchased complex software systems that require specialized training and data entry resources but do not have the accompanying supports to use the software effectively on a large scale.¹⁸⁸ Most RCMP Divisions now have a Major Case Management Unit which offers support in the form of an Information Administrator and Information Processors. Both positions are viewed as integral to the proper use of the electronic application but they are in high demand and limited in number.

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- allowing linked cases to be identified, thereby lessening the risk of serial offenders escaping detection and apprehension
 - preventing crime and reducing victimization through the earlier apprehension of offenders responsible for the commission of predatory crimes.

Examples of high profile Major Case Management successes in Ontario include:

- Toronto Police Service: Data management in the Holly Jones investigation
- The two SARS outbreaks
- Walkerton: Data management used to manage Ontario Provincial Police investigation into circumstances/handling of E-coli bacteria outbreak
- Toronto Police Service/Peel Regional Police Service: Cecilia Zhang investigation.

(Ontario Association of Chiefs of Police, 2005)

¹⁸⁶ Ontario Ministry of Community Safety and Correctional Services, October 2004, p.12

¹⁸⁷ The *Ontario Major Case Management Manual* notes that legislation was enacted in Ontario (Ontario Regulation 354/04, January 1, 2005) to provide legislative requirements for major and inter-jurisdictional serial predator investigations. This Regulation requires the use of the *Major Case Management Manual* to govern investigations of all major cases in Ontario, specifically:

- Every police services board in Ontario shall establish policy with respect to major cases in accordance with the Ontario Major Case Management Manual.
- Every Chief of Police shall develop procedures and processes for undertaking and managing major cases in accordance with the Ontario Major Case Management Manual.
- Every police service in Ontario shall use the most recent version of PowerCase for the purpose of undertaking and managing major cases in accordance with the Ontario Major Case Management.

(Ontario Ministry of Community Safety and Correctional Services, October 2004, p. 5)

¹⁸⁸ A senior police officer in a sex crimes unit noted that the software available to them required trained personnel to apply it, that its use is limited to certain types of cases and that, "it could be used for sexual assaults, missing persons cases etc. but in reality we don't have the resources to [use it to] an optimal level."

The use of different MCM software programs by different police agencies creates challenges with respect to the ability to coordinate MCM between police forces.¹⁸⁹ If software systems are not compatible between the RCMP and other police agencies, information is not easily exchanged between databases. Ideally information exchange would be enhanced if all police services used compatible MCM software.

Intensive file reviews are a significant aspect of the Major Case Management approach. For example, Project Evenhanded reviewed over 30,000 files¹⁹⁰ of offenders in BC that met the criteria for a suspect in the missing women investigation. As the files were reviewed, the Task Force assigned Priority 1, 2, and 3 to persons of interest using specific criteria. This narrowed the scope of the suspect files from over 30,000 to over 1,500. The investigative team reviewed information relative to well over one thousand (1000) “persons of interest,” in addition to the ongoing file reviews. The review was intended to prioritize persons of interest and to further the investigation into the missing women from the Downtown Eastside. Project Evenhanded continues to liaise and establish partnerships with police agencies across Canada to review missing person files.¹⁹¹

While MCM is now viewed as standard police practice, it may be noted that some police agencies still have experienced challenges in implementing MCM effectively. This was noted as a serious barrier in the investigation of the missing women in Vancouver, which culminated in the arrest and prosecution of Pickton.¹⁹² Finally, it should be noted that police are continually engaged in making improvements to MCM. These refinements could benefit other police forces. However, currently there isn't a mechanism that would make such information sharing on best practices timely and accessible.

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 explore strategies that would promote sharing these best practices with other police forces in a timely manner.

Other Investigative Tools

Police can access several existing resources for investigating cases of missing persons under suspicious circumstances, the Canadian Police Information Centre (CPIC) has already been discussed as have the changes to CPIC that will allow better file matching between police information and unidentified human remains. In addition to CPIC, police have other tools to assist in their investigation of these cases, including the Violent Crime Linkage Analysis System, the National Sex Offender Registry, the National Flagging

¹⁸⁹ The lack of compatible MCM software was noted as a challenge that impeded the investigations in the Pickton case. See: Vancouver Police Department, 2010 pp. 39-40, 45, 47, 334-336 and recommendations regarding MCM pp. 45, 333, 334.

¹⁹⁰ Carter, Inspector J., personal communication, March 11, 2008.

¹⁹¹ Lymburner, Inspector W., Project Evenhanded, The Vancouver Missing Women Task Force, E Division Major Crime Section, British Columbia, RCMP, personal communication, March 21, 2006.

¹⁹² Vancouver Police Department, 2010.

System, the National DNA Data Bank, which includes the Convicted Offender Index and the Crime Scene Index, and local databases of missing persons.

Violent Crime Linkage Analysis System (ViCLAS)

ViCLAS is a Canadian crime linkage system created in response to several complex multi-jurisdictional serial homicide investigations where it became apparent that there was a need for a central repository to capture, collate, and compare data on violent crimes. The ViCLAS system identifies crimes that may be part of a series and facilitates communication between investigators with the goal of solving major serial crimes and putting dangerous predatory offenders in jail.¹⁹³ ViCLAS will be discussed in more detail in the section below on Criteria for Narrowing the Field of Suspects.

National Sex Offender Registry

The Registry was created under federal legislation (*Sex Offender Information Registration Act*) and came into force on December 15, 2004. Individuals convicted of sexual offences can be ordered to register with police and provide their addresses and other information (alias names, height, weight, photographs) for terms of 10 years, 20 years, or life. This police investigative tool enables officers who are investigating an offence of a sexual nature to search the database for the most recent address of sex offenders living in the area of the crime. Bill S-2, *Protecting Victims from Sex Offenders Act*, which came into force on April 15, 2011, makes registration mandatory upon conviction for designated offences and also expands police access to the database to situations where they are seeking to prevent the commission of an offence. The Bill also requires individuals convicted of a sexual offence outside of Canada to report to police within seven days of entry into Canada so that they may be placed onto the Sex offender Registry.

National Flagging System (NFS)

The National Flagging System identifies on CPIC convicted offenders that are at risk of violent re-offending. These include offenders already sentenced as Dangerous or Long Term offenders and those considered possible Dangerous or Long Term offenders should they re-offend. Its purpose is to identify, track and provide information to assist in the prosecution and sentencing of high risk violent offenders. Although this system was not initially designed as a police investigative tool, it can serve as a valuable resource for investigators given the extent of historical data specific to an offender retained in the file dossiers which are maintained by each jurisdiction's National Flagging Coordinator.

The National Flagging System files are not always accessed by police. This is not altogether surprising since the NFS was not designed as a police investigative tool. However, given the nature of the offenders who are flagged on the NFS and the type of information that is usually contained in the NFS files, it offers another potential source of valuable investigative material. As noted elsewhere in this report, serial offenders, as a group, tend to have common individual characteristics that set them apart from other offenders, such as the high prevalence of psychopathy. Details of these diagnoses and related risk factors are often contained in the NFS files. Accordingly, there is potential for information in the NFS files to be of assistance to specialized investigators, including the ViCLAS analysts who are primarily focused on linking information contained within ViCLAS

¹⁹³ For a description of ViCLAS and its history, see: <http://www.rcmp-grc.gc.ca/tops-opst/viclas-salvac-eng.htm>.

and police reports. This information, especially when gathered about high risk individuals who commit offences in a particular manner or in relation to certain factors, can be explored further by police in background investigations.

National DNA Data Bank (NDDB)

The DNA Data Bank was created by the *DNA Identification Act* for the purposes of helping law enforcement agencies in identifying persons alleged to have committed designated offences. This database is comprised of two indices: the Convicted Offender Index (COI) and the Crime Scene Index (CSI).

- Convicted Offenders Index (COI)
The COI is an electronic index containing the DNA profiles of offenders convicted of designated offences for which a DNA Data Bank order has been made. Samples can also be entered from persons who are subject to the military's Code of Service Discipline and convicted of a designated offence under the *National Defence Act*.
- Crime Scene Index (CSI)
The CSI contains DNA profiles from crime scene samples related to DNA designated offences submitted by law enforcement to the RCMP's Forensic Science and Identification Services (FSI&S) or, in Ontario, the Centre for Forensic Sciences or, in Quebec, the Laboratoire des sciences judiciaires et medico-légale.

The Data Bank functions by continuously comparing the profiles in the two indices against each other so as to identify potential perpetrators of unsolved crimes. The profiles within the CSI are also continuously compared with each other, enabling the identification of serial crimes, even if the perpetrator cannot be identified through the Data Bank.

Other Proposed Databases

Voluntary (Proactive) Databases

In addition to the investigative tools noted above, some police agencies use voluntary databases to assist with investigations of missing persons. Of particular interest are the proactive voluntary databases established by some communities to assist in the investigation of missing and murdered women. These initiatives register people who are at a high risk of going missing as a result of a serious attack, along with identifying information about themselves and their practices.

Unlike police databases, a basic premise of the voluntary database is that the information is not searchable by the police automatically. The information in these programs is "sealed" and not released for police use unless there is evidence of a serious crime against that person. Once released, the information might be shared (with consent or Court Order), but the databases still could not be searched by police or other agencies.

The voluntary database approach may best be illustrated by describing the role of the ProActive Team of Project KARE in Alberta. The Team is comprised of specially trained investigators who canvass high risk persons and sex trade workers to determine if they want to be registered. Those who are registered provide their name, age, and physical description (i.e., height, weight, hair colour, tattoos, jewellery, and any distinctive marks). The data is stored on an independent folder within the Project KARE server with limited access. Those who volunteer their information are also asked for a hair sample should a DNA sample be required in the future. These samples are stored on a paper file in a safe

and can only be accessed by the Commanders of Project KARE. The information and samples are useful to quickly start an investigation should a registered person be reported missing or found deceased under suspicious circumstances. At the time of writing, over 900 sex workers in Alberta had voluntarily registered with the ProActive Team. This is 85% of the sex workers who were contacted.¹⁹⁴

Other jurisdictions, such as BC, have implemented voluntary databases similar to Alberta's. Ontario's approach includes monitoring and tracking of the high risk individuals. AVERT (Avoiding Victimization by Encouraging Reporting and Tracking), was started in January 2008 by the Vice Unit of the Peel Regional Police. AVERT works to enhance response and prevention through the tracking and monitoring of vulnerable women, particularly those involved in street-level prostitution. Participation in the program is entirely voluntary. 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 the location and well being of the victim a priority. In addition, the increased contact between police and sex trade workers involved in the facilitation of this program allows for establishment of better rapport and communication between these groups.

Winnipeg Police members created a local database in 2004 for 'at-risk' street sex trade workers who were willing to participate. Police officers actively collected DNA and personal contact information from the women, including information as to the person(s) closest to them who would most likely be able to confirm that they had in fact gone "missing" and the timing. In the process of making this contact, police would also receive information as to individual "buddy" systems created by the workers themselves for safety purposes and would be kept apprised of developing issues of concern. Although the database is still maintained, it has been observed that, due in part to fluctuations in resources; the outreach efforts have not been as intense in recent years. Efforts are currently underway to move towards resumption and enhancement of a proactive and integrated approach of a database which will also incorporate issues of human trafficking.

While some voluntary databases are managed by police, others use a private agency to collect the information. This approach can reassure those being registered that the information will not be used inappropriately, for example to investigate offences that the person is suspected of committing.

Single-focus databases can be challenging to maintain, as resources and priorities change. This may be particularly problematic when the database is managed by a non-profit community organization. The MWWG was also informed of one example of a proactive database that was discontinued when the organization running it lost funding¹⁹⁵.

The management of information in voluntary databases is critical both to the integrity and effectiveness of these initiatives. Criteria must be established to determine when the information can be released (e.g. foul play suspected, human remains found) and under what conditions (e.g. a court order). Protocols and guidelines are required to determine who the information can be released to, particularly if an outside police agency is involved in the

¹⁹⁴ Project KARE, 2011.

¹⁹⁵ The MWWG was given information about the circumstances under which the database was discontinued but was asked by the representative who provided the information not to disclose details as they could reflect unfairly on the organization itself.

investigation. Linkage between information within the database and with other police databases has to be defined and managed.

Consideration of a national voluntary information database would have to address all of the various issues related to information confidentiality and management. The MWWG noted a number of benefits that would result from 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 further exploration of this concept, but notes that a number of challenges would need to be addressed in a feasibility study including: whether and how to link with existing independent databases; how a future database could be developed and managed; and the resource implications of establishing and maintaining the database. It is noted that the Alzheimer Society has had some success in developing and implementing a similar national database, which is linked to CPIC and managed by the Alzheimer Society.¹⁹⁶

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 its link to the National DNA Data Bank (NDDB)

Police, particularly the Evenhanded Task Force, identified specific issues related to identification of human remains found at crime scenes. In particular, there can be difficulty in linking these remains to known missing persons as there is no current direct mechanism to link police files and coroners files. The BC Coroner's Office noted similar issues. For example, in situations where the Coroner's offices had performed DNA analysis on the found human remains, such analysis might not have been adequate to be linked with information in the RCMP or other forensic laboratories if the analysis was not done by an organization accredited by the forensic laboratories. Thus, the DNA samples could not be matched against profiles held in the National DNA Data Bank.

In the past, there have been calls for the creation of a national Missing Person Index (MPI).¹⁹⁷ A proposal to create such a databank was raised for discussion by Federal/Provincial/Territorial Ministers at their meeting in 2003. A working group was formed and a public consultation document was developed in 2005 on a proposed index. A number of concerns around funding, provincial/territorial legislative roles, capacity challenges and demands on current forensic laboratory services remain unresolved. However, the idea of a national Missing Persons Index may have been

¹⁹⁶ In 1995, the Alzheimer Society partnered with the Royal Canadian Mounted Police to design a registry of information on those who may potentially go missing due to dementia. Families voluntarily provide this information to the Society, which collects and inputs it into the registry for a one-time fee of \$35. When someone suffering from a degenerative brain disorder goes missing, the police can access the database to find details of the person such as personal history, physical characteristics and locations where the person is known to visit. (Alzheimer Society, n.d.)

¹⁹⁷ Standing Senate Committee on Legal and Constitutional Affairs, June 2010, p. 83; Standing Committee on Public Safety and National Security, June 2009.

overtaken, at least in part, by the recent federal announcement of funding for an RCMP database on missing persons, the National Police Support Centre for Missing Persons and Unidentified Remains (NPSCMP). The RCMP is seeking to develop a national missing persons and unidentified remains database, which will allow for accurate tracking between police and Coroner's on the number of found human remains and allow for improved exchange of information to help solve these cases.

DNA matching is one tool that can be used to resolve cases of unidentified human remains. However, dental records or other descriptions may also be used to solve these cases. Even if a DNA database with DNA from unidentified human remains was created, there would still be challenges in including crime scene DNA for cross-matching purposes as the governing legislation does not currently allow retention of samples of DNA from potential victims of crime. Moving to include victims in the DNA databank would require legislative change and could be controversial in terms of whether and on what terms victims, or their representatives, would consent to inclusion in a databank. There are potentially significant policy and financial issues related to extending the scope of the DNA databank, without which its investigative use for missing persons cases is limited.

The MWWG also recognizes the challenges identified in the creation of such a missing persons database and is pleased to see that progress is being made to address the above issues, at least partially, through the National Police Support Centre for Missing Persons and Unidentified Remains (NPSCMP).

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 Databank 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 be helpful to police in solving crimes or deploying resources. A challenge of all major investigations, whether they are single offences or serial crimes, is to establish the criteria that would narrow the field of suspects under investigation. One of the first steps in the investigation of a serious crime is to determine if there are linkages with other crimes that are under investigation.¹⁹⁸

Linkage Analysis (ViCLAS and ViCAP)

Linkage analysis is a type of behavioural analysis based on the assessment of crime scene data. It is used to determine whether a crime is part of a series and to help identify offenders who commit serial crimes. Investigators of serious crimes such as murder and sexual assaults submit detailed crime reports to specialists in linkage analysis, who, in turn, examine information such as crime scenes; autopsy and toxicology reports; body disposal sites; victim characteristics; and, any crime "signatures" that indicate a unique aspect of how the crime was committed. Emergent patterns permit the crime analysts to provide investigators with information that could suggest relationships between different incidents and eventually connect a particular offender with a crime series.¹⁹⁹

¹⁹⁸ Osborne, September 2008.

¹⁹⁹ Hazelwood & Warren, 2003; Canter, 2000.

In Canada, linkage specialists use the Violent Crime Linkage Analysis System (ViCLAS) database, discussed earlier, to assist in the development of a report 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 used by nine other countries.²⁰⁰ ViCLAS started as a written booklet submitted by investigators to an electronic format and has continued to evolve into a major crime information gathering system.

Challenges to the effectiveness of ViCLAS have been largely related to populating the database, as not all investigators contribute information on serious crimes. As well, ViCLAS personnel have not always been notified when DNA linkages were made and investigators did not consistently follow up when notified by ViCLAS as to potential linkage reports on unsolved cases.²⁰¹ However, this situation has been improving as the RCMP have established a protocol with the labs, whereby the labs send DNA linkage notifications to the RCMP on a regular basis.

ViCLAS appears to be effective in identifying crime series (i.e. linking crimes likely to have been committed by a single offender). As of April 2007, there were over 300,000 cases entered in ViCLAS and over 88,000 series of offences had been identified. The RCMP state that this shows that there are a large number of serial offenders committing crimes against people on a regular basis in Canada.²⁰² While some provinces have made it mandatory for police to enter serious cases into ViCLAS, compliance rates are still thought to be low compared to the actual number of ViCLAS reportable offences that occur.²⁰³

The FBI's Violent Criminal Apprehension Program (ViCAP), the US equivalent of ViCLAS, maintains the largest investigative repository of major violent crime cases in the United States. It is a web-based data information center designed to collect and analyze information about homicides, sexual assaults, missing persons, and other violent crimes involving unidentified human remains.²⁰⁴ The database compares information in an attempt to identify similar cases and help move investigations forward. It has been an important tool for crime analysts seeking linkages between crimes. As an example, the FBI's Highway Serial Killing Initiative, noted previously in this Report, used ViCAP to assist in identifying links between 10 suspects and 30 victims. Compliance, however, is also an issue with ViCAP: the FBI have urged all police dealing with murders or other violent crimes to ensure that data on their cases is entered into ViCAP.

The Highway Serial Killings illustrate the scenario that experts believe to be the most difficult for linkage analysis: where the victims are living a high risk lifestyle and the crimes occur in multiple jurisdictions. The victims' lifestyle enhances their availability to the predator while at the same time minimizing the possibility that they will be identified as missing. Lack of

²⁰⁰ For instance, in a report from the Federal Bureau of Investigation, it is noted that: "the lack of communication between law enforcement agencies and differing records management systems impede the linkage of cases to a common offender. Attendees stressed the importance of law enforcement networking with other investigative agencies and cited the National Law Enforcement Teletype System (NLETS) messages, ViCAP Alerts, and the Law Enforcement Online (LEO) website as alternative mechanisms for sharing information to help determine other linked cases." (Federal Bureau of Investigations, 2005, p. 20)

²⁰¹ Wilson, Inspector L., OIC, ViCLAS, Behavioural Sciences Branch, RCMP, Ottawa, ON, personal communication, September 2008.

²⁰² Royal Canadian Mounted Police, n.d.

²⁰³ Ibid.

²⁰⁴ Federal Bureau of Investigations, n.d.

communication between police agencies and lack of compatibility between data systems may make it difficult to link a series of crimes that have occurred in multiple jurisdictions.²⁰⁵ The FBI credits ViCAP with enabling them to link such crimes and, as a result, facilitating the resolution of a number of the cases. The fact that analysts working with ViCAP have found relevant linkages in this initiative underscores the need for full compliance by police in providing ViCLAS or ViCAP information on serious crimes, as well as the need for trained experts in analyzing these crimes.

Criminal Investigational Analysis

Criminal investigational analysis is comprised of techniques that crime analysts use to assist in investigations of serial murders. Two of these techniques, criminal profiling and geographic profiling, are briefly discussed here. Criminal profiling seeks to develop a description of the offender and geographic profiling focuses on locating an offender through crime scene analysis.

In criminal profiling, a description of the offender's personality and other characteristics is derived from evidence identified within the case, particularly from analysis of the crime scene.²⁰⁶ The crime scene can yield evidence of rage, careful planning, paraphilias, or other indicators of the offender's psychology. One limitation of criminal profiling in cases involving serial killers is that there may be no obvious crime scene from which to derive the profile. Many of these cases involve crimes taking place in several locations with little evidence remaining at any one of the crime scenes. But more generally, criminal profiling has been criticized by some as reflecting outdated personality trait theory,²⁰⁷ which is premised on the assumption that a person has stable personality traits that are measurable and observable. Modern theory suggests that individuals are far more changeable and can reveal very different characteristics in different situations. Behavioural scientists generally view the process of deriving a reliable description of an offender's personality as lacking a solid empirical basis.²⁰⁸ As a result, researchers and investigators generally recognize that the suspect pool should not be narrowed on the basis of criminal profiling alone. However, police suggest that criminal profiling can be useful when used in combination with the range of services that are provided by behavioural science specialists, including services related to: ViCLAS, Geographic Profiling, the Person of Interest Priority Assessment Tool or POIPAT²⁰⁹, Criminal Investigative Analysis and the National Sex Offender Registry.²¹⁰

Geographic profiling involves analysis of the temporal-spatial patterns of crime scenes, and can provide suggestions about the offender's behaviour.²¹¹ Factors such as the geographic features of the crime site, the demographics of the area, and the distance between crime sites are used to determine whether there are inherent patterns that may predict where the offender's "home base" is located. Other measures, such as the time elapsed between the abduction and murder, and time between crime incidents, can provide additional clues about the offender. In fact, some researchers have suggested that geographical profiling may also be useful to assist in understanding the offender's personality, which is the goal of criminal

²⁰⁵ Federal Bureau of Investigations, 2005.

²⁰⁶ Bennell, Ormerod & Mokros, 2002.

²⁰⁷ Ibid.

²⁰⁸ Torres, Boccaccini & Miller, 2006.

²⁰⁹ Person of Interest Priority Assessment Tool: a series of questions developed by Project KARE to narrow the field of suspects in the Svekla serial murder case.

²¹⁰ Behavioural Sciences Branch of the RCMP, personal communication, December 13, 2010.

²¹¹ Rossmo, 1995.

profiling.²¹² For example, movement of the offender from place to place in committing the crime may suggest that the person was carefully planning the crime.

As noted earlier, serial sexual murders generally take place over a number of crime sites, as well as additional “key locations”²¹³ but there are often no ‘crime scenes’ or locations with evidence of the crime.²¹⁴ As an example, it may be possible to speculate where the abduction occurred, but an abduction site may reveal little in the way of evidence, particularly if the victim voluntarily entered a vehicle. Similarly, it may be difficult to ascertain where the attack and murder happened, as the body is often moved some distance after the killing. In spite of the difficulties associated with geographic profiling,²¹⁵ research has yielded important characteristics of serial killers that can be factored into geographical analysis, making it more precise.

Kim Rossmo²¹⁶, who is generally credited with bringing geographic profiling into prominent use in criminal investigations, believes that use of this technique by trained criminal analysts on a routine basis can assist in overcoming the common reasons for investigative failures. These may include focusing too early on the wrong suspect or endorsing inaccurate assumptions. He advocates adequate training of police in geographic profiling and establishment of key policies, such as requiring the routine use of this technique in certain cases.²¹⁷

Narrowing the Field of Suspects

While criminal and geographical profiling assist analysts in making deductions from crime scenes, other methods of narrowing the field of suspects also involve the development of key criteria to narrow a large pool of offenders to a smaller number of likely suspects within that pool. Given the large volume of persons of interest in serial sexual murder cases, investigators need a means of organizing and prioritizing these suspects. This can be an immense challenge, particularly if there is very little information available from other sources. To accomplish this task, investigators have to establish criteria for selecting people who will be considered likely suspects. While there may be common criteria for a certain category of crime, such as sexual murders, the criteria will vary depending on the characteristics of the particular case being investigated. These specific criteria may reflect deductions from criminal or geographical profiling, or may simply reflect objective observations about the nature of the cases.

As an example of the size of this task, Project Evenhanded established criteria in order to narrow the number of suspects from approximately 3,000 to 1,200 individuals. All of the

²¹² Canter & Hammond, 2006.

²¹³ Van Patten & Delhauer, 2007; Rossmo, 1995.

²¹⁴ This was noted as an obstacle to the investigation of Pickton by the Vancouver Police. (Vancouver Police Department, 2010)

²¹⁵ An evaluation of geographic profiling models led Cantor et al. to conclude:

“Broadly speaking, such systems when applied to the present type of data can be expected to give impressive results in approximately half of the offence series. Whether that can be improved by more accurate and precise data and with more complex models remains to be established. It may turn out that the value of studies of different ways of modelling the journey to crime may be of more use in enriching our understanding of criminal behaviour than in improving police investigations.” (Canter et al., 2000, p.102)

²¹⁶ Rossmo provided geographic profiling information for the Vancouver Police Department during the Pickton investigation.

²¹⁷ Osborne, 2008.

suspects in the larger field were painstakingly analyzed in view of the established criteria in order to determine the final pool of key suspects.

In Alberta, Project KARE's Inspector Larry Wilson developed the Person of Interest Priority Assessment Tool (POIPAT)²¹⁸ using criteria drawn from the experiences of the Green Ribbon Task Force of the 1990's. The POIPAT was created to enable an objective risk assessment of the numerous persons of interest in Project KARE's large-scale investigation. POIPAT is a list of questions, some general in nature and others directly relevant to the specific investigation (e.g. Does the person have a vehicle that could be used to transport a body in a rural area? Do they have a history of using sex trade workers? Do they have a history of sex offences?). The answers are weighted depending on the relative importance of each question. The higher the final score of the POI, the higher the priority of the investigation pertaining to the individual suspect. The results of the POIPAT are balanced with police opinion based on experience and training, allowing the investigators to direct resources and to target the higher priority individuals first. As a test of this investigational tool, Project KARE assessed Svekla using POIPAT and found he would have been in the POI-1 range; that is, he would have been a high priority suspect had he not already been the target of investigation.

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 supporting 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; and
- When police investigators and forensic lab personnel receive notification that a DNA linkage has been made on an outstanding case, they 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, and

²¹⁸ Wilson, Inspector, L., OIC, ViCLAS, Behavioural Sciences Branch, RCMP, Ottawa, ON, personal communication, September 2008.

- To 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

At a Serial Murder Symposium in 2005, sponsored by the FBI, attendees agreed that investigations of serial murders present unique challenges when multiple jurisdictions are involved. They noted that linked crime scenes in different police jurisdictions may be investigated differently due to the resources and abilities available. Furthermore, the police agencies involved may not have a consistent approach to the evidence; for example, they may submit evidence to different laboratories, which could prevent the forensic linking of cases to a single offender. The Symposium made a number of recommendations for these investigations, including the use of the same crime scene personnel at the related scenes in order to promote consistency in evidence identification and collection.²¹⁹

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

Ontario, Alberta, Manitoba, and British Columbia established integrated task forces to investigate women who were missing and to identify links between murder victims. Saskatchewan established a Task Force in 2005/06, which included enhanced resources for police coordination on missing persons cases in Saskatchewan, research on police response to missing person cases, and the creation of the Provincial Partnership Committee on Missing Persons (PPCMP). The PPCMP issued a report in fall 2007, which identified issues and processes of provincial policy, legislation, and the sharing of information that could be better addressed by a coordinated, collaborative approach. Many of the issues identified require action beyond provincial boundaries to encourage legislative supports for police investigations and to standardize police practices and information sharing approaches.²²⁰

In addition, the Manitoba government has struck an Action Group, bringing together Aboriginal organizations and community agencies. This group is expected to review past recommendations from inquests and reports on vulnerable and exploited women and girls and will be available to consult with the Manitoba task force.

Investigations of a complex series of serial killings can be enhanced by ensuring that the police forces involved have policies that clarify criteria for cases that should be referred to the special task force for examination. For example, in Vancouver and Edmonton, a missing woman who fits the profile of a high risk individual would immediately receive focused resources. In Vancouver, such a case would be referred to the Missing Women's Task Force.

²¹⁹ Federal Bureau of Investigations, 2005, pp. 31-32.

²²⁰ Sekela, 2008.

The task forces noted here were established to solve cases within a province. However, the multi-jurisdictional approach has proven valuable as task forces from different provinces link to share information and refine investigational strategies.

Cold Case Investigations

Many of the homicides discussed in this report are committed against women in the sex trade. For a variety of reasons, prostitution-related murder cases are among those least likely to be solved. First, prostitution-related murders are often committed by strangers, which makes linking the victim to the perpetrator more difficult. Also, there is some indication that the distance traveled by the offender from the initial encounter to the disposal of the body is greater in prostitution-related murders compared to others.²²¹ Finally, prostitution-related murders often involve multiple jurisdictions, which can complicate crime analysis.

A recent U.S. study of sexual homicides showed that when the victim was a prostitute, only 23.7% of the cases were cleared, compared to 64.6 % clearance when the victim was not a prostitute.²²² In fact, the same study found that this single factor, the victim being a prostitute, was a reliable indicator of whether a case of sexual murder would be solved. As such, many of these cases remain unsolved for an extended period of time, or are considered “cold” cases. While the use of the term “cold case” may vary,²²³ the term generally refers to a case in which every workable lead has been exhausted and for which there is no new physical evidence pending.²²⁴

Police agencies are using a variety of methods to solve cold cases and reduce the number of unsolved homicides in Canada. Several of these methods are described below.

Enhanced and Targeted Resources

A number of Canadian jurisdictions have dedicated new resources to investigating and solving “cold” cases of missing and murdered women. In 2005-06, the province of Saskatchewan provided additional funding for cold case investigations, including four new RCMP positions, resulting in eight positions dedicated to cold cases, as well as two municipal police positions. According to police members of the PPCMP, these resources have been instrumental in solving some of the cases involving Aboriginal women in Saskatchewan, as well as establishing key connections with the families and communities of these missing women. Significant additional resources have been devoted to recent investigations, including calling upon the cold case network across western Canada, which meets regularly, for consultation and support.

In 2009, the province of Manitoba announced a focus on cold homicide cases involving female victims.²²⁵ ViCLAS is being used to determine whether any of these cases were perpetrated by a serial killer.²²⁶ The Winnipeg Police Service has two distinct units dealing with historical cases (Homicide Unit and Missing Persons Unit). The evidence and information currently available for follow up is largely dependent on whether the matter was

²²¹ Brewer et al., 2006.

²²² Van Patten & Delhauer, 2007, p.1133.

²²³ For example, in Colorado, a cold case is defined as a felony that has remained unsolved for more than one year after the crime was reported. (Department of Public Relations, August 13, 2009)

²²⁴ Van Patten & Delhauer, 2007.

²²⁵ Prepost, 2009.

²²⁶ Kitching, 2009.

initially characterized as a homicide. Such cases were given additional resources early on in the investigation, including resources for taking of statements. In contrast, historical cases of missing persons that were not initially considered suspicious were treated differently, and, as a result, evidence collection was not given the same priority as in the cases labelled as likely homicides. Resolving this latter group of cases is particularly challenging for a number of reasons including evidentiary and investigative limitations. This suggests that a standard set of criteria may be useful in identifying missing persons cases as potential homicide cases so that appropriate investigative techniques, including the gathering of evidence, can be employed in any such case.

Maintaining and Accessing Evidence in Cold Cases

Miscarriages of justice can occur when evidence is lost or destroyed. For example, in 2009, the Denver Post carried a series of articles on miscarriages of justice in cases of rape and murder due to loss or destruction of evidence. In some cases, evidence was deliberately destroyed because of space restrictions in an evidence room.²²⁷ According to the attendees of the Serial Murder Symposium sponsored by the FBI in 2005, the need to ensure proper resource allocation as well as the availability of historical records and evidence is a significant factor in solving cold cases. A report²²⁸ of the symposium recommended that policies be implemented that would give unsolved homicides higher priority. Particularly, the attendees suggested that case materials for these files be maintained for a period of 50 years at least, and that all of these cases should be submitted to the ViCAP database, which maintains case information indefinitely.

In addition, when attempting to identify potential suspects for unsolved sexual murders, investigators could benefit from accessing both historical sexual assault and serious violent offence cases. This would be particularly useful in terms of accessing cases where convictions have resulted, similar hallmarks are present in terms of the types of victims previously targeted, and similar circumstances surrounding the attacks are noted. There may be additional details contained in those police files that are not captured in available ViCLAS reports, either because the offences preceded the use of ViCLAS or because limited information has been entered into the ViCLAS reports. The information contained in those older police files may enable officers to secure further statements or DNA evidence relating to a particular suspect, ultimately resulting in charge and conviction of the assailant and could serve as a critical link in identifying serial cases.

The MWWG agrees that access to historical data is directly relevant to a thorough review and analysis of these difficult cases. It is apparent that in many cases, records affecting potential suspects may be inaccessible to police for review as they have been “purged” or destroyed in accordance with record destruction policies within police, prosecutions, corrections and courts.²²⁹ This was noted as an issue in the Vancouver Police Department’s review of the Pickton investigation. In completing the initial phase of the historical search review for DNA evidence, police “identified several systemic problems caused by the failure

²²⁷ Moffeit & Greene, 2007.

²²⁸ Federal Bureau of Investigations, 2005, p. 33.

²²⁹ For example, in a recent prosecution of a historical child sexual assault case, police noted that although “systems and processes have changed significantly”, DNA was “mistakenly ...destroyed [and that] ...from an investigative standpoint, the absence of DNA places us at considerable disadvantage.” (Moharib, 2009, September 20)

to keep accurate records when exhibits were moved for various reasons.”²³⁰ Policies around record retention and destruction have been noted as problematic issues in other contexts, including the Milgaard inquiry, the Driskell inquiry, and the Sophonow inquiry. Officials from a number of jurisdictions are working to review common issues around record retention/destruction. Manitoba is also currently involved in a review of offender and court records and has a moratorium on the destruction of records currently under authority of the provincial government. Officials are continuing to look at the problem of records retention.

Maintaining Contact with Victims’ Families

A significant body of training resources and expertise has developed for addressing cold cases, and there is clearly an effort to provide best practices to police agencies that are engaged in efforts to solve cases that have been outstanding for years.²³¹ These practices involve keeping communications with the victims’ families, as “co-victims,” open for several reasons.

Ongoing and informative communication with the homicide victims’ families can increase the solvability of the crime, as new information can come forward through these discussions. Ongoing liaison with families about the status of their cases can also provide comfort to the families, in that they are able to express their concerns to police and get informative responses. Colorado has adopted a policy of mandatory yearly updates with families with a requirement to document why this did not happen if it was not done.²³²

While it may be ideal for police to maintain direct communication with families, consideration could also be given to providing current information through an accessible website, much like the missing persons websites discussed earlier. A “cold case’ website”²³³ with links to cases in Canada, the U.S.A. and the broader international community offers users the opportunity to navigate through information offered by police in a specific geographic area, as well as 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. Some, such as the Portland (Oregon) Police Bureau cold case website,²³⁴ offer a tip sheet for the public to fill out if they have information on any of these cases and rewards for information leading to arrests.

However, there are circumstances in which police have expressed concern about releasing information on long-standing unsolved homicides, noting that until some of these crimes are solved, it is not certain that a homicide has occurred. Listing a case among “cold cases” may be distressing to a family in such instances.²³⁵ Without commenting on the decision to release information in any specific cases, the MWWG notes that police have indicated that working closely with families and the media can generate new leads in some cold cases.

²³⁰ Vancouver Police Department, 2010, p. 171.

²³¹ See, for example: Cold Case Task Force, 2008.

²³² Cold Case Task Force, 2008.

²³³ Cold Case Center, 2011.

²³⁴ Portland Police Bureau, 2011.

²³⁵ A September 2008 media request for all unsolved homicides on Vancouver Island was initially refused, for the following reasons: “The RCMP investigates all suspicious deaths as homicides, until such time as evidence proves otherwise. Given this fact, there may well be incidents contained in the 114 files, which ultimately, are not homicides. The families and survivors of the deceased in these matters may be negatively impacted by media reports identifying their loved ones as part of ‘unsolved homicide’ files.” (Kines, September 22, 2008)

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.

5.4. Investigation and Pre-Charge Stage of Criminal Cases

In the majority of Canadian jurisdictions, police are solely responsible for the investigation and laying of criminal charges. The prosecutor's role traditionally begins after charges have been laid in a case. However, there are models of early Crown involvement that have assisted in developing cases.

Three provinces in Canada have long established pre-charge screening systems in which Crown counsel reviews potential charges to determine which charges will be laid. In British Columbia and Quebec, the decision to lay charges is made by the Crown. In New Brunswick, the decision to charge is made by police after receiving advice from the Crown. Before laying a charge, Crown counsel must determine that there are reasonable and probable grounds to believe that an offence has been committed and that it is in the public interest to lay charges. This process requires Crown counsel to consider the sufficiency of evidence and the feasibility of prosecution. Following this approach, other provinces are currently in the process of instituting and expanding pre-charge screening protocols. However, quite apart from the matter of charge screening, in a number of jurisdictions with certain specialized units, pre-charge involvement of prosecutors with the police occurs. Prosecutors are available to police to review applications for search warrants and wiretaps. Examples of these units are those dealing with Internet sexual exploitation in Alberta and Manitoba and "criminal organization" units in BC and Ontario. Pre-charge advice and involvement also occurs in Alberta on all homicide charges and in cases that fall within the scope of the mega-trial protocol. Prosecutors in the Svekla and Pickton cases endorsed the importance of this practice.²³⁶

In these models, the prosecutor is available to police to provide advice regarding how evidence is gathered in the investigation. The approach taken by Project KARE is somewhat different in that investigators consult with an established advisory committee (comprised of prosecutors and the investigative team) during the early stages of a case.

²³⁶ Police and Crown counsel involved in the Pickton and Svekla cases, personal communication, 2008-2010.

While the MWWG is not advocating a particular position on the value of charge approval by Crown, there is growing recognition in Canada of the utility of early Crown involvement in complex cases. In fact, ongoing consultation between police and Crown from pre-charge to post-charge may be an important factor in the success of a case.²³⁷ 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 and management in the investigation itself.

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. It should be noted that prosecutors involved in providing this advice may require access to other prosecutors with specialized expertise in particular areas, such as DNA²³⁸. The early involvement of prosecutors can also impact on how disclosure is organized. Prosecutors in Pickton and Svekla noted the importance of police and Crown prosecutors using software compatible for electronic exchange of disclosure material with the ability to record dates of transmission and the type of material exchanged. They also noted the need for developing protocols or business rules addressing the manner of dissemination of materials to be disclosed, including protocols governing when and how the defence may attend the police station to view material that has not been disclosed on the basis of Crown determination that the material is not relevant.

The experiences of Canadian prosecutors who have worked on cases of serial homicides underscore the need for adequate resources to address these challenges effectively.²³⁹ In Pickton, for example, the Prosecution was responsible for managing and disclosing 1.3 million pages of evidence extracted from an even greater volume of material relating to the 6 counts that proceeded through the criminal justice system. Redaction of personal information, removal of identifiers to protect witness information and security and review of transcribed witness statements, many of which were several hours in duration, were extremely time consuming. Significant time was required for prosecutors to assist police with review of documentation including applications for numerous search warrants. As well, the court time for pre-trial motions and applications exceeded the actual jury portion of the Pickton trial, the latter of which took 11 months. Several prosecutors worked on the case fulltime; the lead prosecutor alone spent 6 years on pre-trial preparation and court time until convictions were entered.²⁴⁰

²³⁷ Federal Bureau of Investigations, 2005, p. 45.

²³⁸ In Pickton, for instance, an experienced Crown counsel was assigned to address the DNA issue and that involvement spanned several years leading up to and including the trial itself. However, this was not an issue in Svekla because DNA was not required to identify the two victims, and there was no DNA linking Svekla to either victim or either crime scene.

²⁴⁰ “[In Svekla,] three prosecutors were assigned to the file ... one handled the voir dres involving the statements made by Mr. Svekla to police; [another] handled the expert evidence and the similar fact argument, [and the third] handled the balance. It would have been impossible for one prosecutor to handle the file and very difficult for two prosecutors. Three prosecutors worked well.” (Crown counsel involved with the Svekla case, personal communication, May 7-10, 2010)

²⁴⁰ Similarly, in Svekla the prosecution advised that there were between 750,000 and 1 million pages that were required to be reviewed. The Crown advised: “Disclosure was undertaken by means of the documents being scanned onto a hard-drive by Project KARE and provided to Crown (for vetting) and then to defence (after vetting). The amount of material to go through was massive. The trial started October 15, 2007 with decision on June 3, 2008, after argument on May 22 and 23, 2008. Sentencing was on June 16, 2008. (Crown counsel involved with the Svekla case, personal communication, May 7-10, 2010)

The *Report of the Review of Large and Complex Case Procedures*²⁴¹ (the Code-LeSage Report) reviews the issue of Crown involvement in investigations. It recommends pre-charge collaboration between the police and the Crown in large and complex cases in the sense of providing legal advice on investigative procedures and substantive issues, assistance with the preparation of disclosure, and advice on a manageable size and focus for a successful prosecution. On the other hand, it guards against the potential for tunnel vision by recommending that prosecutors who have collaborated closely and significantly with the police at the investigative stages not be the same as those who make the decision to prosecute.²⁴² Essentially, the Crown needs to be vigilant in ensuring prosecutorial independence, which is an important constitutional requirement for all prosecutions.²⁴³ Crown counsel providing advice to investigators should be alert to the concerns raised in this report.

Regardless of whether a particular jurisdiction endorses a formal pre-charge or Crown authorization system for the laying of charges, it may be important to involve prosecutors early on in these complex cases where vulnerable women appear to have been targeted by a serial killer.²⁴⁴

Recommendation # 42

The WG 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. Saskatchewan's *Final Report of the Provincial Partnership Committee on Missing Persons* identified safety planning and safety awareness as a necessity. 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.

The MWWG reviewed a number of strategies that would address the root causes of violence and victimization, particularly against Aboriginal women. These strategies include providing educational initiatives to address public attitudes towards them and to reduce the level of

²⁴¹ Ontario Ministry of Attorney General, 2008.

²⁴² Ibid.

²⁴³ See *R v Krieger* and *R v Regan*. Additionally, Ontario has a policy regarding the Crown's relationship with the police which provides guidance to Crown counsel involved in any pre-charge dealings with police aimed at maintaining the legal and institutional separation of investigation and prosecution functions [PM [2005] No. 34]. Prosecutors in both Pickton and Svekla also emphasized the need for the Crown (with conduct of the actual prosecution) to maintain a distinct role that is clearly separate from the investigative aspects of the case.

²⁴⁴ In British Columbia, where a pre-charge requirement is mandatory for all cases, the lead prosecutor in Pickton expressed the view that the existence of a pre-charge screening system was an important factor in ensuring the appropriate collection of evidence and devising of strategies for prosecution and disclosure. He contends: "Early consideration of the strategies and state of the evidence I believe was effective in focusing both prosecutors and police on the strengths and weaknesses of the evidence and the need to work cooperatively towards the same goals." (Crown Counsel involved with the Pickton Case, personal communication, 2008-2010)

violence experienced by all vulnerable women. The MWWG agrees that approaches that are intended to change public attitudes can have a positive effect; however, as noted earlier, initiatives that are addressed toward broad cultural changes are unlikely to deter sexual predators or to protect a specific class of victim.

The following section addresses some specific measures that are either in use or being developed that may help support marginalized women and address identified situational and marginalizing factors that put women at risk of sexual predation.

Community Agencies

Community agencies play an important role in supporting marginalized women and, in some cases, may be their only supportive contact. These agencies provide much-needed services such as food banks, temporary shelters, referrals to other services including medical services, and other necessary supports.

In smaller communities, local community centres are often the delivery agent for a variety of educational, recreational and cultural activities. As such, they could be seen as appropriate conduits, in addition to schools, for the delivery of prevention-related information that could reduce the risk of exposure to harmful situations or lifestyles. This information should be tailored to meet local needs and priorities, and produced in collaboration with local law enforcement agencies, as well as other key partners such as victims' service agencies.

Community programs such as "Circles of Support" may be offered for women involved with sex work or living high-risk lifestyles. These programs may include access to other programs or services where housing, life skills training opportunities, safety information, and other types of assistance may be available. In Winnipeg, Sage House, a community drop-in centre and resource agency, has sought to address safety issues through a program that provides recycled cell phones to sex trade workers so that they can access 911 in cases of emergency.²⁴⁵

Agency coordination and collaboration is an essential element when supporting high-risk individuals. While positive working relationships have evolved among several agencies working with women living high-risk lifestyles, there does not appear to be sufficient coordination of approaches to addressing the issues faced by women in large urban centres, where the need may be most pressing. At the Vancouver Community Engagement Strategy Symposium in 2005, which explored the roles of community agencies working with sex trade workers in addressing the safety needs of this population, attendees²⁴⁶ identified the urgent need for coordinated approaches between agencies. While a number of agencies were known to provide drop-in locations for sex trade workers, it was discovered that none of the agencies provide such a service during nights and early mornings. After the symposium, community agency staff met and coordinated their programs in order to provide 24 hour secure drop-in services.

Community support agencies tend to focus on preventing persons from becoming entrenched in street life and support exit strategies from harmful lifestyles. However, cooperative efforts between community agencies and police have assisted in the investigation of cases where women have been reported missing. These collaborative

²⁴⁵ Godbout, August 8, 2009.

²⁴⁶ The conference was attended by approximately one hundred sex trade workers and community organization staff who provide services in Vancouver's Downtown East Side.

partnerships, sometimes termed “community mobilization,” have facilitated the development of comprehensive approaches to safety planning.

Community mobilization processes can play important roles in responding to missing women. Organizational systems can be established for the collection and distribution of information about missing women across community support agencies. For example, in Project KARE, police initiated a community mobilization process that enabled them to “fan out” information about missing persons cases to some 239 agencies. Community agencies can also provide outreach and support to victims and their friends and families. Formal and informal networks can facilitate the sharing of important information between victims and the police. These networks can also assist those who may want to report a missing person. In cases where individuals are missing from small or more remote communities, they can draw upon local expertise to assist in search and rescue operations. Community agencies can also coordinate with police by helping to support victims of crime, assisting them in giving statements to police.

By working with community agencies, police can gain valuable information that may be useful in an investigation. Furthermore, the contractual arrangements between these agencies and governments can be crafted to ensure that agencies can receive information such as when an individual picked up a support or shelter cheque, methadone or clean needles; this information may be critical to pinpointing an individual’s location or a time-frame when and where that person was last seen. Police have found that information collected by community agencies on clients of sex workers has been useful not only for warning women about potential dangers, but for assisting police in missing person investigations. In Montreal, the “bad tricks and assaulters” list, which includes descriptions of men who have been violent with sex workers, is compiled by an agency through anonymous tips and passed on to sex workers through a community bulletin. This list is then relayed to police on a monthly basis by agency members.²⁴⁷ In Winnipeg, police have promoted the use of “bad date” sheets through community safe houses for sex trade workers.

Some Aboriginal organizations have begun to identify issues of Aboriginal women and their communities that have led to the high number of Aboriginal women among those missing and murdered.²⁴⁸ Given the particular vulnerability of marginalized Aboriginal women, community mobilization processes are particularly important for this population. For example, consideration could be given to utilizing the network of more than 100 Aboriginal Friendship Centres across Canada.²⁴⁹ The network of Friendship Centres could support the timely identification of women who have gone missing, provide access to the Aboriginal community for police, and support witnesses and family members of women who have gone missing or have been murdered.

Aboriginal liaison positions have been created in some communities as an approach to improving relations and enhancing collaboration between Aboriginal communities and police. These liaison officers have a range of functions, including voicing Aboriginal perspectives on policing issues and organizing shared community events. In New South Wales, the liaison officers have been deployed to work with Aboriginal families in cases of missing persons. This program has found that equitable participation by the community in

²⁴⁷ Stella, n.d.

²⁴⁸ See, for example: Native Women’s Association of Canada, 2007.

²⁴⁹ Aboriginal Friendship Centres are affiliated with a provincial or territorial organization as well as the National Association of Friendship Centres.

the selection of a community liaison officer and identification of community issues and priorities can assist in establishing the confidence of the community and achieving a strong partnership between the two groups.²⁵⁰

A more structured and formalized approach to community mobilization, which could serve as a model for supporting sex trade worker safety, can be found in Edmonton's Community Solutions to Gang Violence (CSGV) initiative. This initiative is a joint project between the Edmonton Police Service and the Native Counselling Services of Alberta. Over a three-year period, it has brought together over 40 community agencies in Edmonton to address the common concern of youth gang involvement and associated violence. Working together with their community partners, CSGV developed a risk/protective factor matrix for youth gang involvement and invited each agency to populate the protective factor part of the matrix with their programs and services. This exercise identified gaps in programs and services, while also highlighting areas where natural alliances could be developed between and among agencies to improve co-ordination and collaboration. Rather than providing direct programs or client services, CSGV acts as a cost-effective facilitator of collective action.

It should be noted that the type of collaboration involved in community mobilization processes, such as the fan-out system of information sharing, will not work without ongoing efforts towards building partnerships, trust and open communication between police and social support agencies. It is also imperative that the helping role which many agencies play with people in difficult circumstances be acknowledged, that privacy and safety may continue to be protected, and that these approaches and protocols in no way jeopardize the relationship that clients have with these agencies.

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.

Pro-active Initiatives to Increase the Safety of Sex Workers

In response to the violence and homicides perpetrated against sex trade workers, several police agencies have undertaken initiatives to build trust and rapport with them, as well as measures that would provide them with direct protection.

As an example, the Vancouver Police Department developed a program for helping sex trade workers to defend themselves in potentially violent situations. The program included "Confrontation Management for Women at High Risk," which taught sex trade workers how to avoid confrontations and use words to diffuse dangerous situations. In addition to confrontation management, basic physical self-defence training was provided to help the women defend themselves in emergency situations.

²⁵⁰ New South Wales Police Force, 2007.

Vancouver Police Department also created a Sex Trade Liaison Person position to act as a bridge between the police and sex trade workers. The position works with organizations that focus on preventing youth from being in the sex trade, as well as agencies that advocate for the safety of adult sex trade workers. The position helps women and men in the sex trade in their dealings with the justice system, including assistance in filing police reports, supporting them if they have to attend court, and providing other information and supports. Local prostitution advocacy agencies have expressed their support for the liaison position.

A similar strategy has been instituted in Edmonton, where the enforcement function of police is separated from the community liaison function such that sex workers become aware that they can approach certain police officers without fear of arrest. This not only gives sex workers a higher level of trust so that they can report assaults or attempted abductions, but it can give police an avenue for developing intelligence. For example, in projects such as KARE and Evenhanded, police were able to gain useful information from sex workers on persons of interest that had been seen in the area where women were disappearing, as well as knowledge of those who may have been abducted. Police or other support agencies could then issue notifications of potential “bad dates”. Police note that it is important to understand the culture of those being interviewed, so that the best possible information can be obtained. For example, if women are asked about “bad dates,” they may report only those dates where they were not paid, ignoring perhaps a violent or degrading incident if they were paid well. Investigators from Project Evenhanded have stressed the importance of also collecting information about good dates. In fact, as one investigator noted, the serial killer may be a good date until he kills.

Voluntary (proactive) databases, discussed earlier, are another example of police and community partnerships. These databases contain identifying information voluntarily provided by those who are at high risk for becoming victims of serious violence and murder. Manitoba has built upon this approach with its “Multi System Committee”.²⁵¹ The Multi System Committee is currently exploring the development of a system that would assist in identifying missing youth on a data base that could be shared between police and child welfare agencies. RCMP in the province are similarly reviewing their policies and investigative techniques. While this initiative is designed for children at risk, it may be possible to explore a multi-sector approach to address vulnerable women who go missing.

Given the number of safety initiatives either in use or development, including those listed above, the MWWG believes that issues related to violence against sex workers are best addressed by the steps suggested in Recommendation #4 - to identify and fund programs aimed at reducing violence against marginalized women.

7. THE ROLE OF THE MEDIA IN MISSING WOMEN CASES

The MWWG found that media reports can play an important role at nearly every stage of missing women cases. They can affect the process of locating women, encourage or discourage the offender to commit more crimes, and increase the public’s feeling of safety

²⁵¹ The Multi System Committee is comprised of Family Services personnel responsible for children in care who are at high risk of sexual exploitation, officers from the Winnipeg Police Service’s Missing Persons Unit, the Morals Unit, senior managers from Winnipeg group homes, and outreach workers.

or danger. Media reports can also compromise the privacy of victims, affect how society views them, and even compromise the investigation and trial of serial predators.

Media Reports About the Missing Person

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.

Media can alternatively help to humanize the victims by portraying them as sisters, daughters and mothers. A new public awareness campaign launched in March 2011 in Manitoba was aimed at helping the public to empathize with families of missing and murdered women and girls. The Manitoba Action Group on Exploited and Vulnerable Women, in partnership with Crime Stoppers and families of victims, developed the campaign featuring billboard and public transit ads with family photographs of the missing women and captions, such as “what if she was your daughter?”²⁵²

Media can also assist the police in locating missing women. Both police and families may turn to the media to assist in the search for a missing person. The media can play a key role in disseminating information to the public, service agencies and non-profit organizations that could help with the immediate search. Police and families may issue press releases to maintain public support for a search. The media may also report on the results of a search to bring public closure to the case and thus support public confidence in the ability of police and other agencies to resolve these cases and keep the community safe. Alternatively, media reports may heighten a sense of danger in the community where the person is not found or is found to have suffered a traumatic death.

Project Evenhanded used cooperative efforts and international assistance to obtain information on women missing from the lower mainland of British Columbia. Information about these women was publicized on “America’s Most Wanted” television show and a dedicated 1-800 tip line was established. News programs and “cold case” re-enactments on television shows have been known to prompt the general public into reporting information that has provided assistance and been beneficial to the investigators of these cases.

Some 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. Family members may feel fear and frustration that enough isn’t being done to help find their loved one.

In some cases, media coverage has led to the location of women who were thought to be victims, but were, instead, pursuing a new lifestyle.²⁵³ Police investigators indicated they were sensitive to the wishes of these individuals and were able to assure family members their missing sister or mother was alive and requested that their privacy be respected.

²⁵² Government of Manitoba, March 21, 2011.

²⁵³ Fairweather, Sergeant R., Vancouver Police Department, Missing Persons Unit, personal communication, 2007. Note that while many missing women were found before 1998, attempts to locate missing women after that time produced few results and in fact distracted from the pursuit of a criminal investigation.

While the media can assist in investigations, as noted above, the media can also 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 # 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.

Recommendation # 46

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

Protecting the Victims' Families – Media Involvement

Families and friends of murdered women are particularly sensitive to the news coverage of cases involving missing women. As part of the attempt to gather information about a missing woman, her picture may appear on a poster or a website. As an example, during the Pickton investigation in British Columbia, posters depicting the missing women were used to raise awareness and encourage the public to provide information on the women to the police. Unfortunately, the pictures used were primarily from police 'mug shots', and concerns were raised that they were unnecessarily negative portrayals of the victims. In fact, these images were sufficiently offensive to Todd Matthew, an artist from Tennessee, that he founded Project EDAN (Everyone Deserves a Name) and recruited other artists to draw pictures of the Vancouver victims in an effort to show their 'softer' side.²⁵⁴ As a response to concerns about negative portrayals of victims, efforts are being undertaken in Manitoba and Saskatchewan to obtain photographs from the family, rather than police when pictures are needed for public information purposes.

Control over information is important so that the survivors do not first learn the upsetting details of the case through the media.²⁵⁵ Particular care must be taken when gruesome details of the torture and killing are likely to emerge. On the other hand, media attention can be a comfort to families of victims,²⁵⁶ in that the public shares the awareness of and sympathy for their loss.

Families may contact media outlets in order 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 the pressure from the media to speculate or disclose confidential information.²⁵⁷

²⁵⁴ Culbert, December 17, 2005.

²⁵⁵ Fox & Levin, 1996, pp. 181-184.

²⁵⁶ Ibid.

²⁵⁷ Ibid.

Issues of this type have posed serious problems at major trials such as the Pickton trial in British Columbia. Media representatives (accredited and non-accredited) used various methods to get “stories” and supported individuals “leaking” information that was intended for later releases. The MWWG learned from prosecutors, Victim Services workers and communications experts that strategies were used to manage this process. These strategies included seeking out those who were most prone to reveal information to the media and providing some counselling to ensure that their concerns and issues were addressed. However, in some cases, those identified as the “media” team simply had to anticipate that leaks would occur and plan for them. Victim Services workers also played a vital role in ameliorating some of these consequences 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 Victim Services respectively to use when dealing with victims’ families, witnesses and the media in missing and murdered persons cases.

Dealing with Offenders and the Investigation – Media Involvement

Investigating officers of serial murder cases noted that the offenders have often tracked media stories about their cases and taken great interest in the reports, in some cases even keeping news clippings as “souvenirs”. Media coverage can fuel the killer’s view of himself as being larger than life or having special powers.²⁵⁸ Once arrested or convicted, it appears that some of these offenders enjoy what they perceive to be the sensationalism of their story in the news. This media attention on the killer²⁵⁹ often occurs at an emotional cost to the victims’ families, who may have to confront, perhaps even on a daily basis, intricate details of the suffering, torture or even mutilation of their loved ones.

In the 2005 FBI symposium on serial murder, attendees suggested that, in cases where offenders are actively communicating with the media, investigators should consult behavioural experts on the development of a proactive media strategy that would help to circumvent these issues.²⁶⁰ In addition to concerns about the media effects on the perpetrators and their victims and families, extensive media coverage of serial murders can give rise to the “contagion phenomenon” or imitation by those wishing their share of media attention.²⁶¹

It is clear that there are multiple risks associated with media involvement in an investigation. Behavioural experts who have studied these phenomena are well-placed to provide advice to police on how to ensure that the media coverage does not increase the danger to the public.

²⁵⁸ Van Zant (2005) noted that the BTK (bind, torture, kill) serial killer saw himself as having a dark superhero driven by a demon he called the X-factor. (Van Zant, 2005 as quoted by Ono, August 17, 2005)

²⁵⁹ Fox & Levin, 1996, pp. 181-184.

²⁶⁰ Federal Bureau of Investigations, 2005, p. 51.

²⁶¹ Pinto & Wilson, 1990.

Recommendation # 48

The MWWG recommends that jurisdictions consider the recommendation made in the 2005 FBI symposium on serial murder that investigators should consult with behavioural 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. Prosecutors, in particular, are challenged with developing strategies for ensuring that publication of details about the case does not compromise the trial.

Some of these challenges can be addressed broadly. For example, representatives from the Ontario prosecution, defence and police developed guidelines for the public disclosure of information during criminal proceedings. These guidelines were designed to curtail statements concerning a criminal matter that may prejudice the criminal trial and/or compromise privacy. This document, entitled "Protocol Regarding Public Statements in Criminal Proceedings", was identified by the Panel on Justice and the Media in the *Report to Attorney General of Ontario*.²⁶² The Panel recommended that this guideline be formally implemented in order to ensure a standardized protocol for public dissemination of information through the media.²⁶³

While a general set of guidelines is useful, high profile mega-cases can raise particular challenges for managing media interest. For the Pickton trial, a Steering Committee, which included representatives from the defence, prosecution, judiciary, victim services, and local police, was needed to manage media involvement throughout the trial process. A single media spokesperson was designated who, as a Crown attorney, could appreciate the legal implications of releasing certain information at particular points in time. In addition, a "Media Facilitation Team" provided a liaison between the trial Steering Committee and the media and support to the spokesperson. The Media Facilitation Team was responsible for establishing the accreditation process for media; supplying the media with pertinent information (diagrams of the court, seating arrangements, times and processes); monitoring access to the Crown prosecution team; and providing releases of official communiqués.

A major challenge for the team approach to managing media lies in clearly identifying areas of responsibility between team members. Each department must be aware of the others' responsibilities in order to direct inquiries or issues to the appropriate area. This involves establishing a process for media referrals to team members. Frequent discussions between team members are needed to ensure that the process is followed and that information detrimental to other potential trials or investigations is not leaked. In the Pickton case, the messaging to the media was strictly controlled and contained, with the purpose behind each media release established and understood by all team members. Team members also planned responses to the various possible outcomes of each release.

²⁶² Panel on Justice and the Media, August 2006.

²⁶³ Ibid.

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 during the trial process. One of these challenges is in providing adequate witness management and support for victims and witnesses who may be seen to come from a marginalized group (e.g. if they are sex workers, illicit drug users, have mental health challenges, or are homeless). Another challenge is the cluster of issues associated with any large and complex case that results in a “mega-trial”.

8.1. Witness Management and Support

While witness management and support is integral to any mega-case, there are additional challenges for the investigation and prosecution when charges involve serious sexual assaults or sexual homicides of vulnerable persons. Family members, friends or acquaintances of the victim may themselves be marginalized and experiencing similar issues as those of the victim. As such, they may be unwilling to cooperate with law enforcement in the prosecution of a case for many reasons, including fear of being charged with an offence and an overall lack of trust in the justice system.²⁶⁴

In some cases, potential witnesses may be familiar with other sexual assault victims’ negative experiences with the criminal justice process or may have had similar experiences themselves. While this can contribute to a lack of confidence in the system, it should be recognized 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 stereotyped views of women generally, and sex workers in particular, continue to surface, the criminal justice system has taken measures to counterbalance these biases, which include, for example, special rules to prevent ‘fishing expeditions’ into a witness’s therapeutic records,²⁶⁵ and jurisprudence that recognizes the particular vulnerability of sex workers. In *R. v. Resendes* (1988), 20 O.A.C. 335, for instance, the Court made the following comment upon sentencing a ‘john’ for the robbery of a sex worker: “*The fact that the victim is a prostitute does not disentitle her to the same protection of the law accorded to everyone.*” In fact, the status of the victim as a sex worker has been considered to be an aggravating factor in sentencing.²⁶⁶ Notwithstanding many of the positive changes that can

²⁶⁴ The Vancouver Police Department *Missing Women Investigation Review* specifically recognizes that procedural barriers to reporting had negatively impacted the Pickton investigation by fostering mistrust of the police (2010, p. 220).

²⁶⁵ *Criminal Code of Canada*, ss.278.1, *et seq.*

²⁶⁶ For example, in *R. v. Kruse* (2005), the Court found that, “... in this particular case, because the victim was a sex trade worker, alone in a hotel room with Mr. Kruse, I consider her to be a vulnerable victim and have found that this is [sic] should be an aggravating factor in this sentencing.” (para. 61); In *R. v. Jakeer*, (2001), the Court

be drawn upon to lend support to the success of prosecutions affecting sexual assault victims and those involved in the sex trade, sensitivity to these issues should continue to be fostered in order to build ongoing trust and cooperation of all relevant witnesses.

Witness credibility and reliability can also pose serious challenges in some cases.²⁶⁷ For instance, 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.

These various challenges affecting witnesses must be met with relevant and appropriate support measures for the prosecution to be successful. Prosecutors need to rely heavily on both police contacts and victim support workers with specific expertise to manage these complex personal issues. In the Pickton prosecution, a full-time Witness Coordinator, who was assigned to work in conjunction with police agencies, was considered a critical liaison between Crown and witnesses; daily schedules often change without notice and new issues arise that require immediate Crown attention, which may prevent fulsome communication with witnesses. In the Svekla case, a retired police detective provided assistance in witness coordination, including having civilian witnesses review their witness statements and videotaped witness interviews, particularly when logistics did not allow any opportunity for Crown counsel to do so. The prosecution was also supported by four police investigators engaged in witness coordination (two pre-trial and another two during trial). Project KARE also supported this case through providing access to police-based victim services units equipped with plans for referrals to contacts, court support, and assistance to witnesses.

British Columbia also used the services of specialized victim support workers in the Pickton case. These workers were responsible for assessing the needs and expectations of the witnesses and mediating these requests as needed. However, witnesses who have personal challenges can place significant demand on the workers. In some cases, family members were in contact with the media and negotiated their needs through that venue. The Pickton prosecutors found that it was important to have workers who were experienced in maintaining communications with the families of victims. They noted that ideally such workers would have counseling and social work backgrounds, in order to assist with the emotional upheaval that the families of victims continue to endure throughout the trial. The Svekla prosecution team was supported by their own Victim Services Coordinator, provided by Project KARE, who dealt with the families of the victims.

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;

found that “Whatever views one may hold about prostitutes or the work they engage in, it must be recognized that they are entitled to be safe and secure in that no one has the right to take advantage of them and cause them injury.” (para. 9)

²⁶⁷ See, for example, the Vancouver Police Department *Missing Women Investigation Review*, where it was noted that in cases of the murders of sex trade workers, it is often difficult to find credible witnesses who are willing to cooperate with the police (2010).

- providing witness coordination supports for prosecutors, including specially trained workers and police personnel;
- working with victim services to facilitate open communication with complainants and witnesses, particularly during periods of unexpected delays during the proceedings;
- thorough preparation of complainants and witnesses; and,
- ensuring that evidence is corroborated.

8.2. Mega-Cases

The MWWG received advice on practices that were helpful in the Svekla and Pickton cases. Some of these are common to all long and complex trials. For example, the Pickton prosecutors noted the importance of employing s. 657.3 of the *Criminal Code* regarding the timely use of expert testimony and provision of reports. The prosecution relied on s. 657.3 to ensure that the defence comply with the notice requirements set out therein so as to avoid further delay in proceedings, an effect often seen in mega-trials.²⁶⁸ The MWWG also gathered information and recommendations from current initiatives that have developed recommendations to improve the conduct of mega-trials. Major reviews of the procedures related to mega-cases include:

- *Report of the Review of Large and Complex Criminal Case Procedures*, by the Honourable Patrick LeSage and then Professor Michael Code (now an Ontario Superior Court Justice), released November 2008; and
- *Air India Flight 182: a Canadian Tragedy, Report of the Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182*, by John Major, released June 17, 2010.

CCSO officials have also undertaken analysis of the difficulties associated with the management of mega-trials, ways of reducing the risk of mis-trials while preserving accused persons' rights, and reforming disclosure procedures.

Some of this work was reflected in Bill C-53, An Act to amend the Criminal Code (mega-trials) (*Fair and Efficient Criminal Trials Act*), which died on the order paper with the dissolution of Parliament on March 26, 2011. Work on disclosure reform is ongoing.

Additional Trial Issues In Cases Of Serial Murders And Sexual Assaults

In addition to the unusually lengthy nature of mega-trials generally, it is noteworthy that in serial murder trials there are often specific evidentiary issues adding to the complexity of the trial process. For instance, the length of time between a woman being murdered and the discovery of her body can be a significant factor in the quality of evidence available for prosecuting the case. A serial killer generally tries to conceal evidence, including the body, in order to avoid detection. This can lead to a lengthy time before police locate the body.

Over time, forensic evidence may degenerate or disappear and documents or contact evidence (such as credit card information, surveillance video, etc.) may be lost or destroyed. The loss or degradation of forensic evidence can significantly compromise what might otherwise be a successful prosecution. Additional expert witnesses may be required

²⁶⁸ In Svekla, s. 657.3 of the *Criminal Code* was not a factor. Crown counsel advised that because the cause of death of both victims could not be established and because there was essentially no DNA or other forensic evidence to inculpate Mr. Svekla, the Prosecution had to rely on other evidence such as post-offence conduct.

to provide evidence about the nature and rate of human tissue decomposition and related scientific issues. Delays in initiating an investigation can also result in various problems with collecting witness accounts, including difficulties in locating witnesses that are either willing to come forward or able to accurately recall information surrounding the event, thus increasing the need for further corroborating evidence.

Further, the nature of the evidence disclosed to the defence may be particularly sensitive in cases involving serial sexual murders. Prosecutors in the Svekla and Pickton cases noted the importance of Crown prosecutors seeking undertakings from the defence as it relates to further dissemination and use of disclosure information.

Other specific issues arising in the prosecution of serial killers of marginalized women have been identified by those involved in such prosecutions, including:

- applications for change of venue and challenges for cause to jury panels;
- applications for evidence to be heard *in camera* in special circumstances, including delayed disclosure to protect other ongoing police investigations;
- lack of clarity regarding the applicability of various publication ban provisions;²⁶⁹
- sealing orders, including those involving search warrants and/or wiretaps;²⁷⁰
- evidentiary issues such as similar fact evidence and unwillingness of witnesses to provide statements;
- applications by police/prosecutors to obtain access to personal records of accused persons or of deceased victims;²⁷¹
- applications by defence counsel to access personal information of key Crown witnesses with a view to challenging their reliability at trial;²⁷² and
- the psychological impact of the trial on jurors given the gruesome nature of the offences and duration of trials.²⁷³

It also should be noted that a number of the proposed best practices noted in this section have significant resource implications, and the MWWG defers to Heads of Prosecution for

²⁶⁹ Note that this was a time consuming issue in Pickton as media counsel were regularly seeking that court imposed bans be lifted at various stages. The prosecution was of the view that the legal issues surrounding the lifting of these bans were not always clearly delineated and that this was a result of the applicable sections of the *Criminal Code* being somewhat inconsistent and ambiguous. (Counsel involved with the Pickton case; personal communication, 2010) (See also, Recommendation XX in this report under Section 7)

²⁷⁰ In Svekla, the prosecutors advise that the sealing orders were for a finite period such as 2 or 3 years and many have recently come up for renewal. Further that “vetting the sealing orders in the circumstances where the affidavit in support of the sealing order sealed with a vetted copy made available to the public upon request requires someone familiar with the case to do the vetting which can be problematic several years after the trial has been completed.” (Counsel involved with the Svekla case, personal communication, 2010)

²⁷¹ The prosecutors in Pickton were involved in reviewing numerous warrant applications drafted by police for such personal information including medical records, pharmacy records, and social assistance records. In Svekla, the Prosecution was also involved in reviewing numerous warrant applications, production orders, etc. (See also, Section 5.2 of this report, p. 32)

²⁷² In Pickton, these were initiated by defence on a number of occasions in relation to records of witnesses held within police agencies and medical and mental health treatment facilities. (See also, “Witness Management and Support” – Section 8.1 of this report, p. 77)

Note that in Svekla the Prosecution did not experience a great number of these applications. The Crown counsel in that particular case noted that the defence felt that they did not require the personal records of these witnesses in order to attack their reliability in light of the lifestyles of many of them (e.g., drug use).

²⁷³ See “Vicarious Trauma” - Section 8.3 of this report, p.81.

their analysis of the implications of adopting these practices. The MWWG considers the challenges associated with victim and witness support to be a central issue in the carriage of these cases.

Recommendation #51

The MWWG recommends that Heads of Prosecutions 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.

8.3. Vicarious Trauma

The Missing Women Working Group learned from interviews and available literature that researchers, prosecutors, jury members, police and others who are exposed to evidence in violent sexual crime cases may experience trauma from exposure to crime scene photos and other evidence.

Some police, prosecution or victim services have policies in place whereby counseling and support is recommended and available. Some have support available on an *ad hoc* basis. It was noted that these services have not been accessed as frequently as might be indicated under these circumstances. However, those involved with these cases seem to be more receptive to de-briefing exercises or trauma counseling in recent years than they have been in the past. This is perhaps due to a cultural shift that finds “self-care” more appropriate and acceptable for those working with these cases.²⁷⁴

Below are some particular instances where support to criminal justice system participants has been provided on an as-needed basis:

- **Investigators on Project KARE:** RCMP Policy (Administrative Manual Appendix 11-19-5-1) makes psychological counseling mandatory if an RCMP member experiences certain situations. 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.
- **Jurors on the Bernardo trial in Ontario:** For the Bernardo trial in 1995, prior to the jury being chosen, the Court arranged to have transitional support available for the jurors immediately after their verdict. Three psychologists with experience in dealing with trauma and stress situations volunteered their professional services for post-deliberation counselling and support. While there is no set policy in Ontario on providing transitional support to jurors, members of the judiciary may consider such orders on a case by case basis.
- **Jurors on the Dagenais²⁷⁵ trial in Saskatchewan:** Due to concerns about the impact of the extremely emotional evidence and the graphic exhibits, jurors were

²⁷⁴ Police and Crown counsel involved in the Pickton and Svekla cases, personal communication, 2008.

²⁷⁵ Dagenais was convicted of killing two RCMP officers in Saskatchewan.

given access to the government's Employee and Family Assistance Plan for counseling.

- **Prosecutors in British Columbia on the "Air India" and Pickton trials:** For the prosecution of the Air India case, the Criminal Justice Branch's project team created a wellness program with psychologists that had both a public preventive dimension (seminars, communications initiatives, information sheets) and a confidential preventative and treatment-based dimension. The psychologists interviewed all prosecutors involved in the case and gave the team a general roll-up of issues to work on, and treated anyone individually who requested it. Support was also offered to the Pickton prosecution team although few took advantage of this.

The MWWG heard from police involved in major cases that there was a better system of supports established for police to deal with stress and trauma related to their work than for other justice system professionals. However, there are some efforts by jurisdictions to put such supports in place for prosecutors, at least in certain situations. For instance, the Wellness Committee of B.C.'s Ministry of Attorney General Criminal Justice Branch has identified this issue as a priority and is exploring a possible project to provide debriefing/counseling to Branch members (i.e., the prosecution service) working on very stressful cases. There are some services available generally for government employees but the Branch hopes to tailor a service more specifically to the prosecution service. In Alberta, Crown Prosecutors working in the Technology & Internet Crime Section have responsibility for prosecuting "child pornography" and "Internet luring" cases, which entails regular viewings of offensive images. In order to ensure that professional staff are not vicariously traumatized by frequent reference to this material, annual psychological assessment is provided free of charge. Assessments are voluntary and intended as an employee support mechanism. Nevertheless, all of the professional staff involved in the work of this Section have agreed to the assessment process and are supportive of the program.

An article on the Legal Profession Assistance Conference of the Canadian Bar Association's website notes the consequences of vicarious trauma for legal professionals:

"Vicarious trauma has a life-changing effect on individuals, ultimately affecting their view of the world and their relationships and connections to families, friends and community. Understanding and working with the trauma is both an individual and organizational challenge. To respond to the cumulative effects, ongoing care and organizational practices are needed. Providing immediate support following a traumatic incident is an essential response to those immediately and secondarily affected. Critical incident stress debriefing provides such support and employs trained debriefers following exposure to an event that is particularly horrifying or stressful. Critical incident stress debriefing and defusing is therefore included as one of several elements of organizational practice needed to respond to vicarious trauma."²⁷⁶

The Pickton prosecutors also stressed the importance of team members tending to their physical health during a lengthy prosecution as well as to their emotional/psychological health. This type of self-care is also supported in the literature.²⁷⁷

²⁷⁶Murray & Royer, n.d.

²⁷⁷ Ibid.

Any attempt to provide support to justice system participants in relation to vicarious trauma must be done with great care and sensitivity, particularly for police and prosecutors who generally are immersed in these cases much longer than other justice system participants. There is certainly no one-size-fits-all solution. Some trauma researchers have identified particular models of psychological support for criminal justice personnel.²⁷⁸ What constitutes effective support will depend on the case itself and the individuals involved. Police who were consulted suggested that poorly-tailored support can be worse than no support and that support should come from a provider who “gets” the cases and the context within which the police and prosecutors operate.²⁷⁹ Flexibility is also required around the timing of the support. Prosecutors on the Pickton trial noted that the impact of working on such a case can be delayed until after the trial is over. Participants may not be ready to access support until quite some time after the prosecution has ended.

Finally, researchers who review these files or interview the offenders can also experience psychological distress. Wilson, who interviewed 20 serial sexual offenders and reviewed many files that contained descriptions of violent sexual homicides, summarized her experience and suggestions:

The author experienced minimal anxiety and sleep disturbance as a result of the interviews. However, there are potentially serious psychological risks to the researcher when conducting these types of interviews, due to their content. In particular, people may have nightmares about the offenders or the crimes, they may experience insomnia for extended periods of time, they may have irrational fears, or become anxious around strangers.... These are all signs of traumatic stress and the researcher needs to be able to identify them and request assistance if they occur.²⁸⁰

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

²⁷⁸ Schlesinger, 2000.

²⁷⁹ Police and Crown counsel, personal communication, 2008.

²⁸⁰ Wilson, 2003, p. 117.

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. 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 on victims' families, the criminal justice system and on the public through ever-growing media coverage of these cases. 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.

10. WORKS CITED

- Alzheimer Society. (n.d.). *About the Safely Home Registry*. Retrieved from: <http://www.safelyhome.ca/en/safelyhome/aboutsafelyhome.asp>
- Amnesty International Canada. (2009). *No More Stolen Sisters: The Need for a Comprehensive Response to Discrimination and Violence against Indigenous Women in Canada*. Retrieved from <http://www.amnesty.org/en/library/info/AMR20/012/2009/en>
- Amnesty International Canada. (2004). *Stolen Sisters: A Human Rights Response to Discrimination and Violence Against Indigenous Women in Canada*. Retrieved from <http://www.amnesty.org/en/library/info/AMR20/003/2004>
- Andreau, N. (2005, May). *Serial killers: A Homicide Detective's Take*. Retrieved from http://www.expertlaw.com/library/investigators/serial_killers.html
- Arrigo, B. A. The role of escalating paraphilic fantasies and behaviours in sexual, sadistic, and serial violence: a review of theoretical models. In A.J.R. Harris & C.A. Pagé (Eds.), *Sexual Homicide and Paraphilias: The Correctional Service of Canada's Experts Forum 2007*. Retrieved from http://www.csc-scc.gc.ca/text/rsrch/special_reports/shp2007/paraphil02-eng.shtml
- Australian Federal Police. (2006). Missing persons: life is a puzzle – every piece is important. *Platypus Magazine*, 92, 32-34. Retrieved from <http://www.afp.gov.au/~media/afp/pdf/1/14.ashx>
- Bennell, A. L., Ormerod, D. & Mokros, A. (2002). The personality paradox in offender profiling: a theoretical review of the processes involved in deriving background characteristics from crime scene actions. *Psychology, Public Policy, and Law*, 8(1), 115-135.
- Bowers, W.J. & Pierce, G.L. (1980). Deterrence or brutalization? What is the effect of executions? *Crime & Delinquency*, 26(4), 453-484.
- Boyle, K. (2003). The pornography debates: beyond cause and effect. In G. Dines & J. M. Humez (Eds.), *Gender, Race, and Class in Media: A Text-Reader*, 2nd Edition. Thousand Oaks: SAGE Publications, 407.
- Brewer, D.D., Dudek, J.A., Potterat, J.J., Muth, S.Q., Roberts, J.M. & Woodhouse, W.E. (2006). Extent, trends, and perpetrators of prostitution-related homicide in the United States. *Journal of Forensic Science*, 51(5), 1101–1108.
- Canadian Center for Justice Statistics. (2008). *Homicide in Canada*. Ottawa, ON: S. Beattie.
- Canter, D. & Hammond, L. (2006). A comparison of the efficacy of different decay functions in geographical profiling for a sample of US serial killers. *Journal of Investigative Psychology and Offender Profiling*, 3, 91–103.
- Canter, D., Coffey, T., Huntley, M. & Missen, C. (2000). Predicting serial killers' home base using a decision support system. *Journal of Quantitative Criminology*, 16(4), 102.
- Canter, P. (2000). Using a geographic information system for tactical crime analysis. In V. Goldsmith, P.G. McGuire, J.H. Mollenkopf & T. Ross (Eds.), *Analyzing Crime Patterns: Frontiers of Practice*. Thousand Oaks, CA: Sage Publications, 6.

- Caputi, J. (2003). Everyday pornography. In G. Dines & J. M. Humez (Eds.), *Gender, Race, and Class in Media: A Text-Reader, 2nd Edition*. Thousand Oaks: SAGE Publications, 435-436.
- Cold Case Center. (2011). *Police Agency Cold Case Files*. The National Centre for Cold Cases. Retrieved from http://www.coldcasecenter.com/cold_cases.htm#Canada.
- Cold Case Task Force. (2008). *Colorado Cold Case Homicide Investigations: Cold Case Task Force Suggested Best Practices*. Denver: Colorado Department of Public Safety. Retrieved from <http://cdpsweb.state.co.us/coldcase/doc/Best%20Practices.pdf>
- Commission of Inquiry into the Wrongful Conviction of David Milgaard. (2006). *Report of the Commission of Inquiry into the Wrongful Conviction of David Milgaard*. Saskatoon, SK: J.E.P. McCallum. Retrieved from <http://www.justice.gov.sk.ca/milgaard/DMfinal.shtml>
- Committee on the Elimination of Discrimination against Women. (2008, October 28). *Concluding Observations of the Committee on the Elimination of Discrimination against Women: Canada*. United Nations. Retrieved from [http://www.unhcr.org/refworld/publisher,CEDAW_CONC OBSERVATIONS_494ba8ce0.0.htm](http://www.unhcr.org/refworld/publisher/CEDAW_CONC OBSERVATIONS_494ba8ce0.0.htm)
- Criminal Intelligence Service of Canada. (2009). *Organized Crime and Domestic Trafficking in Persons in Canada*. Retrieved from http://www.cisc.gc.ca/products_services/domestic_trafficking_persons/persons_e.html.
- Culbert, L. (2005, December 17) Sketches express softer side of missing women. *Vancouver Sun*. Retrieved from http://www.missingpeople.net/sketches_express_softer_side_of.htm
- Culhane, D. (2003). Their spirits live within us: Aboriginal women in downtown eastside Vancouver emerging into visibility. *The American Indian Quarterly*, 27 (3/4), 593-606.
- Cullen, R.M., Mokros, A. & Harbort, S. (2005). Serial murderers' spatial decisions: factors that influence crime location choice. *Journal of Investigative Psychology and Offender Profiling*, 2(3), 147-164.
- DeFronzo, J., Ditta, A., Hannon, L. & Prochnow, J. (2007). Male serial homicide: the influence of cultural and structural variables. *Homicide Studies*, 11(1), 9-10.
- Department of Justice Canada. (2005, August) *Victims of Trafficking in Persons: Perspectives from the Canadian Sector*. Ottawa, ON: J. Oxman-Martinez, M. Lecroix & J. Hanley. Retrieved from http://www.section15.gc.ca/eng/pi/rs/rep-rap/2006/rr06_3/rr06_3.pdf
- Department of Public Relations. (2009, August 13). CSU study: sociology of cold cases reveals continuing difficulties in relationships between victims' families and law enforcement. *News & Information*. Fort Collins: Colorado State University. Retrieved from <http://www.news.colostate.edu/Release/4743>
- Dietz, M. L. (1996). Killing sequentially: expanding the parameters of the conceptualization of serial and mass killers. In T. O'Reilly-Fleming (Ed.), *Serial and Mass Murder: Theory, Research and Policy*. Toronto: Canadian Scholars' Press, 155-179.
- Durant, R.H., Champion, H. & Wolfson, M. (2006, August). The relationship between watching professional wrestling on television and engaging in date fighting among high school students. *Pediatrics*, 118(2), 265-272.

- Egger, S. A. (1984). A working definition of serial murder and the reduction of linkage blindness. *Journal of Police Science & Administration*, 12(3), 348-357.
- Federal Bureau of Investigations. (n.d.) *Critical Incident Response Group*. Retrieved from <http://www.fbi.gov/about-us/cirg/investigations-and-operations-support/investigations-operations-support>
- Federal Bureau of Investigations. (2009, June). *Highway Serial Killings: New Initiative on an Emerging Trend*. Retrieved from http://www.fbi.gov/page2/april09/highwayserialkillings_040609.html
- Federal Bureau of Investigations. (2009) *Inside the FBI: Highway Serial Killings Initiative*. Retrieved October 2009 from <http://www.fbi.gov/inside/archive/inside040909.htm>
- Federal Bureau of Investigation: National Centre for the Analysis of Violent Crime. (2005). *Serial Murder: Multidisciplinary Perspectives for Investigators*. Retrieved from <http://www.fbi.gov/stats-services/publications/serial-murder/serial-murder-july-2008-pdf>
- First Call and Youth Coalition. (1996). *An Overview of Child and Youth Issues in British Columbia*. Vancouver, BC: First Call.
- Folino, J. O. (2000). Sexual homicides and their classification according to motivation: a report from Argentina. *International Journal of Offender Therapy and Comparative Criminology*, 44(6), 750.
- Fox, J. A. & Levin, J. (1998). Multiple homicide: patterns of serial and mass murder. *Crime and Justice*, 23, 407-455.
- Fox, J.A. & Levin, J. (1996). Special concerns of surviving victims of multiple murder: in memory of the victims of the Montreal massacre. In T. O'Reilly-Fleming (Ed.), *Serial and Mass Murder: Theory, Research and Policy*. Toronto: Canadian Scholars' Press, 181-184.
- Fukuda-Parr, S. (1999). What does feminization of poverty mean? It isn't just lack of income. *Feminist Economics*, 5(2), 99-103.
- Funk, J.B. (2004). Violent video games: who's at risk? In D. Ravitch & J. Viteritti (Eds.), *Kidstuff: Marketing Violence and Vulgarity in Popular Culture*. Baltimore, MD: Johns Hopkins University Press, 168-182.
- Funk, J.B., Baldacci B., Pasold, T. & Baumgardner, J. (2004). Violence exposure in real-life, video games, television, movies, and the Internet: is there desensitization? *Journal of Adolescence*, 27, 23-39.
- Gaetz, S. & O'Grady, B. (2002). Making money: exploring the economy of young homeless workers. *Work, Employment and Society*, 16(3), 433-456.
- Godfrey, J. R. (2007). Toward optimal health: Kathleen Brady, Ph.D., M.D., discusses challenges of substance abuse in women. *Journal of Women's Health*, 16(2), 163-167.
- Godwin, G. M. (2008). *Hunting Serial Predators*. Sudbury: Jones and Bartlett Publishers.
- Godbout, A. (2009, August 8). Throwing lifeline to women on street: Sex-trade workers given cell phones to call 911. *Winnipeg Free Press*. Retrieved from <http://www.winnipegfreepress.com/local/throwing-lifeline-to-women-on-street-52752802.html>

- Government of Manitoba. (2011, March 21). *Manitoba Action Group on Exploited and Vulnerable Women Launches Public Awareness Campaign*. Retrieved from <http://news.gov.mb.ca/news/index.html?archive=2011-03-01&item=11056>
- Hanes, A. (2008, September 24). Student murder focus of book on failed cases. *National Post*, A7.
- Hanson, R. K. & Bussière, M.T. (1998). Predicting relapse: a meta-analysis of sexual offender recidivism studies. *Journal of Consulting and Clinical Psychology*, 66(2), 348-362.
- Hare, R. D. (1999). Psychopathy as a risk factor for violence. *Psychiatric Quarterly*, 70(3), 181-197.
- Hazelwood, R. & Burgess, A. (1987). An introduction to the serial rapist: research by the FBI (part 1). *FBI Law Enforcement Bulletin*, 58, 16-24.
- Hazelwood, R. R. & Warren, J.I. (2003). Linkage analysis: modus operandi, ritual, and signature in serial sexual crime. *Aggression and Violent Behaviour*, 8, 593-594.
- Holmes, R. M. & Holmes, S.T. (1992). Understanding mass murder: a starting Point. *Federal Probation*, 56, 53.
- Huesmann, L. R., Moise-Titus, J., Podolski, C. L. & Eron, L. D. (2003). Longitudinal relations between children's exposure to tv violence and their aggressive and violent behavior in young adulthood. *Dev Psychology*, 39, 201-221.
- Hunter, J. & Langdon, M. (2008, February 5). Slain agent was 'targeted,' colleague says. *Globe and Mail*, A6.
- James, S. E., Johnson, J. & Raghavan, C. (2004). "I couldn't go anywhere" contextualizing violence and drug abuse: a social network study. *Violence Against Women*, 10(9), 991-1014.
- Jensen, R. (2003). Pornography and the limits of experimental research. In G. Dines & J. M. Humez (Eds.), *Gender, Race, and Class in Media: A Text-Reader*, 2nd Edition. Thousand Oaks: SAGE Publications, 418.
- Johnson, J. G., Cohen, P., Smailes, E. M., Kosen, J. & Brook, J. S. (2002). Television viewing and aggressive behavior during adulthood. *Science*, 29, 2468-2471.
- Justice Institute of BC. (2006). *Violence in the Lives of Sexually Exploited Youth and Adult Sex Workers in B.C.* Retrieved from http://www.jibc.ca/sites/default/files/community_social_justice/pdf/cccs/Violence%20Research%20Final%20Report.pdf
- Kines, L. (2008, September 22). Killing shattered a family's life. *Times Colonist*. Retrieved from http://www.canada.com/victoriatimescolonist/news/capital_van_isl/story.html?id=36e915db-827b-4850-929a-81b6562927a3
- Kitching, C. (2009, August 24). One killer or many? Police begin review of unsolved slayings. *Winnipeg Sun*. Retrieved from <http://www.winnipegsun.com/news/winnipeg/2009/08/24/10580056-sun.html>
- Knight, Z. G. (2006). Some thoughts on the psychological roots of the behavior of serial killers as narcissists: an object relations perspective. *Social Behavior and Personality*, 34(10), 1189-1206.

- Leonard, D. (2003). "Live in your world, play in ours": race, video games, and consuming the other. *Simile*, 3(4).
- Logan, M. & Pylypiak, S. (2005). *Integrated Sexual Predator Intelligence Network: A Crime Reduction Strategy*. Prepared for RCMP "E" Division Major Crime.
- Leheidli T'enneh First Nation, Carrier Sekani Family Services, Carrier Sekani Tribal Council, Prince George Native Friendship Centre & Prince George Nechako Aboriginal Employment & Training Association. (2006, June 16). *Highway of Tears Symposium Recommendation Report*. Retrieved from <http://www.ubcic.bc.ca/files/PDF/highwayoftearsfinal.pdf>
- Manitoba Justice. (2006). *Neighbourhood Solutions: Working Together to Address Sexual Exploitation on our Streets*. Winnipeg, MB. Retrieved from <http://www.gov.mb.ca/justice/safe/pdf/neighbourhoodsolutions.pdf>
- McEvoy, M. & Daniluk, J. (1995). Wounds to the soul: the experiences of Aboriginal women survivors of sexual abuse. *Canadian Psychology*, 36, 221–235.
- Moffeit, M. & Greene, S. (2007, July 22). Trashing the truth: the hidden story of lost DNA [video file]. *Denver Post*. Retrieved from <http://www.denverpost.com/evidence>
- Morrow, M. (2004). Mental health and substance abuse: why women? *Visions: BC's Mental Health and Addictions Journal*, 2(4), 6
- Moharib, N. (2009, September 20). Sex attack evidence destroyed: DNA from 1970s cases trashed. *Calgary Sun*. <http://www.calgarysun.com/news/alberta/2009/09/20/11006746-sun.html>.
- Moses, M. (2006, November). Understanding and applying research on prostitution. *National Institute of Justice Journal*, 255. Retrieved from http://www.nij.gov/journals/255/prostitution_research.html
- Mossman, D. (2008). Connecting which dots? Problems in detecting uncommon events. In A. J. R. Harris & C. A. Pagé. (Eds.), *Sexual Homicide and Paraphilias: The Correctional Service of Canada's Expert Forum 2007*. Ottawa, ON: Correctional Service of Canada, 37-75.
- Murray, D.C. & Royer, J.M. (n.d.) *The Cost of Justice: A Desk Manual on Vicarious Trauma*. Retrieved from the Legal Profession Assistance Conference website http://www.cba.org/lpac/main/main/vicarious_trauma.aspx
- Myers, W. C., Husted, D. S., Safarik, M. E., & O'Toole, M. E. (2006). The motivation behind serial sexual homicide: is it sex, power, control or anger? *Journal of Forensic Science*, 51(4), 900-907.
- Native Women's Association of Canada. (2010). *What Their Stories Tell Us: Research Findings from the Sisters in Spirit Initiative*. Retrieved from <http://www.nwac-hq.org/sisters-spirit-research-report-2010>.
- Native Women's Association of Canada. (2008). Community Education Tool Kit: Navigating the Missing Persons Process. Retrieved from <http://www.fnpcpa.ca/NavigatingTheMissing%20PersonsProcess1208.pdf>
- New South Wales Police Force. (2007). *Aboriginal Community Liaison Officers*. Retrieved from http://www.police.nsw.gov.au/data/assets/pdf_file/0005/105179/aclos_brochure.pdf
- Newiss, G. (2004). Estimating the risk faced by missing persons: a study of homicide victims as an example of an outcome-based approach. *International Journal of Police Science and Management*, 6(1), 1461-3557.

- Ono, D. (2005, August 17). Who is the BKT killer? *Courts & Crime on msnbc.com*. Retrieved from http://www.msnbc.msn.com/id/8929452/ns/us_news-crime_and_courts/t/who-btk-killer/
- Ontario Association of Chiefs of Police. (2005, February 15). *Ontario Government to Help Police Improve Investigation of Major Crimes: Major Case Management System Will Keep Communities Safer*. Retrieved from <http://www.oacp.on.ca/content/news/article.html?ID=119>
- Ontario Ministry of Attorney. (2008). *Report of the Review of Large and Complex Criminal Case Procedures*. Toronto: ON: P. J. LeSage & M. Code.
- Ontario Ministry of Community Safety and Correctional Services. (2010). *Major Case Management*. Retrieved from http://www.mcscs.jus.gov.on.ca/english/police_serv/MajorCaseManagement/mcm.html
- Ontario Ministry of Community Safety and Correctional Services. (2004, October). *Ontario Major Case Management Manual*. Retrieved from http://www.attorneygeneral.jus.gov.on.ca/inquiries/cornwall/en/hearings/exhibits/OPC/pdf/56_MC_M_Manual.pdf
- Ontario Ministry of the Solicitor General and Correctional Services. (1996). *Bernardo Investigation Review Summary*. Toronto, ON: J.A. Campbell. Retrieved from http://www.attorneygeneral.jus.gov.on.ca/inquiries/cornwall/en/hearings/exhibits/Wendy_Leaver/pdf/10_Campbell_Summary.pdf
- Osborne, D. (2008, September). Kim Rossmo: on geographic profiling [audio file]. *Analyst's Corner*. Retrieved from <http://www.blogtalkradio.com/Deborah-Osborne/2008/09/04/Dr-Kim-Rossmo-Geographic-Profiling>
- Pakhomou, S-M. (2004). Serial killers: offender's relationship to the victim and selected demographics. *International Journal of Police Science & Management*, 6(4), 219-233.
- Panel on Justice and the Media. (2006, August). *Report to the Attorney General of Ontario*. Retrieved from <http://www.paneljusticeandmedia.jus.gov.on.ca/pjm/en/rpjm-EN.pdf>
- Perkins. (2008). Diagnosis, assessment and identification of severe paraphilic disorders. In A.J.R. Harris & C.A. Pagé (Eds.), *Sexual Homicide and Paraphilias: The Correctional Service of Canada's Experts Forum 2007*. Ottawa, ON: Correctional Services of Canada.
- Perrin, B. (2010). *Invisible Chains*. Toronto, Canada: Penguin Group.
- Pinto, S. & Wilson, P. S. (1990). Serial murder. *Trends and Issues in Crime and Criminal Justice*, 25. Retrieved from <http://www.aic.gov.au/documents/9/1/8/%7B9182A5C7-A457-4B97-814E-E9A7820E9B0C%7Dt25.pdf>
- Portland Police Bureau. (2011). *Portland Police Bureau: Cold Case Homicide Unit*. Retrieved from <http://www.portlandonline.com/police/index.cfm?c=35696>
- Prepost, M. (2009, February 8). RCMP to review unsolved killings: female victims focus of investigation. *Winnipeg Sun*. Retrieved from <http://www.winnipegfreepress.com/local/rcmp-to-review-unsolved-killings-52301027.html>
- Project KARE. (2011). *Proactive Initiative*. Retrieved from <http://www.kare.ca/content/viezw/16/26/>

- Prostitution Awareness and Action Foundation of Edmonton. (2005). *Report: Breaking Down Barriers One Step at a Time*. Retrieved from <http://www.paafe.org/resources/documents/reports/Breaking%20Down%20Barriers%20Final%20Report%20-%20One%20Day%20at%20a%20time.pdf>
- Proulx, J., Beaugard, E., Cusson, M. & Nicole, A. (2007). *Sexual Murderers: A Comparative Analysis and New Perspectives*. Hoboken: John Wiley & Sons, Inc.
- Provincial Partnership Committee. (2006). *Missing Persons in Saskatchewan: Police, Policy and Practice*. Unpublished. Saskatchewan: J. Pfeifer.
- Provincial Partnership Committee. (2007, October). *Final Report of the Provincial Partnership Committee on Missing Persons*. Regina, SK. Retrieved from <http://www.justice.gov.sk.ca/adx/aspx/adxGetMedia.aspx?DocID=3025,104,81,1,Documents&MediaID=1615&Filename=missing-persons-final.pdf>
- Public Safety and Emergency Preparedness Canada. (2005, March). *DNA Missing Persons Index (MPI): A Public Consultation Paper*. Ottawa, ON. Retrieved from http://www.ulcc.ca/en/poam2/DNA_Missing_Persons_Index_CP_En.pdf
- Public Safety and Emergency Preparedness Canada. (2004). *Predictors of Sexual Recidivism: An Updated Meta-Analysis*. (Cat. No.: PS3-1/2004-2E-PDF) Ottawa, ON: R. K. Hanson & K. Morton-Bourgon.
- R. v. Bernardo*, [1995] O.J. No. 1380; 42 C.R. (4th) 85; 28 W.C.B. (2d) 129. 11
- R. v. Jakeer*, (2001) O.J. No. 1025 (S.C.J.)
- R. v. Kruse* (2005), 370 A.R. 87 (Prov.Ct.)
- Reid, S., Bermann, H. & Forchuk, C. (2005). Living on the streets in Canada: a feminist narrative study of girls and young women. *Issues in Comprehensive Pediatric Nursing*, 28, 237-256.
- Royal Canadian Mounted Police, (n.d.). *Violent Criminal Linkage System (ViCLAS)*. Retrieved from <http://www.rcmp-grc.gc.ca/tops-opst/viclas-salvac-eng.htm#intro>
- Rossmo, D. K. (1996). Targeting victims: serial killers and the urban environment. In T. O'Reilly-Fleming (Ed.), *Serial and Mass Murder: Theory, Research and Policy*. Toronto: Canadian Scholars' Press.
- Rossmo, D. K. (1995). *Geographic Profiling: Target Patterns of Serial Murderers*. Unpublished doctoral dissertation, Simon Fraser University, Burnaby, BC.
- Salfati, C. G. & Bateman, A. L. (2005). Serial homicide: an investigation of behavioural consistency. *Journal of Investigative Psychology and Offender Profiling*, 2, 121-144.
- Save the Children Canada. (2000) *Sacred Lives: Canadian Aboriginal Children and Youth Speak Out about Sexual Exploitation*. Vancouver, BC: C. Kingsley & M. Mark.
- Schlesinger, L. B. (2004). Classification of antisocial behaviour for prognostic purposes: study the motivation, not the crime. *Journal of Psychiatry & Law*, 30, 191.
- Schlesinger, Louis B. (Ed.). (2000). *Serial Offenders: Current Thought, Recent Findings*. Boca Raton, FL: CRC Press.

- Sekela, M. J. (2008). *Current Police Practices in the Handling of Missing Persons Investigations Within Canada: Towards the Development of a National Missing Persons Program*. Discussion document provided to the Federal-Provincial-Territorial Missing Women Working Group.
- Shaw, R. (2008, September 23). Cold Case: 17-year-old vanishes. *Times Colonist*. Retrieved from <http://www2.canada.com/victoriatimescolonist/features/coldcases/story.html?id=38d511df-c0b7-4488-b109-222f114e15c3>;
- Shaw, R. (2008, September 24). Day 3: Saanich businessman was shot six times at close range. *Times Colonist*. Retrieved from <http://www2.canada.com/victoriatimescolonist/features/coldcases/story.html?id=685eb8e7-3045-4f1a-95a2-1e9b5802b06c&p=1>
- Sikka, A. (2009, May). *Trafficking of Aboriginal Girls and Women in Canada*. Retrieved from http://iog.ca/sites/iog/files/2009_trafficking_of_aboriginal_women.pdf
- Skrapec, C. (1996). The sexual component of serial murder. In T. O'Reilly-Fleming (Ed.), *Serial and Mass Murder: Theory, Research and Policy*. Toronto: Canadian Scholars' Press, 159-179.
- Smith v. Jones*, [1999] 1 S.C.R. 455
- Snook, B., Cullen, R. M., Mokros, A., & Harbort, S. (2005). Serial murderers' spatial decisions: factors that influence crime location choice. *Journal of Investigative Psychology and Offender Profiling*, 2(3), 147–164.
- Statistics Canada. (2011). *Women and the Criminal Justice System*. (Catalogue no. 89-503-X). Ottawa, ON: T. Horton Mahony. Retrieved from <http://www.statcan.gc.ca/pub/89-503-x/2010001/article/11416-eng.pdf>
- Statistics Canada. (2006a). *Aboriginal Peoples Survey 2001 – Provincial and Territorial Reports: Off-Reserve Aboriginal Population*. (Catalogue no. 89-618-XIE). Ottawa, ON: V. O'Donnell & A. Ballardin. Retrieved from <http://www.statcan.gc.ca/pub/89-618-x/89-618-x2006001-eng.pdf>
- Statistics Canada. (2006b). *Women in Canada: A Gender Based Statistical Report*. (Catalogue no. 89-503-XIE). Ottawa, ON. Retrieved from <http://www.statcan.gc.ca/pub/89-503-x/89-503-x2005001-eng.pdf>
- Statistics Canada Juristat. (2003). *Sexual Offences in Canada*. (Catalogue no. 85-002-XPE). Ottawa, ON: Statistics Canada.
- Standing Committee on Public Safety and National Security. (2009, June). *Statutory Review of the DNA Identification Act*. Retrieved from <http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=3994957&Language=E&Mode=1&Parl=40&Ses=2>
- Standing Senate Committee on Legal and Constitutional Affairs. (2010, June). *Public Protection, Privacy and the Search for Balance: A Statutory Review of the DNA Identification Act – Final Report*. Retrieved from <http://www.parl.gc.ca/Content/SEN/Committee/403/lega/rep/rep09jun10-e.pdf>
- Stella. (n.d.). *Making Space for Working Women: Tools By and For Sex Workers*. Retrieved from <http://www.chezstella.org/stella/?q=en/tools>

- Summerfield, M. (2006, June 1). Seven obstacles to serial murder investigations. *Associated Content.com*. Retrieved October 14, 2009, from http://www.associatedcontent.com/article/35188/seven_obstacles_to_serial_murder_investigations.html?singlepage=true&cat=17
- Surratt, H., Inciardi, J. A., Kurtz, S. P. & Kiley, M. C. (2004). Sex work and drug use in a subculture of violence. *Crime & Delinquency*, 50(1), 45.
- Taillon, J. (2001). Sacred lives, *Windspeaker* 18, 8-9.
- Torres, A. N., Boccaccini, M. T. & Miller, H.A. (2006). Perceptions of the validity and utility of criminal profiling among forensic psychologists and psychiatrists. *Professional Psychology: Research and Practice*, 37(1), 51–58.
- Tucker, J. S., D'Amico, E. J., Wenzel, S. L., Golinelli, D., Elliott, M. N. & Williamson, S. (2005). A prospective study of risk and protective factors for substance use among impoverished women living in temporary shelter settings in Los Angeles County. *Drug and Alcohol Dependence*, 80, 35-43.
- United Nations Office on Drugs and Crime. (2006, April). *Trafficking in Persons: Global Patterns*. Retrieved from http://www.unodc.org/pdf/traffickinginpersons_report_2006-04.pdf
- Van Patten, I.T. & Delhauer, P.Q. (2007). Sexual homicide: a spatial analysis of 25 years of deaths in Los Angeles. *Journal of Forensic Science*, 52(5), 1129-1141.
- Vancouver Police Department. (2010, August). *Missing Person Investigation Review*. Retrieved from http://vancouver.ca/police/media/2010/MWInvestigationReview_final2.pdf
- Warren, J., Reboussin, R., Hazelwood, R., Gibbs, N., Trumbetta, S., & Cummings, A. (1999). Crime scene analysis and the escalation of violence in serial rape. *Forensic Science International*, 100, 37.
- Wenzel, S. L., Leake, B. D. & Gelberg, L. (2001). Risk factors for major violence among homeless women. *Journal of Interpersonal Violence*, 16(8), 739-752.
- West, A. (2000). Clinical assessment of homicide offenders: the significance of crime scene in offense and offender analysis. *Homicide Studies*, 2, 227.
- Whitzman, C. (2006). At the intersection of invisibilities: Canadian women, homelessness and health outside the 'big city'. *Gender, Place and Culture*, 13(4), 383-399.
- Wilson, S. G. (2003). *An exploratory study of sexual homicide in British Columbia*. Unpublished master's thesis, Simon Fraser University, Burnaby, BC.
- Woodworth, M., Porter, S., Drugge, J., Earle, J. & Boer, D. (2003). Characteristics of sexual homicides committed by psychopathic and non-psychopathic offenders. *Law & Human Behaviour*, 27(5), 459-470.