

# Missing Person Investigations

## 1. What is the Independent Civilian Review into Missing Person Investigations?

The Independent Civilian Review into Missing Person Investigations (the "Review") was established by the Toronto Police Services Board. The Review was prompted, in large part, by the tragic deaths of members of Toronto's LGBTQ2S+ community and by deep concerns about how the Toronto Police Service (the "TPS") conducted the investigations into their disappearances. Questions have been raised about whether the missing person investigations were tainted by systemic bias or discrimination against members of the LGBTQ2S+ community as well as marginalized or vulnerable communities generally. There are concerns about whether current TPS policies and procedures adequately protect against such bias or discrimination. The Review was also prompted by questions about how and when the TPS informs or warns the public about safety concerns, and whether the current approach is adequate.

## 2. What is the purpose of the Review?

The Terms of Reference guide the nature and scope of the Review. Simply put, the Review asks the following questions: Have all members of the community, including LGBTQ2S+ and vulnerable or marginalized people, been receiving the level of service from the TPS to which they are entitled? If not, why not and what needs to change? The Review allows for a robust examination of the way the TPS has investigated missing person reports to inform recommendations about how such investigations should be conducted in the future. The implementation of the recommendations will promote efficient, effective, bias-free policing for missing person investigations specifically and better police relations with the LGBTQ2S+ community, and marginalized or vulnerable communities generally.

## 3. Who is conducting the Review?

Judge Gloria Epstein has been appointed as the Independent Reviewer. Judge Epstein retired as a judge of the Court of Appeal for Ontario in 2018 in order to conduct the Review. She will be assisted by Lead Counsel, Mark Sandler who has served as counsel or senior advisor for over 20 public inquiries or systemic reviews. These include the recently completed systemic review of the Thunder Bay Police Service and its relationship to Indigenous communities.

## 4. What is the role of the Community Advisory Group?

A critical component of the Review involves a multi-faceted process of public outreach and engagement. A diverse group of community advisors (the "Community Advisory Group") is working to ensure that diverse voices within the community are heard. The Community Advisory Group includes a Community Advisor, Ron Rosenes, and a Coordinator, Haran Vijayanathan who further facilitate the group's activities. The composition of the group ensures that a broad spectrum of perspectives is considered throughout the Review's work. All of these members of the community have assisted in the design of the Review's engagement plan. A list of Community Advisory Group members is available here: <http://missingpersonsreview.ca/cag/index.html>.

## 5. What is the purpose of the community outreach part of the Review?

The outreach process provides an opportunity for members of the community, stakeholders and the general public to share their perspectives, experiences and suggestions with Judge Epstein about reporting missing persons and the subsequent TPS responses and investigations. Judge Epstein will draw heavily on this input to shape her report and recommendations.

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### 6. What issues will people involved in the community outreach be asked to discuss?

- a. How the TPS receives reports and conducts missing person investigations, particularly in relation to LGBTQ2S+ and vulnerable or marginalized community members and whether these investigations are affected by systemic or other bias;
- b. How the TPS conducted the missing person investigations into those victimized by Bruce McArthur and others;
- c. What changes should be made to promote effective, timely and bias-free missing person investigations in Toronto;
- d. What steps should be taken to repair, build or enhance the TPS's relationship with the LGBTQ2S+ community and vulnerable or marginalized communities generally;
- e. What impediments exist to reporting community members who are missing, and how can they be overcome; and
- f. Any personal perspectives and experiences that may be relevant to the Review.

### 7. How can individuals and stakeholders participate?

*The Review's public engagement program offers several ways for people to participate:*

- all members of the public or groups can make written submissions to the Review;
- all are welcome to participate in an electronic survey that will be launched in early 2020;
- all are welcome to submit anonymous electronic comments through a portal on the Review's website;
- all are welcome to attend a forum or town hall meeting and share perspectives, experiences and suggestions in a public setting;
- all are welcome to attend roundtable sessions by experts discussing the policy issues arising from the Review's work;
- a broad range of community groups and service providers will be invited to offer insights and expertise at stakeholder sessions with Judge Epstein and members of her team; and
- individuals can request a confidential interview to share relevant personal experiences in a safe and supportive environment.

### 8. When are the public engagement activities taking place?

The public engagement activities will commence in spring 2019 and may run into mid- 2020. The Review is scheduled to submit its final Report no later than January 31, 2021.

### 9. Will the Review hear from the police?

Yes, the Review will be interviewing many officers about the factual and policy issues identified in its Terms of Reference, as well as obtaining independent expert assistance on policing. It is also expected that the police will participate in roundtables and other opportunities to address the systemic issues of importance. The Review is currently examining well over 60,000 pages of documents it has obtained from the Toronto Police Services Board and the Toronto Police Service relevant to its mandate, and more are expected.

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### **10. How will community input be captured and summarized?**

Stakeholder meetings may be audio recorded, if stakeholders consent to such recordings. Recordings for internal use will assist Judge Epstein in ensuring that she fully captures what participants have to say. She will also ask questions and take notes as needed. Judge Epstein's Report will include a summary of the input received from the public, stakeholders and community groups.

### **11. Is participation confidential?**

The level of confidentiality will be discussed at each meeting with requests for confidentiality carefully respected. Indeed, this represents a high priority for Judge Epstein. Generally, input will be captured but will not be attributed to individuals. Particularly sensitive comments can be relayed in private, one-on-one interviews. This may mean that no reference is made to such an interview in Judge Epstein's Report or that comments are carefully anonymized. Stakeholders are not restricted from publicly discussing what they have told the Review, though they cannot share comments made by others. It is also expected that the final Report will list groups and individuals heard from if they consent to be listed.

### **12. How can members of the public contribute their thoughts and perspectives anonymously?**

The Review will include an online survey to gather anonymous input on the issues that are being addressed in the Review. The Review will also provide an opportunity for people to submit anonymous comments through a secure online portal.

### **13. How will input from the community be used to influence or inform Judge Epstein's findings?**

Judge Epstein will draw on the community input in a number of ways. Such input will inform her ultimate recommendations. Such input may also lead to questions directed to the police or further investigative work by the Review team. Judge Epstein's final Report will include a summary of the community input and its bearing on both the nature of the relationship between the police and the community and on the recommendations.

### **14. How will the Review ensure that its recommendations are implemented?**

In accordance with our Terms of Reference, Judge Epstein's Report will set out not only recommendations, but also a plan and timelines for their implementation. The Reviewer is also entitled to bring deficiencies to the attention of the Toronto Police Service and the Toronto Police Services Board even before her Report is issued. If those deficiencies are addressed before her Report is issued, that action will be acknowledged in her Report. This approach provides a further incentive for institutions to make changes in a timely way. Finally, Judge Epstein's Report will be public. The public also plays an important role in monitoring implementation of the Report's recommendations and ensuring accountability. So, while Judge Epstein cannot legally compel her recommendations to be implemented, all of the above tools promote an effective, timely response to her Report.

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### **15. What stakeholder groups and communities are being engaged in the process?**

Stakeholder organizations have, for the most part, been identified by the Community Advisory Group. Additional organizations will be identified by the Review or may come forward as a result of publicity around the Review. It is expected that at least 75 community organizations and service providers will be directly involved in these meetings. A list of stakeholder groups will be made public when and if the groups agree to share this information.

### **16. What is the format for the Stakeholder's Meetings?**

Groups of approximately 12 people or less, representing community groups, vulnerable or marginalized communities, advocates and service providers will be invited to meet with Judge Epstein and members of her Review team and often, a member of the Community Advisory Group. Some stakeholder meetings may be facilitated or led by a Community Advisory Group member. Staff trained to ensure that meetings are conducted in a safe and respectful environment will assist. See Question 6 for a list of topics and issues that will be discussed.

### **17. Can the Review address any deficiencies in policing before the final Report is ready?**

A successful review not only generates a report, but also attempts to foster improvements, build consensus and repair relationships during its work. This means that obvious deficiencies in policing can be brought to the attention of the TPS before Judge Epstein's report is completed and Judge Epstein will acknowledge in her Report what steps the police have already taken to rectify these deficiencies. This approach encourages institutions to address issues in a timely way.

### **18. Can the Review make findings of misconduct against the police?**

Judge Epstein is not permitted, in law, to make findings of misconduct against named individuals. However, she is fully entitled to identify specific or systemic failings. This could prompt subsequent proceedings against officers or others.

### **19. Will the Review include the police investigations of Bruce McArthur?**

Yes. Once Mr. McArthur entered guilty pleas of multiple counts of murder and was sentenced for those crimes, the Toronto Police Services Board agreed to expand the Review's Terms of Reference to permit Judge Epstein to fully examine the McArthur-related investigations.

### **20. Will the Review include the murder of Tess Richey?**

There continue to be some restrictions on Judge Epstein's ability to report on the investigation into Tess Richey's disappearance and death. These restrictions are explained by the ongoing criminal prosecution of Kalen Schlatter relating to Tess Richey's death. Judge Epstein's examination of this particular investigation must ensure that the ongoing criminal proceedings are not prejudiced.

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### **21. What are the parameters for written submissions?**

The Review invites written submissions from anyone or any organization. Judge Epstein may refer to some of the submissions in her Report. There are no restrictions on the length or content of written submissions. The Review team may choose to follow up with some of the authors.

On or before December 31, 2019, written submissions should be sent by

**email to:** [info@missingpersonsreview.ca](mailto:info@missingpersonsreview.ca)

Or by conventional mail, courier or fax to:

**Independent Civilian Review into Missing Person Investigations**

**439 University Avenue, Suite 1900**

**Toronto, Ontario M5G 1Y8**

**Fax:** 416 408 2372

### **22. Can I do an in-person interview?**

The Review will accept requests for in-person interviews and these may be granted in consultation with Review counsel. The Community Advisory Group may also identify community members with personal experiences that the Review should hear about. We will strive to provide a respectful and welcoming environment and, as needed, will work to secure support persons, translation services, and other requirements associated with the interviews.

### **23. What is the format of the public forum or the town hall?**

The public forum or town hall will include presentations from Judge Epstein and her counsel who will describe the Review's goals and processes. The format is not yet finalized but will likely include question & answer sessions, discussions and plenary feedback involving the whole room.

### **24. Where will the stakeholder meetings and individual interviews be held?**

We know that people from across the city want to contribute to this Review. The various meetings and interviews contemplated will be scheduled at a variety of locations across Toronto and at various times of day to accommodate people. The locations will be close to public transit, and be fully accessible. The public forum or town hall and roundtables will also be fully accessible. Information about them will be posted on the Review's website.

### **25. Why is the Review using the terms 'LGTBQ2S+' and 'vulnerable or marginalized communities'?**

The Review was asked to review how the TPS conducted missing person investigations. In the Terms of Reference, these investigations were described as pertaining, in part, to LGTBQ2S+ community members and vulnerable or marginalized community members generally. The latter included those with mental illness and addictions, racialized people, sex workers and at risk-youth. The Terms of Reference were not intended to limit, define or carry any assumptions about the people who choose to offer their input to the Review.

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### **26. How can stakeholder and community groups continue to stay involved with the Review during subsequent implementation phases?**

The Terms of Reference require that Judge Epstein set out a plan for implementing her recommendations, including relevant time lines. It is expected that she will also address the continuing involvement of community members going forward.

### **27. What is the timing for the Review?**

Judge Epstein and the Review team started their work on September 1, 2018. On March 26, 2019, the Review's mandate was expanded to remove the restrictions on examining the investigations leading to Bruce McArthur's arrest and prosecution. As a result of the expansion of the mandate, the duration of the Review was extended to January 31, 2021. Judge Epstein intends to complete her work as expeditiously as possible. However, the extended duration of the Review reflects the large and important task she has undertaken, particularly now that the McArthur-related investigations are within her mandate.

## **How to Contact the Review**

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To contact the Review please

**email** [info@missingpersonsreview.ca](mailto:info@missingpersonsreview.ca) or

**phone** 416 585 1706 (Ask for "Naz")

You may also write to the Review at:

**Independent Civilian Review into Missing Person Investigations**

**439 University Avenue, Suite 1900**

**Toronto, Ontario M5G 1Y8**

**Fax:** 416 408 2372