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VICTORIA POLICE DEPARTMENT

Briefing Note

TO: Victoria Police Board
FROM: Deputy Chief John Ducker
DATE: January 15, 2013
SUBJECT: Review of the Oppal Report

Background

1. The Oppal Report

On November 19, 2012, the Honourable Wally Oppal, Commissioner of the Missing Women Commission of Inquiry, released his 1,448-page report "Forsaken," which identified 63 recommendations for the protection of vulnerable women. He outlined how "blatant failures" and "public indifference" contributed to the tragic deaths of marginalized women over a protracted period of time.

The final 1,448-page report offered 63 recommendations, including:

- a. Fund existing centres that provide emergency services to women in the sex trade, so the centres can stay open 24 hours a day.
- b. Enhance public transit to northern B.C. communities, especially along Highway 16, the so-called "Highway of Tears."
- c. Appoint two advisors, including one aboriginal elder, to consult with affected parties regarding form and content of apologies required to heal and help with the reconciliation process.
- d. Establish a compensation fund for the children of missing women.
- e. Establish a healing fund for the families of missing women.
- f. Establish a Greater Vancouver regional police force, which Commissioner Oppal reiterated verbally, should apply to Greater Victoria as well.
- g. Strike an independent expert committee to develop a model and implementation plan for a new police force.
- h. The province should appoint an independent adviser within 12 weeks to implement Oppal's recommendations.
- i. Police officers should be required to undergo mandatory and ongoing training regarding vulnerable community members.
- j. Institute more intensive and ongoing training for police on the history and current status of aboriginal people.
- k. Make prevention of violence against aboriginal women a genuine priority.
- l. Establish more police accountability to communities.
- m. Improve police missing person policies and practices.

Analysis

2. VicPD Review

VicPD's senior management has reviewed the Oppal Report and has conducted its own assessment of VicPD's policies and practices associated with the issues raised in the report. Attitudes towards exploited, marginalized and missing women as well as the complexities of women involved in the sex trade are much different than those which existed in the police agencies 10 to 15 years ago. Our review highlighted that:

- a. VicPD has a full-time sworn officer whose primary duty is to investigate reports of missing persons. This officer has extensive and well established links with police agencies throughout BC and across Canada that have greatly facilitated past investigations regarding cases that straddle several jurisdictions;
- b. VicPD has a robust and effective Operations Council that meets regularly to determine crime patterns, trends, and any commonalities between individual crimes. This council consists of representatives from Patrol, Investigative Services (usually including the Missing Persons detective as needed), Crime Prevention, Strike Force, the new Crime Reduction Unit, and Analysis and Intelligence Services (who collate and coordinate all data). This coordinated approach has led to the apprehension of countless suspects who are responsible for serial criminal activity throughout the Capital Regional District. These projects have included regular assignments of members to target "johns" and potential sexual predators working in the sex trade locations. The proposed addition of one crime analyst (as requested in the 2013 budget) would greatly enhance the effectiveness of this council.
Executive/management process on these issues is very clear. If there's a concern it is discussed openly and collegially and can be brought forward by any member of the department. No one at any level has been criticized or hampered in bringing a concern forward particularly one in the context of these type of cases.
- c. VicPD has a productive and positive working relationship with PEERS (Prostitutes Empowerment, Education and Recovery Society). Constables Lisa Forcier and Nick Kreiger Team work regularly with PEERS staff and interact with sex trade workers from perspective of both providing support and gathering intelligence around street predators and other threats. The Special Victims Unit has established an ongoing process for information exchange which has enhanced our ability to be aware of incident involving sex trade workers, actively investigate crimes and build relationships with victims.
- d. The training recommendations made in this inquiry report are onerous. Our capacity to provide more training within our existing budget is virtually expended. Mandatory training sessions are already (over-)filled with existing requirements, much have which has been mandated by the provincial government via other inquiries and legislative changes. Government and Police Services Division will have to consider the training recommendation here carefully in light of the pressures it places on police resourcing. Requirements for police training from government and other authorities are often made in isolation from one another with no understanding of the cumulative effect these demands create on police agencies. Mandated domestic violence training alone for example had the effect of removing 1.5 officers from service last year.

3. Regionalization

One of the central recommendations of the Oppal Report is to adopt a regional policing model in Vancouver. In response to media questions, Mr. Oppal extended this concept to the Capital Regional District:

"I see no difference why it shouldn't be equally applicable there. The Capital Regional District has something like five municipal police forces and about five to seven other RCMP detachments. It really makes no sense to have that many police departments. While they haven't had the same crises, the tragedies that we've had here, in principle there's no reason why there ought not to be some kind of regionalization so as to avoid the patchwork — what I call the patchwork — in policing.

The provincial government, in fairness, is in a difficult position because for them to impose a regime of policing that the mayors don't want makes it difficult. I would urge the mayors to get proactive in this. When we did the policing inquiry in the 90s, I remember going into Oak Bay one night and the people were upset that we suggest for a minute that we would regionalize policing in the capital regional district. So I think it has to come from the mayors because they're closest to their own constituents.

The debate seems to be gathering more passion and more momentum, and I'm hoping that the recommendations we made, where we have opinions from senior police who tell us that Pickton would have been apprehended earlier, had there been regional policing. I would hope that that might put the debate over the top."

VicPD is strongly supportive of the regional policing concept for southern Vancouver Island. Such a structure would result in the delivery of policing services that would be more efficient, better coordinated, and, most importantly, would mitigate the operational risk inherent in the existence of multiple police jurisdictions in a relatively small geographic area.

4. Critical police failures identified in Inquiry:

- a. **Police failed to take proper reports on missing women, and failed to act on them.**

Response: VicPD policy, which was last updated in September 2011, now sets out the process for reporting and action to be taken based on a number of relevant factors. Section 5 of our Missing Persons Policy deals with reporting and dispatching calls. Files involving vulnerable persons are also forwarded to the watch commander immediately.

- b. **Police didn't use available information to "connect the dots" and realize that missing women were being slain by a serial killer, who posed further public risk.**

Response: We have a detective assigned to the missing persons "queue" within the PRIME information management system. There is a detective-level of awareness created on any of our missing person files immediately. The detective reviews all missing persons files and provides guidance to members investigating the files. The missing persons detective also takes a key role in those files which do come to our Investigative Services Division (ISD) for investigation. ISD supervisors also review these files as they are all routed electronically through the supervisors' queues for oversight as required.

c. **Police "utterly failed" to protect women in the Downtown Eastside.**

Response: We proactively assess the need for warnings and where we feel it is necessary, either for investigative reasons or in order to alert a certain group of people we provide warnings as a regular protocol. We follow the guidelines as set down by Jane Doe v. Metropolitan Toronto (Municipality) Commissioners of Police (1998) regarding duties to warn the public and women who are vulnerable.

d. **Police didn't use available investigative strategies to solve the case.**

Response: We review all major cases in terms of strategies to be applied. We use major case management principles (the standard national serious crime investigate protocol) for cases we feel require that level of investigation. When investigating a missing persons file which we feel requires additional resourcing, we will utilize any investigational strategy needed to resolve the case. We also liaise with the British Columbia Missing Persons Centre which is set up to review missing person cases provincially. These assessments are done by individual investigators working with supervisors from ISD.

e. **Police failed to follow a technique known as "major case management."**

Response: We always use this protocol for missing person cases which are not resolved quickly or where we feel there are extenuating suspicious circumstances.

f. **Police failed to co-ordinate between agencies.**

Response: While the situation in BC policing has improved since the era of the Pickton cases in 1998, there are still gaps in inter-agency information sharing. The PRIME file review procedure covers some of these gaps but ostensibly inter-agency cooperation is not as evolved as it should be nor will it be as effective as a system which provides one line of clear command and control authority to direct and manage resources in a proper cogent direction. (i.e. an amalgamated department). Currently inter-agency cooperation is based largely upon individual relationships between investigators which ebb and flow with transfer and work re-assignments.

g. **There was not an effective internal review of external accountability of police work.**

Current training, supervision and file review protocols are at a much higher level than during the time Pickton was active. Detectives move to the major case management protocol which brings in additional structure to investigations. A "command triangle" of senior investigators and supervisors is formed within major case management and it is designed to handle all aspects of the information collected. We are much more proactive than we were 10 or 15 years ago both in terms of building relationships with the service providers and working directly with vulnerable populations. We categorically state (and our procedures reflect this) that when a member of a vulnerable group is victimized, the investigative response is the same as it would be for any other member of society. In addition we are also instituting an audit function within the HR Division with an objective to conduct ongoing examinations of high risk issues such as this one on a regular basis.

5. Role of Police Boards in British Columbia.

Part 11 of the Missing Women's Report discussed police accountability through leadership and governance role assigned to police boards.

- a. 11.2 - That the Police Act be amended to provide that the Mayor is an *ex officio* member of the Board, but has no voting authority.
- b. 11.3 - That additional steps need to be taken to ensure representation of vulnerable and marginalized members and Aboriginal peoples on police boards.
- c. 11.4 - That police boards have access to greater resources from the Division of Police Services to gather and analyze information to enable them to better carry out their oversight functions.

These discussions are solely within the purview of the Board and Police Services Division. However, senior management supports these recommendations.

6. Conclusion

Many of the Oppal report recommendations actually don't have a direct bearing to policing. Systemic and societal problems are also very much in evidence in this problem. VicPD staff reviewed the Oppal Report with a mixture of professional concern (in how the tragedy unfolded) and heartfelt sympathy for the victims and their families. VicPD's situation is exacerbated by the fractured nature of policing in the capital region both in terms of inter-agency coordination as well as the extra caseload problem the region places onto our members. Until these issues of regionalization are resolved, cross-jurisdictional complications will continue to be a challenge to be managed. VicPD has long held the conviction that as long as criminals do not respect municipal borders, police forces should not be impeded by them either.

7. Key public messaging

The Board and members of VicPD are saddened by the terrible tragedies and loss that culminated in the recent report by the Missing Women Commission of Inquiry.

We are committed to doing everything we can to learn from this inquiry. To that end, we have taken stock of our own procedures and policies to make sure that we employ best practices regarding cooperation with neighbouring police agencies, investigations involving vulnerable women, and major case management principles.

The Oppal Report highlights the critical value of a regional approach to policing and we remain committed to this concept for the southern Vancouver Island area. As you may recall, regionalization is one of the five "bold steps" in our Strategic Plan 2020 that will enable us to become the safest region in Canada. It is sincerely hoped that, if anything positive is to emerge from this inquiry, it is a renewed commitment to consider regional policing in the greater Victoria area.

We are constantly evaluating our operating practices and policies against the best policing practices across North America. This report offered us the opportunity to confirm that we use an established major case management approach to investigations that represents the standard for major police agencies across Canada. It also highlighted the fact that we have an officer dedicated to missing persons and a Special Victims Unit that frequently manages cases involving vulnerable women. Finally, the report underscored (despite the inherent difficulties in the regional policing structure) the importance of clear and frequent communication with other police agencies in our region, especially when we are managing cross-jurisdictional investigations.

All scenarios involving complicated large scale investigations are particularly hampered by the fractured nature of policing on southern Vancouver Island. Integration is an ineffective means of addressing the problem because as Commissioner Oppal has

highlighted, the lack of clear lines of authority, reporting control and communication in part led to these tragedies. These are the very problems inherent in integrated units run by management by consensus committees. Integration is therefore an ineffective approach for wide scale projects to protect vulnerable members of society who become targets of street-wise predators.

For us the legacy of this commission of inquiry is two-fold. It serves as a reminder of how important it is to “take stock” of our operational and investigative procedures from time to time to ensure we are as effective as we can be. More importantly, it results in a solemn commitment on the part of our officers to never allow a tragedy like this to happen again.