



STAFF REPORT ACTION REQUIRED

Missing Persons Investigations Review Working Group – Review’s Terms of Reference and Budget

Date:	June 25, 2018
To:	Executive Committee, City of Toronto
From:	Andy Pringle, Chair, Toronto Police Services Board

SUMMARY

The purpose of this report is to request that Executive Committee allocate and transfer funds to the Toronto Police Service Board to fund the Independent Review in relation to missing persons reports and investigations.

RECOMMENDATION

It is recommended that the City Council allocate and transfer to the Toronto Police Services Board funding for the Review in an amount not to exceed \$3 million and that such funds be made available to the Board beginning in 2018 and until the conclusion of the Review.

Financial Impact

It is estimated that the Review will amount to \$3M. There are no funds available in the Toronto Police Services Board’s approved 2018 operating budget.

ISSUE BACKGROUND

At its meeting on June 21, 2018, the Toronto Police Services Board (the Board) was in receipt of a report dated June 14, 2018 with regard to the Missing Persons Investigations Review Working Group – Terms of Reference.

COMMENTS

The Board approved the report and agreed to forward the request to the City of Toronto’s Executive Committee for the July 17, 2018 meeting to allocate and transfer to the Toronto Police Services Board funding for the Review in an amount not to exceed \$3 million and that such funds be made available to the Board beginning in 2018 and until the conclusion of the Review.

CONCLUSION

A copy of Board Minute No. P112/18, in the form attached as Appendix “A”, regarding this matter is provided for information.

CONTACT

Andy Pringle
Chair
Toronto Police Services Board
Telephone No. 416-808-8080
Fax No. 416-808-8082

SIGNATURE

Andy Pringle
Chair

ATTACHMENT

Appendix A – Board Minute No. P112/18

APPENDIX “A”

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on June 21, 2018

P112 Missing Persons Investigations Review Working Group – Review’s Terms of Reference and Budget

The Board was in receipt of a report dated June 14, 2018 from Andy Pringle, Chair, with regard to this matter.

Recommendation(s)

It is recommended that the Board:

1. Approve as draft the Terms of Reference for a Review (attached as Appendix B) as proposed by the Missing Persons Investigations Review Working Group and included in the attached report from the Missing Persons Investigations Review Working Group and Ms. Breese Davies, Facilitator (attached as Appendix A);
2. Direct the Reviewer, once retained, to review the Terms of Reference and report back to the Board on proposed changes to the Terms of Reference, if any, as the Reviewer may deem necessary;
3. Seek input from the stakeholders, including the Missing Persons Investigations Review Working Group, on any changes proposed, prior to the Board approving the final Terms of Reference; and
4. Forward a request to the City of Toronto’s Budget Committee to allocate and transfer to the Toronto Police Services Board funding for the Review in an amount not to exceed \$2.5M and that such funds be made available to the Board beginning in 2018 and until the conclusion of the review in 2019.

Deputations Jeff Tunny
Brian De Matos
Susan Gapka
Kris Langenfeld

Ms. Breese Davies and Mr. Shakir Rahim provided the Board with a presentation which summarized the proposed terms of reference for the Review.

The Board received the deputations and the presentation and approved the following Motions:

- 1. THAT the Board approve recommendations 1, 2, and 3 contained in the report; and**

2. **THAT the Board forward the request to the City of Toronto's Executive Committee for the July 17, 2018 meeting to allocate and transfer to the Toronto Police Services Board funding for the Review in an amount not to exceed \$3 million and that such funds be made available to the Board beginning in 2018 and until the conclusion of the Review.**

Moved by: J. Tory
Seconded by: U. Chandrasekera **Appendix A**

June 14, 2018

To: Members,
Toronto Police Services Board

From: Andy Pringle
Chair

**Subject: Missing Persons Investigations Review Working Group –
Review’s Terms of Reference and Budget**

• **Recommendation(s):**

It is recommended that the Board:

1. Approve as draft the Terms of Reference for a Review (attached as Appendix B) as proposed by the Missing Persons Investigations Review Working Group and included in the attached report from the Missing Persons Investigations Review Working Group and Ms. Breese Davies, Facilitator (attached as Appendix A);
2. Direct the Reviewer, once retained, to review the Terms of Reference and report back to the Board on proposed changes to the Terms of Reference, if any, as the Reviewer may deem necessary;
3. Seek input from the stakeholders, including the Missing Persons Investigations Review Working Group, on any changes proposed, prior to the Board approving the final Terms of Reference; and
4. Forward a request to the City of Toronto’s Budget Committee to allocate and transfer to the Toronto Police Services Board funding for the Review in an amount not to exceed \$2.5M and that such funds be made available to the Board beginning in 2018 and until the conclusion of the review in 2019.

Financial Implications:

The Missing Persons Investigations Review Working Group has estimated that the budget for the Review will amount to \$2.5M. There are no funds available in the Toronto Police Services Board's approved 2018 operating budget.

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Background / Purpose:

The Board, at its meeting of March 22, 2018, approved the establishment of a working group mandated to advise the Board with respect to structural and process options for an independent external review or reviews into systemic concerns related to missing persons investigations. (Min. No. P37/18 refers).

At that time, the Board received a number of deputations and written submissions and approved the following Motions:

1. THAT the TPSB Chair report to the April 2018 meeting on the composition of a working group mandated to advise the TPSB with respect to structural and process options for an independent external review or reviews. The working group should consist of not more than 4 members including a member of the TPSB as well as 3 external members. In order to identify the three external members, the Chair will consult the community including: organizations which work with sex workers, harm reduction and homeless populations, and groups representing Indigenous people and LGBTQ communities, including the Alliance for South Asian AIDS Prevention. In addition the Board will obtain a facilitator to assist the working group;
2. THAT the working group report to the TPSB at its June 2018 public meeting. Its report should include:
 - a. Identifying the best possible form of such an external review or reviews, including one commissioned by the Board, for example, and/or one conducted by a third party, such as the Ontario Independent Police Review Director (OIPRD).
 - b. Discussion with respect to the possible terms of references, including:
 - i. Toronto Police Services practices and actions related to past

missing persons investigations, subject to any legal restrictions;

- ii. TPSB policies, TPS procedures, protocols, training and organizational structures related to missing persons investigations, which will not include any information or discussion of the McArthur investigation and possible trial proceedings;
- iii. Any systemic concerns, especially those which related to bias against people based on protected grounds outlined in the Ontario Human Rights Code; and
- iv. National and international best practices into missing persons investigations.

c. Anticipated costs of such a review and timelines associated therewith; and

At its meeting of April 18, 2018, the Board named the following individuals as the Working Group Members (Min. No. P66/18 refers):

- Ken Jeffers, Board Member, Toronto Police Services Board
- Shakir Rahim, Board Member, Alliance for South Asian AIDS Prevention
- Sara Mainville, Partner, Olthuis Kleer Townshend LLP
- Monica Forrester, Engagement Coordinator, Maggie's Toronto Sex Workers' Action Project

In addition, the Board named the Facilitator as Ms. Breese Davies of Breese Davies Law.

Discussion:

The Working Group, as facilitated by Ms. Davies, has met over the past month and has drafted the attached report, which includes proposed Terms of Reference for a Review, as well as a budget. As the report at Appendix A notes, it is anticipated that the Review will conclude in September 2019. It is anticipated the Board will appoint a Reviewer in the near future. I am recommending that the Board direct the Reviewer, once retained, to review the Terms of Reference and report back to the Board on proposed changes to the Terms of Reference, if any, as the Reviewer may deem necessary. As part of this process, I am recommending that the Board seek input from the stakeholders, including the Missing Persons Investigations Review Working Group, on any changes proposed, prior to approving the final Terms of Reference.

Conclusion:

Therefore, it is recommended that the Board approve as draft the Terms of Reference for a Review (attached as Appendix B) and proposed budget as drafted by the Missing Persons Investigations Review Working Group and included in the attached report from the Missing Persons Investigations Review Working Group and Ms. Davies (attached as Appendix A).

It is also recommended that the Board direct the Reviewer, once retained, to review the Terms of Reference and report back to the Board on proposed changes to the Terms of Reference, if any, as the Reviewer may deem necessary. It is further recommended that the Board seek input from the stakeholders, including the Missing Persons Investigations Review Working Group, on any changes proposed, prior to approving the final Terms of Reference.

Lastly, it is recommended that the Board forward a request to the City of Toronto's Budget Committee to allocate and transfer to the Toronto Police Services Board funding for the review in an amount not to exceed \$2.5M and that such funds be made available to the Board beginning in 2018 and until the conclusion of the review in 2019.

Respectfully submitted,

Andy Pringle
Chair

Att.

Appendix A

June 14, 2018

Andy Pringle
Chair
Toronto Police Services Board
40 College St.
Toronto, ON M5G 2J3

Dear Chair Pringle,

Report of the Working Group - Independent External Review with respect to Toronto Police Service Missing Person Investigations (“Working Group”).

We are pleased to provide this letter as the report of the Working Group.

By way of an overview, the Working Group is making two recommendations for the Board’s consideration:

1. that the Toronto Police Services Board (“the Board”) commission an Independent Review of policies, practices, protocols and actions of the Board and the Toronto Police Service (“the Service”) in relation to missing person reports and investigations with the terms of reference attached; and
2. that \$2.5 million be allocated to fund the review.

Working Group Process

The Working Group consisted of one Board member and three external members. The Board consulted with organizations which work with sex workers, harm reduction and homeless populations, and groups representing Indigenous people and LGBTQ communities, including the Alliance for South Asian AIDS Prevention, to identify the three external members. The members of the Working Group are:

Ken Jeffers, Board Member, Toronto Police Services Board

Shakir Rahim, Board Member, Alliance for South Asian AIDS Prevention

Sara Mainville, Partner, Olthuis Kleer Townshend LLP

Monica Forrester, Engagement Coordinator, Maggie's Toronto Sex Workers' Action Project

Breese Davies, a criminal and constitutional lawyer, was retained as the facilitator for the Working Group.

The Working Group met 7 times over a 4-week period starting on April 27, 2018.

In keeping with the Board's motion, the Working Group focused its efforts on identifying the best possible form of an external review or reviews of missing person investigations. To that end, the Working Group considered the respective merits of a review commissioned by the Board, a Public Inquiry, a systemic review conducted by the Ontario Independent Police Review Director (OIPRD) and an Inquiry by the Ontario Human Rights Commission.

The Working Group relied upon its members' subject matter expertise and took into consideration prior community discussions that Working Group members had participated in. The concerns of affected communities were top of mind for the Working Group throughout its process. The Working Group was also mindful of the need to protect the integrity of ongoing criminal investigations and criminal prosecutions.

The Working Group met with Ryan Teschner, Review Counsel to Independent Civilian Review into Matters Relating to the G20 Summit ("G20 Review") conducted by the Honourable Mr. John Morden. The Working Group also spoke with Mark Sandler, Counsel to the OIPRD, and received correspondence from the Chief Commissioner of the Ontario Human Rights Commission.

The Working Group shared the proposed terms of reference with the Service and the Ministry of the Attorney General. The Working Group considered the comments and feedback received from both the Service and the Ministry of the Attorney General in crafting its final recommendations.

The Working Group appreciates the information and assistance it received from all parties. The Working Group arrived at its final recommendations through its independent judgment.

The Working Group used a consensus approach to their deliberative process. As a result, the Working Group members unanimously approved the draft terms of reference attached and the budget recommendation.

Recommendation for an Independent Review

After thorough and lengthy deliberations, the Working Group is recommending that the Toronto Police Services Board ("the Board") commission an Independent Review that

will look at policies, practices, protocols and actions of the Board and the Service in relation to missing persons reports and investigations.

The Working Group's preference would have been to recommend a full Public Inquiry be held to address the concerns raised by the communities about missing person investigations generally and the investigation into Bruce McArthur. However, the mandate of the Working Group expressly states that any recommended review "will not include any information or discussion of the McArthur investigation and possible trial proceedings." The Working Group, therefore, concluded that an Independent Review commissioned by the Board is most appropriate having regard to its mandate.

The Working Group identified a number of benefits of the Board commissioning an Independent Review. First, with an Independent Review, the Board can establish terms of reference that will reflect the community perspectives, address concerns identified by the affected communities and preserve the integrity of ongoing investigations and prosecutions. The Working Group feels that the draft terms of reference provided strikes this important balance.

Second, an Independent Review also allows the Board to decide who would be the best person to conduct the review. The Working Group developed criteria for making recommendations for who might conduct the Review:

- 1 Reputation for excellence in legal and analytical skills, including knowledge of human rights, policing, criminal and administrative law;
- 2 Independence, fairness and objectivity; and
- 3 Understanding of the diversity within the communities that will be most impacted by the review and the historic context of the relationships those communities have had with the Toronto Police Service.

The Working Group made recommendations to the Chair of the Board about who might be appointed to conduct the Review. However, the process of appointing the Reviewer is beyond the scope of the Working Group's Mandate.

Third, an Independent Review permits the Board to direct and shape the manner in which the Review will be conducted. For example, the Board can, as the Working Group has recommended, direct the Reviewer to involve members and organizations

within the affected communities throughout the process. The Board can also require the Reviewer to engage in community consultations.

Finally, an Independent Review will ensure that the Review is and perceived to be truly independent from the Service.

Once the best approach to a review was determined, the Working Group then turned its attention to drafting terms of reference. Attached to this letter you will find draft terms of reference. The Working Group recommends that the Board adopt the attached terms of reference for the Independent Review.

By way of a very brief overview of the proposed terms of reference, the focus of the Review will be on the process by which people are reported missing (or not), the manner in which missing person reports are received and investigated by the Service, and the relationship between the Toronto Police Service, the LGBTQ2S+ communities, and other communities as is relevant to missing person investigations.

In keeping with the Board's motion to not include any information or discussion of the McArthur investigation and possible trial proceedings, the Terms of Reference make clear the Review will not look at how or when Bruce McArthur became a suspect, police contact with Bruce McArthur, or the police investigation once he became a suspect. The terms of reference also make clear that the Review must not prejudice any ongoing police investigation or criminal prosecution and it is anticipated that the Reviewer will consult with both the Service and the Ministry of the Attorney General of Ontario for that purpose.

Subject to the overarching requirement that the review not prejudice any criminal ongoing investigation or prosecution, the terms of reference contemplate that the Review will look at Project Houston and the missing person investigations of Skandaraj Navaratnam, Abdulbasir Faizi, Majeed Kayhan, Salim Esen, Andrew Kinsman, Alloura Wells and Tess Richey. The review will also examine barriers that prevented Dean Lisowick and Kirushna Kumar Kanagaratnam from being reported missing.

The terms of reference also require the Reviewer to propose a timeline for any recommendations made as well as an oversight model to monitor compliance with any recommendations that are adopted by the Board or the Service. These provisions are intended to address the view within affected communities that recommendations of some past reviews have not been effectively implemented or monitored.

Budget Recommendation

The Working Group is also recommending the Board allocate a budget of \$2.5 million for this Review.

As you will appreciate, it is difficult to accurately predict the budget for a project of this size. However, the Working Group considered the G20 Review to inform its estimate.

The Working Group received information that the Board spent \$1.6 million on the G20 Review. The Honourable John Morden completed his review in June 2012. We received information that the real cost of that review was \$1.8 million. According to the Bank for Canada inflation calculations, if the G20 Review were conducted in 2018, it would have cost \$1.97 million.

The Working Group is recommending a larger budget for the current review for a number of reasons:

1. The length of the review is comparable to the G20 Review.

Working Group is recommending the Review be completed within 15 months. The G20 Review lasted approximately 18 months.

2. The complexity of the issues is comparable to the G20 Review.

The Working Group appreciates that the G20 Review required coordination with a number of police forces and involved a very complex police operation. While each individual missing person investigation will be less complicated, the number of cases this review will likely consider is much larger. The Working Group appreciates it is difficult to directly compare the two reviews but is of the opinion that the complexity of the reviews will be comparable.

3. The draft terms of reference contemplate a robust community consultation process

The draft terms of reference contemplate that the Reviewer will engage in a comprehensive consultation process with individuals, groups and organizations within a variety of intersecting communities in Toronto including but not limited to the LGBTQ2S+, South Asian, Middle Eastern, Black, Indigenous and other marginalized communities. By contrast, the G20 Review held a small number of community consultation sessions. There will likely be significant cost associated with organizing and conducting appropriate community consultations.

It is also recommended that the Reviewer hire an Advisor who will organize and facilitate the community consultation process. This is an additional expense that was not part of the G20 Review budget.

4. The draft terms of reference contemplate additional human resources

In addition to the Community Consultation Advisor mentioned above, the proposed terms of reference contemplate that the Reviewer will engage a committee of advisors from affected intersecting communities, including but not

limited to the LGBTQ2S+ communities, the South Asian and Middle Eastern communities, the sex trade and the homeless communities in the City of Toronto, to ensure the community perspective is adequately considered throughout the Review. This may involve significant additional cost that was not part of the G20 Review process.

5. Additional funds may be required for overhead and office staff

Depending on who is chosen to be the Reviewer, there might be a need to rent office space and provide office staff for the review. The Working Group received information that these costs were absorbed into the counsel fees for the G20 Review because both the Reviewer and his counsel were associated with a law firm at the time. No office space was rented and no administrative staff were hired for the G20 review.

If the chosen Reviewer does not have office space adequate for the purpose of the review, additional funds will be required to rent office space and to hire basic administrative staff to run the office.

The Working Group and facilitator are pleased to present this Report and the draft recommendations to the Board and would welcome an opportunity to answer any questions you or other Board members might have.

The Working Group understands that should the Board commission a Review as proposed, the appointed Reviewer will be given an opportunity to examine and comment on the proposed terms of reference. The Working Group would like to be consulted on any changes to the terms of reference that are proposed by the Reviewer.

Yours truly,

Ken Jeffers
Shakir Rahim
Sara Mainville
Monica Forrester
Breese Davies

Encl.

Appendix B

Toronto Police Services Board

Terms of Reference for the Independent Civilian Review into Missing Person Investigations

WHEREAS the Toronto Police Services Board (“the Board”) is responsible, pursuant to section 31(1) of the *Police Services Act*, R.S.O. 1990, c. P.15 (“the Act”), for the provision of adequate and effective police services in the City of Toronto;

AND WHEREAS the Board must, pursuant to section 31(1) of the Act, generally determine after consultation with the Chief of the Toronto Police Service (“the Chief”) objectives and priorities with respect to police services for the City of Toronto, establish policies for the management of the Toronto Police Service (“the Service”) and direct the Chief and monitor his performance;

AND WHEREAS the Board may express its opinion or make suggestions to the Chief of Police on any aspect of policing in the municipality, and make recommendations regarding, but not direct, operational matters of the Toronto Police Service;

AND WHEREAS a number of people, and in particular members of the LGBTQ2S+ communities in the City of Toronto, have gone or been reported missing and have later been identified as victims of serious violence;

AND WHEREAS Project Houston, the Toronto Police Service’s 18-month investigation into the disappearance of three missing men who have now been identified as victims of serious violence, was closed in April 2014 having found no evidence of criminal conduct;

AND WHEREAS members and groups within the LGBTQ2S+ communities in the City of Toronto have expressed concern over the manner in which the Toronto Police Services handle and have handled missing person investigations, including concerns that the handling of missing person investigations in the City of Toronto may have been tainted by implicit or explicit, specific and systemic bias;

AND WHEREAS there are intersections of minorities within the LGBTQ2S+ communities, including South Asian, Middle Eastern, 2-spirited, other racialized

individuals, as well as those who are either homeless or work in the sex trade that are particularly vulnerable and require an improved approach to policing relationships;

AND WHEREAS the Board recognizes the need to repair its relationship with the LGBTQ2S+ communities in the City of Toronto and to foster ongoing positive relations with members and organizations within those communities;

AND WHEREAS the Board created a Working Group consisting of one Board member and three external members to advise the Board on the structural and process options for an independent external review or reviews;

AND WHEREAS the Working Group has recommended that the Board commission an independent review of Board policies as well as Service procedures and practices in relation to missing person investigations, particularly those involving individuals from the LGBTQ2S+, immigrant, Aboriginal, South Asian, Middle Eastern, Black, homeless and other marginalized communities;

AND WHEREAS the Board believes it would be beneficial and of assistance to the Board in carrying out its responsibilities pursuant to section 31(1) of the Act to conduct a Review of the manner in which the Service conducts missing person investigations and to conduct a Review of the adequacy of the Board's policies related to missing person investigations;

THEREFORE the Board is appointing a Reviewer to conduct an Independent Review into Board policies as well as Service procedures and practices in relation to missing person investigations, particularly those involving individuals from the LGBTQ2S+, immigrant, homeless and other marginalized communities;

AND to conduct the Review, the Reviewer will be provided with such resources as are required, and be authorized by the Board to engage lawyers, experts, advisors, researcher and other staff as the Reviewer deems appropriate, at reasonable remuneration, as approved by the Board;

AND the Chief will cooperate fully with the Reviewer in conducting the Review and will instruct members employed by the Service to cooperate fully with the Reviewer conducting the Review as deemed necessary;

AND the Chair and members of the Board will cooperate fully with the Reviewer in conducting the Review and will instruct all members employed by the Board to cooperate fully with the Reviewer in conducting the Review;

AND the Reviewer may request any person, organization, the Chief and any member employed by the Board or the Service to provide relevant information or records for the

Review where the Reviewer believes that person or organization has such information or record in his, her, their, its possession, custody or control;

AND the Reviewer may hold such meetings, interviews and consultations, and may make such procedural decisions with respect thereto, as the Reviewer deems advisable in the course of the Review;

AND the Reviewer, prior to commencing and throughout the Review, will consult with the Ministry of the Attorney General for Ontario, specifically Andrew Locke, Regional Director of Toronto Region or his designate (hereinafter "MAG"), in relation to any ongoing criminal prosecutions in order to ensure no criminal prosecution is prejudiced by this Review;

AND the Reviewer will consult with members, groups and organizations within the LGBTQ2S+ community, including those who have filed missing person reports in the past, and will engage an advisor to assist with the design and implementation of the community consultations;

AND the Reviewer will ensure that adequate accommodations and supports are available to maximize community participation in the consultation process, including receiving submissions from various stakeholders, community groups and organizations;

AND the Reviewer will engage a committee of advisors from affected communities, including but not limited to the LGBTQ2S+ communities, the South Asian and Middle Eastern communities, the sex trade and the homeless communities in the City of Toronto, to ensure the community perspective is adequately considered on all matters prior to commencing and throughout the Review;

AND the Reviewer will establish and maintain a website and may use other technology to promote accessibility and transparency to the public;

AND the Reviewer will provide regular reports to the public, through the website or other means, on the status of the review, the contents of which cannot prejudice any ongoing criminal investigation or criminal prosecution;

AND the Reviewer will conduct the Review without prejudicing any ongoing criminal investigation or criminal prosecution, including but not limited to the criminal prosecutions of Bruce McArthur and Kalen Schlatter, and will make a report to the Board without expressing any conclusion or making any recommendation regarding the civil or criminal responsibility of any person or organization;

AND in particular to ensure that any ongoing criminal proceedings involving Bruce McArthur are not prejudiced, when examining Project Houston and the missing person investigation of any alleged victim of Bruce McArthur, the Reviewer will not examine any

facts after September 1, 2017, when it was determined that Bruce McArthur was a suspect, nor will the Reviewer examine any of the police contact with or consideration of Bruce McArthur, including as a person of interest, whether before or after September 1, 2017, nor will the Reviewer examine how the police determined the identity of any specific suspects;

AND the Reviewer may produce an interim report at the Reviewer's discretion and will produce a final report containing the Reviewer's findings, conclusions and recommendations and deliver it to the Chair and members of the Board for distribution to the public at or before the Board meeting in September 2019;

AND the report will be prepared in a form appropriate for release to the public, pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*;

AND these Terms of Reference should be interpreted in a manner consistent with the jurisdiction of the Board to ensure a broad and comprehensive Review in accordance with the Terms of Reference;

AND in the event that the Reviewer is unable to carry out any individual term of these Terms of Reference, the remainder of these Terms of Reference will continue to operate, it being the intention of the Board that the provisions of these Terms of Reference operate independently;

AND the subject matter of the Review will be:

1. A review of Board by-laws, policies and practices, including *The Way Forward* and any related reports that may have been considered by the Board, dealing with or relevant to missing person investigations and community relations to determine whether they are adequate to ensure effective, efficient and bias-free responses to missing person reports.
2. Without prejudicing any ongoing police investigation or criminal prosecution, a review of Service procedures, practices, protocols and actions in relation to missing person investigations, including but not limited to a review of Project Houston and the missing person investigations of Skandaraj Navaratnam, Abdulbasir Faizi, Majeed Kayhan, Salim Esen, Andrew Kinsman, Alloura Wells and Tess Richey, with a specific focus on
 - a. When a missing person event or report becomes a missing person investigation;

- b. Whether adequate resources are dedicated at the Divisional and/or Service level to missing person investigations at inception and throughout the course of the investigation;
- c. Whether culturally competent expertise is available to or relied upon by the Service for missing person investigations, including but not limited to expertise around gender identity, gender expression, race, ethnic origin and intersectionality;
- d. Whether the policies and practices adequately protect against implicit or explicit bias or discrimination (at the individual and systemic level) against members of the LGBTQ2S+ and other marginalized groups;
- e. Whether the Service is conducting missing person investigations in a unbiased, non-discriminatory manner, including consideration of the exercise of discretion by members of the Service in relation to decisions to record a person missing, or launch, resource and/or terminate missing person investigations and the experience of those who file missing persons reports with the Service;
- f. Whether there is adequate information sharing within the Service and between police services to ensure that similarities and links between missing person investigations can be identified quickly and effectively;
- g. Whether the Service has procedures, practices or protocols that limit who will be considered and/or investigated as a missing person and whether those polices are based on discriminatory or biased considerations;
- h. Whether the Service has procedures, practices or protocols and whether members of the public believe the Service has procedures, practices or protocols that intentionally or unintentionally discourage marginalized people, including but not limited to those without legal status in Canada or who are homeless, from being reported missing – including, without prejudicing any ongoing criminal investigation or criminal prosecution, an examination of what prevented Dean Lisowick and Kirushna Kumar Kanagaratnam from being reported missing;
- i. How and when the Service decides to advise or caution the public, or specific communities, about public safety concerns that arise from missing person investigations, including but not limited to information about suspected links or connections between missing person cases;

- j. How public messaging around missing person investigations is developed and whether cultural competence expertise is available or relied on by the Service in drafting public communications;
 - k. How information about missing person investigations and policies surrounding missing person investigations are communicated internally within the Service and whether those methods of communication are effective; and
 - l. Whether effective policies, procedures, and practices are in place to ensure adequate investigative consideration of serial killers, especially based on missing person reports where there is no evidence of foul play.
3. A review of past and current Service procedures, practices and protocols for developing and maintaining relationships with individuals and organizations within the LGBTQ2S+ communities, including
- a. The roles, responsibilities and efficacy of the LGBTQ Liaison Officer;
 - b. The roles, responsibilities and efficacy of relevant Board and Service Advisory Committees or Working Groups in terms of maintaining and promoting communication between the Service and the LGBTQ2S+ communities;
 - c. The scope and efficacy of consultations and communications with members and organizations within the LGBTQ2S+ communities about missing person investigations;
 - d. The extent to which the Service engages or consults with individuals and groups that reflect the diversity within the LGBTQ2S+ communities;
 - e. The extent to which the police call upon organizations within the LGBTQ2s+ (or other relevant communities) to assist with missing person investigations at any stage;
 - f. The extent to which individuals and organizations within the LGBTQ2s+ communities are advised of public safety concerns arising from missing person reports and investigations, including but not limited to information about possible links between cases;

- g. The views and perceptions of members of the LGBTQ2S+ and other marginalized communities about the manner and substance of public communications by the Service about missing person investigations;
 - h. The experience of members of the LGBTQ2S+ and other marginalized communities reporting concerns to the police, including but not limited to the experience of individuals with non-heteronormative sexual expressions (such as those who participate in public cruising or BDSM), and whether there are actual or perceived barriers in relation to their willingness or ability to share information with the police; and
 - i. The accessibility, transparency and effectiveness of any complaint process for identifying concerns on the part community members or groups about biased policing or discriminatory practices.
4. A review of current training of Service members in relation to missing person investigations, bias-free policing and community liaison to determine whether it adequately addresses
 - a. Cultural competence to respond to missing person reports within the LGBTQ2S+ communities;
 - b. Intersectionality and its impact on marginalization; and
 - c. Protecting against biased assumptions being made about individuals reported missing based on their race, sexual orientation, immigration status or similar grounds.
 5. A review of the efficacy of current training in relation to missing person investigations in ensuring that concepts taught are being operationalized by Service.
 6. A review of formal and informal complaints made in the past 10 years to the Service, the Board or the OIPRD related to missing person investigations.
 7. A survey and review of prior reports dealing with missing person investigations in Canada, relations between the LGBTQ2S+ community and the police, and the duty on the police to notify the public of potential safety threats (including but not limited to *Out of the Closet: Study of Relations Between the Homosexual Community and the Police*, 1981, *Bernardo Investigation Review*, 1996, *The Review of the Investigation of Sexual Assaults – A Decade Later*,

2010 and the Report of the *Missing Women Commission of Inquiry* in British Columbia in 2012) to determine if past recommendations have been implemented and/or effective and if not, why past recommendations have not been implemented by the Board and/or Service.

8. A review of national and international best practices in relation to missing person investigations, bias-free policing and maintaining positive working relationships with marginalized communities.

AND the Reviewer will make recommendations as the Reviewer deems fit for the mandate of the review and terms of reference, including but not limited to recommendations on:

1. Board policies and Service procedures relating to receiving and recording missing person reports, and conducting effective, efficient and bias-free missing person investigations;
2. Board policies and Service procedures related to the collection of data about the effectiveness of missing person investigations, including the satisfaction of those who filed or attempted to file missing person reports;
3. Board policies and Service procedures to ensure adequate training of Service members in relation to missing person investigations and bias-free policing;
4. Board policies and Service procedures that will ensure that members of the Service will be evaluated in relation to their skills relevant to cultural competence and bias-free policing and that the results of any such evaluations will be taken into account when making hiring and promotional decisions;
5. Board policies and Service procedures that will ensure appropriate remedial and disciplinary measure are taken if members of the Service engage in biased or discriminatory conduct when receiving or investigating missing person reports;
6. Board policies and Service procedures to create a framework for ensuring participation of members and organizations within the LGBTQ2S+ communities in the process of monitoring and implementing any recommendations adopted by the Board and Service; and
7. A framework for measuring, monitoring and publicly reporting on the effectiveness of any recommendations that are implemented by the Board or

Service, including giving consideration to a model for independent oversight of compliance and continuing community consultation;

AND the Reviewer will propose a timeline for the implementation of each recommendation.

June 14, 2018

Andy Pringle
Chair
Toronto Police Services Board
40 College St.
Toronto, ON M5G 2J3

Dear Chair Pringle,

Report of the Working Group - Independent External Review with respect to Toronto Police Service Missing Person Investigations (“Working Group”).

We are pleased to provide this letter as the report of the Working Group.

By way of an overview, the Working Group is making two recommendations for the Board’s consideration:

3. that the Toronto Police Services Board (“the Board”) commission an Independent Review of policies, practices, protocols and actions of the Board and the Toronto Police Service (“the Service”) in relation to missing person reports and investigations with the terms of reference attached; and
4. that \$2.5 million be allocated to fund the review.

Working Group Process

The Working Group consisted of one Board member and three external members. The Board consulted with organizations which work with sex workers, harm reduction and homeless populations, and groups representing Indigenous people and LGBTQ communities, including the Alliance for South Asian AIDS Prevention, to identify the three external members. The members of the Working Group are:

Ken Jeffers, Board Member, Toronto Police Services Board

Shakir Rahim, Board Member, Alliance for South Asian AIDS Prevention

Sara Mainville, Partner, Olthuis Kleer Townshend LLP

Monica Forrester, Engagement Coordinator, Maggie's Toronto Sex Workers' Action Project

Breese Davies, a criminal and constitutional lawyer, was retained as the facilitator for the Working Group.

The Working Group met 7 times over a 4-week period starting on April 27, 2018.

In keeping with the Board's motion, the Working Group focused its efforts on identifying the best possible form of an external review or reviews of missing person investigations. To that end, the Working Group considered the respective merits of a review commissioned by the Board, a Public Inquiry, a systemic review conducted by the Ontario Independent Police Review Director (OIPRD) and an Inquiry by the Ontario Human Rights Commission.

The Working Group relied upon its members' subject matter expertise and took into consideration prior community discussions that Working Group members had participated in. The concerns of affected communities were top of mind for the Working Group throughout its process. The Working Group was also mindful of the need to protect the integrity of ongoing criminal investigations and criminal prosecutions.

The Working Group met with Ryan Teschner, Review Counsel to Independent Civilian Review into Matters Relating to the G20 Summit ("G20 Review") conducted by the Honourable Mr. John Morden. The Working Group also spoke with Mark Sandler, Counsel to the OIPRD, and received correspondence from the Chief Commissioner of the Ontario Human Rights Commission.

The Working Group shared the proposed terms of reference with the Service and the Ministry of the Attorney General. The Working Group considered the comments and feedback received from both the Service and the Ministry of the Attorney General in crafting its final recommendations.

The Working Group appreciates the information and assistance it received from all parties. The Working Group arrived at its final recommendations through its independent judgment.

The Working Group used a consensus approach to their deliberative process. As a result, the Working Group members unanimously approved the draft terms of reference attached and the budget recommendation.

Recommendation for an Independent Review

After thorough and lengthy deliberations, the Working Group is recommending that the Toronto Police Services Board ("the Board") commission an Independent Review that will look at policies, practices, protocols and actions of the Board and the Service in relation to missing persons reports and investigations.

The Working Group's preference would have been to recommend a full Public Inquiry be held to address the concerns raised by the communities about missing person investigations generally and the investigation into Bruce McArthur. However, the mandate of the Working Group expressly states that any recommended review "will not include any information or discussion of the McArthur investigation and possible trial proceedings." The Working Group, therefore, concluded that an Independent Review commissioned by the Board is most appropriate having regard to its mandate.

The Working Group identified a number of benefits of the Board commissioning an Independent Review. First, with an Independent Review, the Board can establish terms of reference that will reflect the community perspectives, address concerns identified by the affected communities and preserve the integrity of ongoing investigations and prosecutions. The Working Group feels that the draft terms of reference provided strikes this important balance.

Second, an Independent Review also allows the Board to decide who would be the best person to conduct the review. The Working Group developed criteria for making recommendations for who might conduct the Review:

- 4 Reputation for excellence in legal and analytical skills, including knowledge of human rights, policing, criminal and administrative law;
- 5 Independence, fairness and objectivity; and
- 6 Understanding of the diversity within the communities that will be most impacted by the review and the historic context of the relationships those communities have had with the Toronto Police Service.

The Working Group made recommendations to the Chair of the Board about who might be appointed to conduct the Review. However, the process of appointing the Reviewer is beyond the scope of the Working Group's Mandate.

Third, an Independent Review permits the Board to direct and shape the manner in which the Review will be conducted. For example, the Board can, as the Working Group has recommended, direct the Reviewer to involve members and organizations within the affected communities throughout the process. The Board can also require the Reviewer to engage in community consultations.

Finally, an Independent Review will ensure that the Review is and perceived to be truly independent from the Service.

Once the best approach to a review was determined, the Working Group then turned its attention to drafting terms of reference. Attached to this letter you will find draft terms of reference. The Working Group recommends that the Board adopt the attached terms of reference for the Independent Review.

By way of a very brief overview of the proposed terms of reference, the focus of the Review will

be on the process by which people are reported missing (or not), the manner in which missing person reports are received and investigated by the Service, and the relationship between the Toronto Police Service, the LGBTQ2S+ communities, and other communities as is relevant to missing person investigations.

In keeping with the Board's motion to not include any information or discussion of the McArthur investigation and possible trial proceedings, the Terms of Reference make clear the Review will not look at how or when Bruce McArthur became a suspect, police contact with Bruce McArthur, or the police investigation once he became a suspect. The terms of reference also make clear that the Review must not prejudice any ongoing police investigation or criminal prosecution and it is anticipated that the Reviewer will consult with both the Service and the Ministry of the Attorney General of Ontario for that purpose.

Subject to the overarching requirement that the review not prejudice any criminal ongoing investigation or prosecution, the terms of reference contemplate that the Review will look at Project Houston and the missing person investigations of Skandaraj Navaratnam, Abdulbasir Faizi, Majeed Kayhan, Salim Esen, Andrew Kinsman, Alloura Wells and Tess Richey. The review will also examine barriers that prevented Dean Lisowick and Kirushna Kumar Kanagaratnam from being reported missing.

The terms of reference also require the Reviewer to propose a timeline for any recommendations made as well as an oversight model to monitor compliance with any recommendations that are adopted by the Board or the Service. These provisions are intended to address the view within affected communities that recommendations of some past reviews have not been effectively implemented or monitored.

Budget Recommendation

The Working Group is also recommending the Board allocate a budget of \$2.5 million for this Review.

As you will appreciate, it is difficult to accurately predict the budget for a project of this size. However, the Working Group considered the G20 Review to inform its estimate.

The Working Group received information that the Board spent \$1.6 million on the G20 Review. The Honourable John Morden completed his review in June 2012. We received information that the real cost of that review was \$1.8 million. According to the Bank for Canada inflation calculations, if the G20 Review were conducted in 2018, it would have cost \$1.97 million.

The Working Group is recommending a larger budget for the current review for a number of reasons:

6. The length of the review is comparable to the G20 Review.

Working Group is recommending the Review be completed within 15 months. The G20 Review lasted approximately 18 months.

7. The complexity of the issues is comparable to the G20 Review.

The Working Group appreciates that the G20 Review required coordination with a number of police forces and involved a very complex police operation. While each individual missing person investigation will be less complicated, the number of cases this review will likely consider is much larger. The Working Group appreciates it is difficult to directly compare the two reviews but is of the opinion that the complexity of the reviews will be comparable.

8. The draft terms of reference contemplate a robust community consultation process

The draft terms of reference contemplate that the Reviewer will engage in a comprehensive consultation process with individuals, groups and organizations within a variety of intersecting communities in Toronto including but not limited to the LGBTQ2S+, South Asian, Middle Eastern, Black, Indigenous and other marginalized communities. By contrast, the G20 Review held a small number of community consultation sessions. There will likely be significant cost associated with organizing and conducting appropriate community consultations.

It is also recommended that the Reviewer hire an Advisor who will organize and facilitate the community consultation process. This is an additional expense that was not part of the G20 Review budget.

9. The draft terms of reference contemplate additional human resources

In addition to the Community Consultation Advisor mentioned above, the proposed terms of reference contemplate that the Reviewer will engage a committee of advisors from affected intersecting communities, including but not limited to the LGBTQ2S+ communities, the South Asian and Middle Eastern communities, the sex trade and the homeless communities in the City of Toronto, to ensure the community perspective is adequately considered throughout the Review. This may involve significant additional cost that was not part of the G20 Review process.

10. Additional funds may be required for overhead and office staff

Depending on who is chosen to be the Reviewer, there might be a need to rent office space and provide office staff for the review. The Working Group received information that these costs were absorbed into the counsel fees for the G20 Review because both the Reviewer and his counsel were associated with a law firm at the time. No office space was rented and no administrative staff were hired for the G20 review.

If the chosen Reviewer does not have office space adequate for the purpose of the review, additional funds will be required to rent office space and to hire basic administrative staff to run the office.

The Working Group and facilitator are pleased to present this Report and the draft recommendations to the Board and would welcome an opportunity to answer any questions you or other Board members might have.

The Working Group understands that should the Board commission a Review as proposed, the appointed Reviewer will be given an opportunity to examine and comment on the proposed terms of reference. The Working Group would like to be consulted on any changes to the terms of reference that are proposed by the Reviewer.

Yours truly,

Ken Jeffers
Shakir Rahim
Sara Mainville
Monica Forrester
Breese Davies

Encl.

Appendix B

Toronto Police Services Board

Terms of Reference for the Independent Civilian Review into Missing Person Investigations

WHEREAS the Toronto Police Services Board (“the Board”) is responsible, pursuant to section 31(1) of the *Police Services Act*, R.S.O. 1990, c. P.15 (“the Act”), for the provision of adequate and effective police services in the City of Toronto;

AND WHEREAS the Board must, pursuant to section 31(1) of the Act, generally determine after consultation with the Chief of the Toronto Police Service (“the Chief”) objectives and priorities with respect to police services for the City of Toronto, establish policies for the management of the Toronto Police Service (“the Service”) and direct the Chief and monitor his performance;

AND WHEREAS the Board may express its opinion or make suggestions to the Chief of Police on any aspect of policing in the municipality, and make recommendations regarding, but not direct, operational matters of the Toronto Police Service;

AND WHEREAS a number of people, and in particular members of the LGBTQ2S+ communities in the City of Toronto, have gone or been reported missing and have later been identified as victims of serious violence;

AND WHEREAS Project Houston, the Toronto Police Service’s 18-month investigation into the disappearance of three missing men who have now been identified as victims of serious violence, was closed in April 2014 having found no evidence of criminal conduct;

AND WHEREAS members and groups within the LGBTQ2S+ communities in the City of Toronto have expressed concern over the manner in which the Toronto Police Services handle and have handled missing person investigations, including concerns that the handling of missing person investigations in the City of Toronto may have been tainted by implicit or explicit, specific and systemic bias;

AND WHEREAS there are intersections of minorities within the LGBTQ2S+ communities, including South Asian, Middle Eastern, 2-spirited, other racialized individuals, as well as those who are either homeless or work in the sex trade that are particularly vulnerable and require an improved approach to policing relationships;

AND WHEREAS the Board recognizes the need to repair its relationship with the LGBTQ2S+ communities in the City of Toronto and to foster ongoing positive relations with members and organizations within those communities;

AND WHEREAS the Board created a Working Group consisting of one Board member and three external members to advise the Board on the structural and process options for an independent external review or reviews;

AND WHEREAS the Working Group has recommended that the Board commission an independent review of Board policies as well as Service procedures and practices in relation to missing person investigations, particularly those involving individuals from the LGBTQ2S+, immigrant, Aboriginal, South Asian, Middle Eastern, Black, homeless and other marginalized communities;

AND WHEREAS the Board believes it would be beneficial and of assistance to the Board in carrying out its responsibilities pursuant to section 31(1) of the Act to conduct a Review of the manner in which the Service conducts missing person investigations and to conduct a Review of the adequacy of the Board's policies related to missing person investigations;

THEREFORE the Board is appointing a Reviewer to conduct an Independent Review into Board policies as well as Service procedures and practices in relation to missing person investigations, particularly those involving individuals from the LGBTQ2S+, immigrant, homeless and other marginalized communities;

AND to conduct the Review, the Reviewer will be provided with such resources as are required, and be authorized by the Board to engage lawyers, experts, advisors, researcher and other staff as the Reviewer deems appropriate, at reasonable remuneration, as approved by the Board;

AND the Chief will cooperate fully with the Reviewer in conducting the Review and will instruct members employed by the Service to cooperate fully with the Reviewer conducting the Review as deemed necessary;

AND the Chair and members of the Board will cooperate fully with the Reviewer in conducting the Review and will instruct all members employed by the Board to cooperate fully with the Reviewer in conducting the Review;

AND the Reviewer may request any person, organization, the Chief and any member employed by the Board or the Service to provide relevant information or records for the Review where the Reviewer believes that person or organization has such information or record in his, her, their, its possession, custody or control;

AND the Reviewer may hold such meetings, interviews and consultations, and may make such procedural decisions with respect thereto, as the Reviewer deems advisable in the course of the Review;

AND the Reviewer, prior to commencing and throughout the Review, will consult with the Ministry of the Attorney General for Ontario, specifically Andrew Locke, Regional Director of Toronto Region or his designate (hereinafter "MAG"), in relation to any ongoing criminal prosecutions in order to ensure no criminal prosecution is prejudiced by this Review;

AND the Reviewer will consult with members, groups and organizations within the LGBTQ2S+ community, including those who have filed missing person reports in the past, and will engage an advisor to assist with the design and implementation of the community consultations;

AND the Reviewer will ensure that adequate accommodations and supports are available to maximize community participation in the consultation process, including receiving submissions from various stakeholders, community groups and organizations;

AND the Reviewer will engage a committee of advisors from affected communities, including but not limited to the LGBTQ2S+ communities, the South Asian and Middle Eastern communities, the sex trade and the homeless communities in the City of Toronto, to ensure the community perspective is adequately considered on all matters prior to commencing and throughout the Review;

AND the Reviewer will establish and maintain a website and may use other technology to promote accessibility and transparency to the public;

AND the Reviewer will provide regular reports to the public, through the website or other means, on the status of the review, the contents of which cannot prejudice any ongoing criminal investigation or criminal prosecution;

AND the Reviewer will conduct the Review without prejudicing any ongoing criminal investigation or criminal prosecution, including but not limited to the criminal prosecutions of Bruce McArthur and Kalen Schlatter, and will make a report to the Board without expressing any conclusion or making any recommendation regarding the civil or criminal responsibility of any person or organization;

AND in particular to ensure that any ongoing criminal proceedings involving Bruce McArthur are not prejudiced, when examining Project Houston and the missing person investigation of any alleged victim of Bruce McArthur, the Reviewer will not examine any facts after September 1, 2017, when it was determined that Bruce McArthur was a suspect, nor will the Reviewer examine any of the police contact with or consideration of Bruce McArthur, including as a person of interest, whether before or after September 1, 2017, nor will the Reviewer examine how the police determined the identity of any specific suspects;

AND the Reviewer may produce an interim report at the Reviewer's discretion and will produce a final report containing the Reviewer's findings, conclusions and recommendations and deliver it to the Chair and members of the Board for distribution to the public at or before the Board meeting in September 2019;

AND the report will be prepared in a form appropriate for release to the public, pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*;

AND these Terms of Reference should be interpreted in a manner consistent with the jurisdiction of the Board to ensure a broad and comprehensive Review in accordance with the Terms of Reference;

AND in the event that the Reviewer is unable to carry out any individual term of these Terms of Reference, the remainder of these Terms of Reference will continue to operate, it being the intention of the Board that the provisions of these Terms of Reference operate independently;

AND the subject matter of the Review will be:

9. A review of Board by-laws, policies and practices, including *The Way Forward* and any related reports that may have been considered by the Board, dealing with or relevant to missing person investigations and community relations to determine whether they are adequate to ensure effective, efficient and bias-free responses to missing person reports.
10. Without prejudicing any ongoing police investigation or criminal prosecution, a review of Service procedures, practices, protocols and actions in relation to missing person investigations, including but not limited to a review of Project Houston and the missing person investigations of Skandaraj Navaratnam, Abdulbasir Faizi, Majeed Kayhan, Salim Esen, Andrew Kinsman, Alloura Wells and Tess Richey, with a specific focus on
 - a. When a missing person event or report becomes a missing person investigation;
 - b. Whether adequate resources are dedicated at the Divisional and/or Service level to missing person investigations at inception and throughout the course of the investigation;
 - c. Whether culturally competent expertise is available to or relied upon by the Service for missing person investigations, including but not limited to expertise around gender identity, gender expression, race, ethnic origin and intersectionality;
 - d. Whether the policies and practices adequately protect against implicit or explicit bias or discrimination (at the individual and systemic level) against members of the LGBTQ2S+ and other marginalized groups;
 - e. Whether the Service is conducting missing person investigations in a unbiased, non-discriminatory manner, including consideration of the exercise of discretion by members of the Service in relation to decisions to record a person missing, or launch, resource and/or terminate missing person investigations and the experience of those who file missing persons reports with the Service;
 - f. Whether there is adequate information sharing within the Service and between police services to ensure that similarities and links between missing person investigations can be identified quickly and effectively;
 - g. Whether the Service has procedures, practices or protocols that limit who will be considered and/or investigated as a missing person and whether those polices are based on discriminatory or biased considerations;

- h. Whether the Service has procedures, practices or protocols and whether members of the public believe the Service has procedures, practices or protocols that intentionally or unintentionally discourage marginalized people, including but not limited to those without legal status in Canada or who are homeless, from being reported missing – including, without prejudicing any ongoing criminal investigation or criminal prosecution, an examination of what prevented Dean Lisowick and Kirushna Kumar Kanagaratnam from being reported missing;
 - i. How and when the Service decides to advise or caution the public, or specific communities, about public safety concerns that arise from missing person investigations, including but not limited to information about suspected links or connections between missing person cases;
 - j. How public messaging around missing person investigations is developed and whether cultural competence expertise is available or relied on by the Service in drafting public communications;
 - k. How information about missing person investigations and policies surrounding missing person investigations are communicated internally within the Service and whether those methods of communication are effective; and
 - l. Whether effective policies, procedures, and practices are in place to ensure adequate investigative consideration of serial killers, especially based on missing person reports where there is no evidence of foul play.
11. A review of past and current Service procedures, practices and protocols for developing and maintaining relationships with individuals and organizations within the LGBTQ2S+ communities, including
- a. The roles, responsibilities and efficacy of the LGBTQ Liaison Officer;
 - b. The roles, responsibilities and efficacy of relevant Board and Service Advisory Committees or Working Groups in terms of maintaining and promoting communication between the Service and the LGBTQ2S+ communities;
 - c. The scope and efficacy of consultations and communications with members and organizations within the LGBTQ2S+ communities about missing person investigations;
 - d. The extent to which the Service engages or consults with individuals and groups that reflect the diversity within the LGBTQ2S+ communities;
 - e. The extent to which the police call upon organizations within the LGBTQ2s+ (or other relevant communities) to assist with missing person investigations at any stage;
 - f. The extent to which individuals and organizations within the LGBTQ2s+ communities are advised of public safety concerns arising from missing person reports and investigations, including but not limited to information about possible links between cases;

- g. The views and perceptions of members of the LGBTQ2S+ and other marginalized communities about the manner and substance of public communications by the Service about missing person investigations;
 - h. The experience of members of the LGBTQ2S+ and other marginalized communities reporting concerns to the police, including but not limited to the experience of individuals with non-heteronormative sexual expressions (such as those who participate in public cruising or BDSM), and whether there are actual or perceived barriers in relation to their willingness or ability to share information with the police; and
 - i. The accessibility, transparency and effectiveness of any complaint process for identifying concerns on the part community members or groups about biased policing or discriminatory practices.
12. A review of current training of Service members in relation to missing person investigations, bias-free policing and community liaison to determine whether it adequately addresses
 - a. Cultural competence to respond to missing person reports within the LGBTQ2S+ communities;
 - b. Intersectionality and its impact on marginalization; and
 - c. Protecting against biased assumptions being made about individuals reported missing based on their race, sexual orientation, immigration status or similar grounds.
 13. A review of the efficacy of current training in relation to missing person investigations in ensuring that concepts taught are being operationalized by Service.
 14. A review of formal and informal complaints made in the past 10 years to the Service, the Board or the OIPRD related to missing person investigations.
 15. A survey and review of prior reports dealing with missing person investigations in Canada, relations between the LGBTQ2S+ community and the police, and the duty on the police to notify the public of potential safety threats (including but not limited to *Out of the Closet: Study of Relations Between the Homosexual Community and the Police*, 1981, *Bernardo Investigation Review*, 1996, *The Review of the Investigation of Sexual Assaults – A Decade Later*, 2010 and the Report of the *Missing Women Commission of Inquiry* in British Columbia in 2012) to determine if past recommendations have been implemented and/or effective and if not, why past recommendations have not been implemented by the Board and/or Service.
 16. A review of national and international best practices in relation to missing person investigations, bias-free policing and maintaining positive working relationships with marginalized communities.

AND the Reviewer will make recommendations as the Reviewer deems fit for the mandate of the review and terms of reference, including but not limited to recommendations on:

8. Board policies and Service procedures relating to receiving and recording missing person reports, and conducting effective, efficient and bias-free missing person investigations;
9. Board policies and Service procedures related to the collection of data about the effectiveness of missing person investigations, including the satisfaction of those who filed or attempted to file missing person reports;
10. Board policies and Service procedures to ensure adequate training of Service members in relation to missing person investigations and bias-free policing;
11. Board policies and Service procedures that will ensure that members of the Service will be evaluated in relation to their skills relevant to cultural competence and bias-free policing and that the results of any such evaluations will be taken into account when making hiring and promotional decisions;
12. Board policies and Service procedures that will ensure appropriate remedial and disciplinary measure are taken if members of the Service engage in biased or discriminatory conduct when receiving or investigating missing person reports;
13. Board policies and Service procedures to create a framework for ensuring participation of members and organizations within the LGBTQ2S+ communities in the process of monitoring and implementing any recommendations adopted by the Board and Service; and
14. A framework for measuring, monitoring and publicly reporting on the effectiveness of any recommendations that are implemented by the Board or Service, including giving consideration to a model for independent oversight of compliance and continuing community consultation;

AND the Reviewer will propose a timeline for the implementation of each recommendation.