



Overview of Weekly Proceedings for the Missing Women Commission of Inquiry

By Robyn dean Gervais, Independent Counsel for Aboriginal Interests, Missing Women's Commission of Inquiry

The purpose of this overview is to provide readers with a brief summary of the proceedings of the Missing Women Commission of Inquiry for the week of January 11 to January 13, 2012. Readers are welcome to distribute this summary to any person or organization they think may benefit from it.

Readers are also welcome to follow my Twitter feed at RobynGervaisMWI, or to visit the website of Harper Grey LLP (<http://www.harpergrey.com>), the firm of Bryan Baynham, Q.C., who is providing *pro bono* counsel.

A. CHANGES TO MY WEEKLY SUMMARY

When the Commission resumed on January 11, 2012 after the holiday adjournment, Commissioner Wally Oppal, Q.C. issued a practice directive aimed at ensuring that the hearings are completed by the deadline imposed by the Attorney General of B.C. Among other things, the Commissioner's directive indicates that:

- a. After a witness is led in direct examination, reasonable time limits will be imposed on cross examination, which will only be extended with leave;
- b. Counsel will not duplicate ground covered in prior cross examination;
- c. Counsel will not ask questions that are inappropriately intrusive and disrespectful to the witness having regard to the purpose and nature of their evidence;
- d. The Commissioner may direct Commission Counsel as to the order in which cross examination is to be conducted.

A copy of the Commissioner's Directive can be found at the following link:

<http://www.missingwomeninquiry.ca/process-management-directive/>

As a result of this directive, the time allocated for each witness will be abbreviated and the time between witnesses will be brief. In order to properly prepare for each witness I do not feel that I can adequately prepare and continue to provide readers with a comprehensive.

The summaries I have prepared in the past were extremely time consuming and normally required a full day and a half to prepare. Because of the accelerated speed with which witnesses will now be called, coupled with the likelihood that our 4 day per week hearing schedule will increase to 5 days per week, I feel strongly that my energy and focus should be on preparing witnesses and cross examinations, as well as seeking out additional witnesses whose testimony may be pertinent to the Commission. Consequently, and with regrets, I will be forced to abbreviate my weekly summaries.

In accordance with my mandate to represent Aboriginal interests, I will continue to provide a weekly summary of my cross examinations which, for the most part, will be focused on Aboriginal issues. I will include a description of the witness and their role in the missing women investigation. I will also continue to provide a weekly update of witnesses that are expected to testify the following week so that readers can remain informed in the event that they wish to attend the hearings or watch the live stream.

I will also continue to provide daily updates on my Twitter feed at @robyngervaismwi. Please feel free to follow me on Twitter.

CROSS EXAMINATION OF SUPERINTENDENT ROBERT WILLIAMS

Superintendent Robert Williams (“Williams”) has been a member of the RCMP for 44 years. In 2002, the Department of Justice asked him to conduct a review of the RCMP’s role in the missing women investigation in response to a civil claim brought forth by Karin Joesbury, mother of Angela Joesbury. Robert Pickton was charged and convicted for Angela’s murder.

Superintendent Williams and his colleague Staff Sergeant Kevin Simmill prepared a 27 page report that provided a cursory look at the missing women investigation. Their report is known as the “Williams Report” and was not intended to provide a comprehensive overview of the investigation.

Readers can find a copy of the report at the following link:

<http://www.missingwomeninquiry.ca/wp-content/uploads/2011/10/EXHIBIT-2-Royal-Canadian-Mounted-Police-RCMP-Request-for-Assistance-External-Review.pdf>

Williams testified that he has worked for the RCMP for 44 and a half years in various locations including Edmonton, Saskatoon, Prince Albert, and the North West Territories. He has also worked in Punnichy, Saskatchewan, a community surrounded by four reservations.

He testified that he has spent many years working with Aboriginal people in their communities, and conceded that he understands that many Aboriginals are distrustful of the RCMP owing to, among other things, the Mounties’ historical involvement in the residential school system, as well as their current practice of accompanying social workers to remove children from their parents’ care. He did not concede this point easily, and preferred to focus on contemporary steps taken by the RCMP to repair their relationship with Aboriginal peoples.

Williams acknowledged that at present there are approximately 600 missing and murdered Aboriginal women across Canada, and that Aboriginal women are far more likely than other Canadians to become victims of violence. He indicated that his office in Edmonton is involved in helping to establish the National Centre for Missing Persons and Unidentified Remains, and that this initiative employs a dedicated and experienced Aboriginal police officer from the RCMP’s National Aboriginal Policing Services (“NAPS”) to ensure a focus on the issue of missing Aboriginal women.

Williams acknowledged that Aboriginal people occupy a distinct place in Canadian society, in that they have separate, distinct cultures and are legally defined as “Indians” under the *Indian Act*. He also acknowledged that he’s aware that while many Aboriginal people live on reserves, those who live off-reserve in urban centers often have access to social supports that are not necessarily available to those living on-reserve.

Williams agreed that because of the distinct place that Aboriginal people hold in Canadian society, there are specific avenues available to police investigating the disappearance of Aboriginal women, and that the RCMP did not consistently pursue those avenues during the missing women investigations.

Williams did not dispute the fact that four of the nine women (or 44 percent) who were reported missing to RCMP detachments were of Aboriginal ancestry. These women were Richard “Kellie” Little, reported to the Agassiz RCMP, Georgina Papin, reported to Mission RCMP, Teresa Williams, reported to White Rock RCMP, and Jacqueline Murdock, reported to Prince George RCMP. He agreed that out of all the women who were reported missing directly to the RCMP, a disproportionately large number were Aboriginal.

When asked why he made no mention of this in his report, he indicated that the RCMP does not differentiate between Aboriginal and non-Aboriginal people. Nonetheless, he re-affirmed that where a missing person is a member of the Aboriginal community, there are specific investigative options available to police that are not available for investigations into the disappearance of non-Aboriginal Canadians. Williams agreed that there was inconsistent documentation of whether the missing women were Aboriginal or otherwise.

Williams also agreed that several of the investigative avenues that could have and should have been pursued consistently by RCMP members looking into the disappearance of Aboriginal women include the following:

1. Contact the missing person’s Aboriginal community;
2. Contact Aboriginal urban support organizations;
3. Contact Aboriginal Affairs & Northern Development Canada (formerly known as the Department of Indian Affairs & Northern Development);
4. Contact the Native Women’s Association of Canada;
5. Contact the Native Court Workers;
6. Contact Aboriginal friendship centers;
7. Liaise with Aboriginal policing services in other communities.

When questioned about the lack of Aboriginal-specific content in the RCMP’s missing person policy, Williams agreed that the policy should include specific steps to be taken when dealing with missing Aboriginal persons, and that such a protocol should be included in all missing persons policies.

During prior examination, Williams testified that it is difficult to investigate the disappearance of “these types of people”. When I questioned him about what he meant by the term, “these types of people”, he indicated that he was referring to people who have no fixed address, are tough to interview, have poor short and long term memory, who have no recollection of time, and who have an inconsistent sense of when events occurred.

When questioned about what this belief was based on, he conceded that his presumptions were based solely on his prior experience working with sex trade workers and drug users, and that he did not interview anyone who lives or works in the Downtown East Side. He also conceded that his belief that “these types of people” are difficult to investigate, was based purely on assumptions about the nature of their lives and mental states, and he agreed that other RCMP officers might have been operating on similar assumptions about the missing women.

B. THIS WEEK: DEPUTY CHIEF JENNIFER EVANS OF THE PEEL REGIONAL POLICE

Deputy Chief Constable Jennifer Evans (“Evans”) of the Peel Regional Police will begin her testimony on Monday, January 16, 2012 at 9:30 am. Following Evans’ testimony, individual officers and community witnesses will provide evidence. With the exception of Dr. Kim Rossmo, we have not yet received a schedule for the order of these witnesses. Dr. Rossmo will be appearing before the Commission on January 24, 2012.

A copy of the Evans report can be found at the following link:

<http://www.missingwomeninquiry.ca/wp-content/uploads/2011/10/EXHIBIT-34-DC-EVANS-REPORTS-AND-APPENDICES-A-AND-B-ONLY.pdf>

Please feel free to contact me if you would like to offer any comments, suggestions or insight.

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