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**CIVILIAN REVIEW AND COMPLAINTS COMMISSION
FOR THE ROYAL CANADIAN MOUNTED POLICE**

COMMISSION'S FINAL REPORT AFTER COMMISSIONER'S RESPONSE

Royal Canadian Mounted Police Act
Subsection 45.76(3)

Complainant

Ms. Vivian Tuccaro

AUG 27 2018

File No.: PC-2014-0840

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The Complaint

[1] On March 24, 2014, the Commission for Public Complaints Against the Royal Canadian Mounted Police (now the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police, hereinafter "the Commission")¹ received a public complaint from Vivian Tuccaro. In her complaint, Vivian Tuccaro alleged that RCMP members of the Leduc Detachment in Alberta failed to conduct an adequate investigation into the disappearance and subsequent death of her daughter, Amber Tuccaro ("Ms. Tuccaro").

The Commission's Public Interest Investigation and Interim Report

[2] On April 3, 2014, the Commission commenced a public interest investigation into the complaint pursuant to subsection 45.43(1) of the *Royal Canadian Mounted Police Act* ("the RCMP Act").

The public interest investigation was initiated to examine:

1. Whether the RCMP members involved in the investigation of the original complaint complied with all training, policies, procedures and guidelines related to such investigations.
2. Whether the RCMP's existing training, policies, procedures and guidelines related to such investigations are adequate or could be improved.

[3] The Commission examined the actions taken during the course of the investigation and the rationales provided for those actions, as well as the relevant policies, procedures and guidelines. The Commission provided its Public Interest Investigation Interim Report into this matter to the RCMP Commissioner and the Minister of Public Safety Canada on June 2, 2016 (**Schedule 1**).² The Interim Report made 24 findings and 17 recommendations.

[4] In summary, the Commission found that the investigation into Ms. Tuccaro's disappearance was deficient in that various members were either not properly trained or did not adhere to their training and that various members did not comply with policies, procedures and guidelines. The report also identified shortcomings with the existing training, policies, procedures and guidelines.

¹ As a result of the coming into force of the *Enhancing Royal Canadian Mounted Police Accountability Act* on November 28, 2014, the Commission for Public Complaints Against the Royal Canadian Mounted Police was replaced with the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police.

² This report contains a detailed account of the facts that underpinned the Commission's findings and recommendations.

[5] The Commission made recommendations targeted to remediate deficiencies found in the conduct of individual members and to improve relevant training and policy.

The Commissioner's Response

[6] Pursuant to subsection 45.72(1) of the *Royal Canadian Mounted Police Act* ("the RCMP Act"), the Commissioner is required to provide a written response indicating any further action that has been or will be taken in light of the findings and recommendations contained in the Commission's Interim Report.

[7] On August 2, 2018, the Commission received the Commissioner's Response (**Schedule 2**) to its Interim Report.

[8] The Commissioner agreed with the Commission's findings, save that she qualified her agreement in relation to the last finding.

FINDING NO. 24: The missing person investigation conducted by the Leduc Detachment was wholly inadequate.

[9] The Commissioner accepted that the finding applies to that period prior to the Leduc General Investigation Service involvement in the file. As noted by the Commissioner, the Commission's Interim Report identified the varying levels of competency in the investigation at different stages and it remains satisfied with the finding as stated.

[10] The Commissioner supported in whole or in part all but one of the Commission's recommendations. Identified below is a summary of recommendations that were qualified or rejected by the Commissioner.

RECOMMENDATION NO. 7: That the RCMP work through the Commanding Officer's Aboriginal Advisory Committee to develop a strategy for increased dialogue and collaboration between local RCMP detachments and local First Nations communities related to missing Aboriginal person files.

[11] The Commissioner supported the recommendation and provided a detailed description of the various national, divisional and local initiatives being undertaken by the RCMP to enhance collaborative Aboriginal policing. Amongst other things, the Commissioner specifically referenced the RCMP's *National Missing Person Strategy*, an annex to the 2015 RCMP report entitled *Missing and Murdered Aboriginal Women, An Update to the National Operational Overview*. The Commissioner stated that she was:

... satisfied that the policy requirements related to Aboriginal Policing Services, combined with the initiatives undertaken in "K" Division, promote the development of trust, communication and collaborative relationship between the RCMP and First Nations [c]ommunities in the delivery of police services generally, inclusive of missing person investigations.

[12] The Commissioner stated that, notwithstanding her satisfaction with the current initiatives, she would direct:

. . . that a memorandum addressed to all divisions of the RCMP be prepared to provide Commanding Officers with information on the Commission's recommendation and to encourage them to examine the possibility of developing their own strategy for increased dialogue and collaboration between local RCMP detachments and local First Nations communities related to missing Aboriginal person files within their division, if necessary.

[13] It must first be noted that much work has been done by the RCMP since Ms. Tuccaro's disappearance with respect to missing person investigations. This includes both the study and the implementation of policies and initiatives designed to improve procedures and compliance. More broadly, issues surrounding missing and murdered Aboriginal women are being reviewed at a variety of levels. To that end the Commission will continue to monitor these broader issues.

[14] The Commission also recognizes, as implied in the Commissioner's Response, that not all RCMP divisions conduct contract policing services and thus would not be in a position to conduct such investigations.

RECOMMENDATION NO. 10: That a Unit Level Quality Assurance process for missing person investigations be performed by the Leduc Detachment annually.

[15] The Commissioner partially supported this recommendation. The Commissioner explained that the Unit Level Quality Assurance (ULQA) process is a tool to assess compliance in various policing functions within a unit and identify areas of greatest risk. As described, the process involves a unit commander identifying a list of fifteen activities that are considered high risk. A further risk assessment is undertaken to identify the three highest risk activities, which are then subjected to a more thorough review.

[16] The Commissioner stated that she would direct that missing person investigations be included on a recurring basis as part of the list of high-risk activities to be assessed for review and that missing person investigations be included for review in the fiscal year 2018–2019.

[17] The Commissioner noted the importance of using the ULQA process review stage for the highest risk factors. She also noted that such a review was conducted in 2017-2018 and "no deficiencies were noted"

[18] The Commission views this as a sound approach to engaging the ULQA process as a means of ensuring the assessment of missing person investigations. Accordingly, the Commission will modify its recommendation to incorporate the Commissioner's directive.

RECOMMENDATION NO. 12: That the national RCMP *Missing Persons* policy be amended to state that the RCMP will provide a one-page information sheet that acknowledges the missing person complaint and includes the biographical data and other basic information provided by the complainant when reasonable to do so.

[19] The Commissioner did not support the recommendation. The Commissioner agreed with the Commission's objective in making the recommendation but found that the implementation of the recommendation would pose operational difficulties and that in some cases it would be unfeasible. The Commissioner also cited new RCMP policy on missing persons implemented in June of 2018, which she views as partly addressing the Commission's objectives in making the recommendation.

[20] The objective of the Commission's recommendation was twofold. First, it was to engage with the individual reporting a missing person or complainant, often a close family member, in a manner that demonstrated the seriousness of the matter and of the manner in which it was being investigated. Second, it was to ensure that important biographical data was accurately recorded from the outset of an investigation, something that did not happen in the instant case.

[21] In addition to the new policy, the Commissioner referenced the new mandatory Missing Persons Intake and Risk Assessment form, the scheduled consultation with the family/complainant to provide updates on the status of the investigation, and the use of the Complainant/Family Communications Schedule form. The combined effect of the recent policy changes and these mechanisms to implement that policy should largely serve to address the Commission's first objective.

[22] Moreover, the Commissioner stated that she would direct further policy amendments to the roles and responsibilities of the members such that they are advised to confirm the physical descriptors of the missing person with the complainant before completing the CPIC entry.

[23] The changes that have already been implemented, along with the Commissioner's commitment to further amend RCMP policy, satisfy the Commission that the objectives of this recommendation will be met, and the Commission will amend this recommendation accordingly.

RECOMMENDATION NO. 15: That the Regional Leduc Detachment Commander undertake a review of the amended April 30, 2012, Leduc missing persons supplement to identify whether the key provisions identified therein are addressed under national and/or "K" Division policy, and that those provisions that are not included in the policy be reinstated in a revised missing persons detachment supplement.

[24] The Commissioner partly supported the recommendation. She explained that RCMP policies have evolved greatly since 2012 and that some of the provisions contained in the supplement may no longer be relevant. She also noted that the current Leduc Detachment Supplement was effective in January 2018.

[25] Based on these changes made since the effective date of the original supplement and since the date of the Commission's Interim Report, the Commissioner found that the Leduc Detachment Commander should review the 2012 supplement to identify provisions that are not captured in either RCMP policy or the 2018 supplement. The Commissioner concluded that the Detachment Commander should provide a rationale, for such provisions, explaining the reason the provisions were not included in the 2018 supplement.

[26] The Commission is satisfied that these intervening steps will largely address the Commission's objectives for making the recommendation. However, in addition to supplying a rationale for the lack of inclusion of any provisions of the 2012 supplement into the current supplement or policy, the Commission would afford the Leduc Detachment Commander the opportunity to reinstate into the 2018 supplement any of the identified provisions that he/she deems appropriate. The Commission will amend its recommendation accordingly.

[27] In light of the foregoing, the Commission reiterates the findings and recommendations contained in its Interim Report save for recommendations 10, 12 and 15, which have been amended, for the reasons set forth above.

The Commission's Findings and Recommendations

FINDING NO. 1: Constable [REDACTED] was not involved in removing Ms. Tuccaro from CPIC as a missing person.

FINDING NO. 2: Constable [REDACTED] did not take reasonable steps to be satisfied that Ms. Tuccaro was safe prior to removing the missing person entry relative to Ms. Tuccaro from CPIC.

FINDING NO. 3: Constable [REDACTED] spoke with a supervisor before removing Ms. Tuccaro from CPIC as a missing person.

FINDING NO. 4: It was unreasonable for Constable [REDACTED] to delay reinstating Ms. Tuccaro's status as missing in CPIC until September 23, 2010.

FINDING NO. 5: The information released to the media to the effect that the RCMP had no reason to believe that Ms. Tuccaro was in any danger and that her general whereabouts were known was inaccurate and had the effect of minimizing the significance of Ms. Tuccaro's missing person case at that time.

FINDING NO. 6: It was reasonable for Constable [REDACTED] to send the photographs of the suitcase and its contents by email to Ms. Vivian Tuccaro.

FINDING NO. 7: It was unreasonable for Constable [REDACTED] to fail to seize Ms. Tuccaro's suitcase and its contents from the motel in a timely manner, contrary to basic investigative techniques relating to the collection of potential physical evidence, leaving the evidence vulnerable to contamination and/or to being lost or destroyed.

FINDING NO. 8: Constable [REDACTED] as Acting Watch Commander, failed to provide reasonable supervisory oversight by not instructing Constable [REDACTED] to seize Ms. Tuccaro's suitcase and its contents from the motel.

FINDING NO. 9: Corporal [REDACTED] failed to follow policy or reasonable investigative practices for securing seized property.

FINDING NO. 10: Corporal [REDACTED] mishandling of Ms. Tuccaro's suitcase and its contents resulted in members of the Leduc Detachment accidentally destroying these items.

FINDING NO. 11: The record does not support that Corporal [REDACTED] or Constable [REDACTED] deliberately chose to withhold information about Mr. [REDACTED] from Ms. Vivian Tuccaro.

FINDING NO. 12: Constable [REDACTED] failed to take reasonable investigative steps to locate and interview Ms. [REDACTED] at the outset of the investigation.

FINDING NO. 13: Constable [REDACTED], as Acting Watch Commander, failed to ensure that steps were taken to locate and interview Ms. [REDACTED].

FINDING NO. 14: Corporal [REDACTED] failed to ensure that prompt investigative steps were taken to locate and interview Ms. [REDACTED] following her meeting with Sergeant [REDACTED] on October 6, 2010.

FINDING NO. 15: Corporal [REDACTED] failure to attempt to arrange an interview of Ms. [REDACTED] while she was in custody in Cape Breton, prior to her bail hearing on December 15, 2010, was unreasonable.

FINDING NO. 16: The record does not support that Corporal [REDACTED] failed to take investigative steps to locate and interview Ms. [REDACTED].

FINDING NO. 17: The record does not support the allegation of conscious racial bias of any members during the conduct of the missing person investigation.

FINDING NO. 18: Constable [REDACTED], Constable [REDACTED] Corporal [REDACTED] and Leduc Detachment senior command failed to reasonably consider the heightened risk posed by Ms [REDACTED] lifestyle, which resulted in poor investigative practices.

FINDING NO. 19: The record does not support the allegation of unconscious racial bias of any members during the conduct of the missing person investigation.

FINDING NO. 20: Investigators of the Leduc Detachment failed to comply with investigative procedures prescribed by policy.

FINDING NO. 21: During the first four months of the missing person investigation, neither Constable [REDACTED] while acting as Watch Commander until early October 2010, nor Corporal [REDACTED] upon her arrival on October 4, 2010, reasonably monitored the investigation as required by the missing persons policy.

FINDING NO. 22: Leduc Detachment command failed to ensure that Ms. [REDACTED] missing person investigation was thorough and properly supervised, or that an experienced investigator was appointed to oversee and coordinate the investigation.

FINDING NO. 23: Leduc Detachment management failed to ensure that members were familiar with missing persons policy directives.

FINDING NO. 24: The missing person investigation conducted by the Leduc Detachment was wholly inadequate.

RECOMMENDATION NO. 1: That Constable [REDACTED] be provided operational guidance regarding RCMP policy on missing persons, including the appropriate steps to take before removing a missing person from CPIC.

RECOMMENDATION NO. 2: That operational guidance be provided to constables [REDACTED] and [REDACTED] and Corporal [REDACTED] in investigative techniques related to the collection of potential physical evidence.

RECOMMENDATION NO. 3: That operational guidance be provided to Corporal [REDACTED] regarding the handling of exhibits in accordance with RCMP policy.

RECOMMENDATION NO. 4: That the RCMP provides instruction in the Detachment exhibit supplement regarding the handling of oversized exhibits.

RECOMMENDATION NO. 5: That constables [REDACTED] and [REDACTED] receive operational guidance regarding the importance of interviewing all witnesses thoroughly in a missing person investigation and in particular, interviewing promptly the last known person to have seen the missing person.

RECOMMENDATION NO. 6: That Corporal [REDACTED] receive operational guidance regarding the importance of interviewing all witnesses thoroughly in a missing person investigation and in particular, interviewing promptly the last known person to have seen the missing person.

RECOMMENDATION NO. 7: That the RCMP work through the Commanding Officer's Aboriginal Advisory Committee to develop a strategy for increased dialogue and collaboration between local RCMP detachments and local First Nations communities related to missing Aboriginal person files.

RECOMMENDATION NO. 8: That operational guidance be provided to constables [REDACTED] and [REDACTED] and Corporal [REDACTED] regarding current national and divisional missing persons policy and accompanying guidelines and checklists (37.3. *Missing Persons*; Appendix 37-3-1 *Missing Person Information Checklist*; "K" Division 37.3. *Missing Persons*; "K" Division Appendix 37-3-2 *Missing Persons Investigative Guidelines*; Appendix 37-3-1 *Missing Persons Risk Assessment Tool*).

RECOMMENDATION NO. 9: That national and "K" Division missing persons policies be amended to provide a more expanded definition similar to the Leduc Detachment supplement.

RECOMMENDATION NO. 10: That a Unit Level Quality Assurance process review of missing person investigations be performed by the Leduc Detachment for fiscal year 2018–2019 and that missing person investigations be included in the ULQA assessment stage on a recurring basis for a reasonable time thereafter.

RECOMMENDATION NO. 11: That the RCMP make the use of the national RCMP missing persons intake form mandatory.

RECOMMENDATION NO. 12: That the national RCMP *Missing Persons* policy be amended such that the members' roles and responsibilities are modified to require confirmation of the physical descriptors of the missing person with the complainant before completing the CPIC entry.

RECOMMENDATION NO. 13: That the planned Cadet Training Program missing person module and the planned missing person on-line course address the issue of lifestyle bias.

RECOMMENDATION NO. 14: That the AMPUHR Initiative Unit's internal protocol be formalized.

RECOMMENDATION NO. 15: That the Regional Leduc Detachment Commander undertake a review of the amended April 30, 2012, Leduc Missing Persons Supplement to identify key provisions that are not addressed under national and/or "K" Division policy or the current Leduc Detachment Supplement. Those provisions so identified shall be reinstated in the current supplement, or the Regional Leduc Detachment Commander shall provide a rationale for the decision not to do so.

RECOMMENDATION NO. 16: That the RCMP report back to the Commission on the status of all recommendations made in this report one year after the report has been finalized.

RECOMMENDATION NO. 17: That the RCMP provide a public apology to Ms. Vivian Tuccaro and her family for the mistakes made in the missing person investigation and the inadequate investigation undertaken overall by the Leduc Detachment.

[28] Pursuant to subsection 45.76(3) of the RCMP Act, the Commission respectfully submits its Final Report and, accordingly, the Commission's mandate in this matter is ended.



Guy Bujold
Interim Chairperson