

January 30, 2019

Andrew Pringle, Chair
Toronto Police Services Board
40 College Street
Toronto, ON M5G 2J3

Dear Sir:

I am writing to you in connection with the Terms of Reference for the Independent Civilian Review into Missing Person Investigations.

As you undoubtedly know, on January 29, 2019, Bruce McArthur entered pleas of guilty to eight counts of first degree murder. His crimes related directly to deceased individuals who are identified in our Review's Terms of Reference. Nonetheless, the Board placed (and I agreed to) certain restrictions on the Review's mandate so as not to prejudice any ongoing police investigation or criminal prosecution. Some of those restrictions remain important. For example, the homicide case relating to the death of Tess Richey is ongoing. However, some of the restrictions were specifically tied to the McArthur prosecution. The first full paragraph on page 4 of the Terms of Reference states the following:

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 relating to the ongoing proceedings 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.

In my view, once Mr. McArthur's sentencing has been completed, there remains no compelling reason for the above restriction on the Review's work. I believe that its removal, through amendment of the Terms of Reference, will enhance my ability to report fully on the issues identified in the Terms of Reference. I also suggest that the final paragraph on page 3 of the Terms of Reference can be

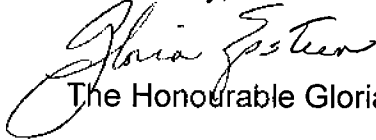
amended to replace “including but not limited to the criminal prosecutions of Bruce McArthur and Kalen Schlatter” with “including but not limited to the criminal prosecution of Kalen Schlatter.”

As you can see, we will continue to ensure that no criminal investigation or proceedings are prejudiced by our work.

In my view, these amendments are unlikely to change our timelines for completion or the allocated budget. They would promote a more efficient Review (since they require less work to separate out reportable and non-reportable issues), and, at the same time, a more comprehensive report.

Thank you in advance for the Board’s consideration of this request.

Yours truly,

A handwritten signature in cursive script that reads "Gloria Epstein". The signature is written in black ink and is positioned above the printed name.

The Honourable Gloria Epstein

Cc Mayor John Tory
Cc Ryan Teschner, Executive Director, TPSB
Cc Mark Sandler, Counsel, Independent Review