



## **TRANSPARENCY STATEMENT**

### **THE FORENSIC DOCUMENT REVIEW TEAM**

The National Inquiry into Missing and Murdered Indigenous Women and Girls (the National Inquiry) has established a Forensic Document Review Team as permitted by section 11 of the federal *Inquiries Act*.

The federal terms of reference and those of several other jurisdictions direct the National Inquiry to take into account that the Inquiry process is intended, to the extent possible, to be trauma-informed and respect the persons, families and communities concerned. This includes a trauma-informed, respectful approach to the handling of personal information.

The work of the Forensic Document Review Team is governed by the federal, provincial and territorial legislation, common law, terms of reference, the National Inquiry's *Legal Path: Rules of Respectful Practice* and the principles set out in this Transparency Statement.

#### **Mandate of the Forensic Document Review Team**

The Forensic Document Review Team is responsible for conducting a forensic review of police and related institutional files to:

1. identify potential systemic barriers or problems and areas of weakness relating to the protection of Indigenous women, girls and 2SLGBTQ individuals; and,
2. make findings and recommendations about the systemic causes of the disappearances and deaths of Indigenous women, girls and 2SLGBTQ individuals and acts of violence against them.

#### **What Information will the Document Review Team Obtain and Analyze?**

The National Inquiry will refer to the Forensic Document Review Team a selection of cases drawn from the cases pertaining to the more than 1,700 Indigenous women, girls and 2SLGBTQ families or survivors who have engaged with, or who have registered to engage with the National Inquiry as part of its Community Hearings and Statement Gathering events, with a Statement Gatherer or through artistic expression.

As part of its review of such cases, the Forensic Document Review Team will obtain and analyze related police, coroner and attorney general (Crown counsel) files, as well as court records and other information from relevant institutions.

All information compelled by and produced directly to the Forensic Document Review Team will be kept strictly confidential. It will be used only for the purposes of the Forensic Document Review Team's analysis and recommendations, and in accordance with the National Inquiry's terms of reference, the *Legal Path: Rules of Respectful Practice* and applicable law.



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What the Forensic Document Review Team Will Do

In accordance with the National Inquiry's Terms of Reference, the mandate of the Forensic Document Review Team and the *Legal Path: Rules of Respectful Practice*, the Forensic Document Review Team **will**:

1. Make specific recommendations about systemic problems, barriers and weaknesses in investigations of:
  - a) reports of missing persons;
  - b) suspicious deaths;
  - c) implausible deaths; and,
  - d) acts of violence against Indigenous women, girls and 2SLGBTQ individuals.
2. Make specific recommendations about systemic problems, barriers and weaknesses with a view to improve coroner practices, police investigations, missing person searches, prosecutions, outcomes and relations between police, prosecutors and coroners, and families, survivors and their communities.
3. In accordance with paragraphs "r" and "s" of the Federal Terms of Reference make recommendations to the Commissioners about:
  - a) opening or re-opening investigations, and which police force, civilian oversight office or other agency should be asked to open or re-open the investigation.
  - b) sending to the appropriate public authorities information that may be used in an investigation or prosecution under the *Criminal Code*.
  - c) sending to the appropriate public authorities information that may relate to misconduct.

What the Forensic Document Review Team will Not Do:

In accordance with the National Inquiry's Terms of Reference, the mandate of the Forensic Document Review Team and the *Legal Path: Rules of Respectful Practice*, the Forensic Document Review Team **will not and cannot**:

1. disclose publicly any information obtained by the Forensic Document Review Team, except in accordance with the *Legal Path: Rules of Respectful Practice* or as required by law;
2. examine the exercise of prosecutorial discretion by Crown counsel;
3. make specific findings of misconduct in respect to any identifiable person or organization;



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4. re-investigate police investigations; or,
5. express conclusions or recommendations about the possible civil or criminal liability of any person or organization.

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Rule 49: All evidence, subject to Rule 49.1, shall be categorized and marked P for public sittings and, if necessary, C for sittings in camera, and PB where publication bans are issued. If an anonymity order has been ordered, the fact of the Order will be reflected in the transcript.

Rule 49.1: Information contained in police and other institutional files directly compelled by or produced to the Forensic Document Review Team in response to a request, subpoena or other statutory compulsion from the Forensic Document Review Team shall not be categorized as set out in Rule 49 above and is not subject to disclosure to parties, their representatives, their counsel, and any third party.