

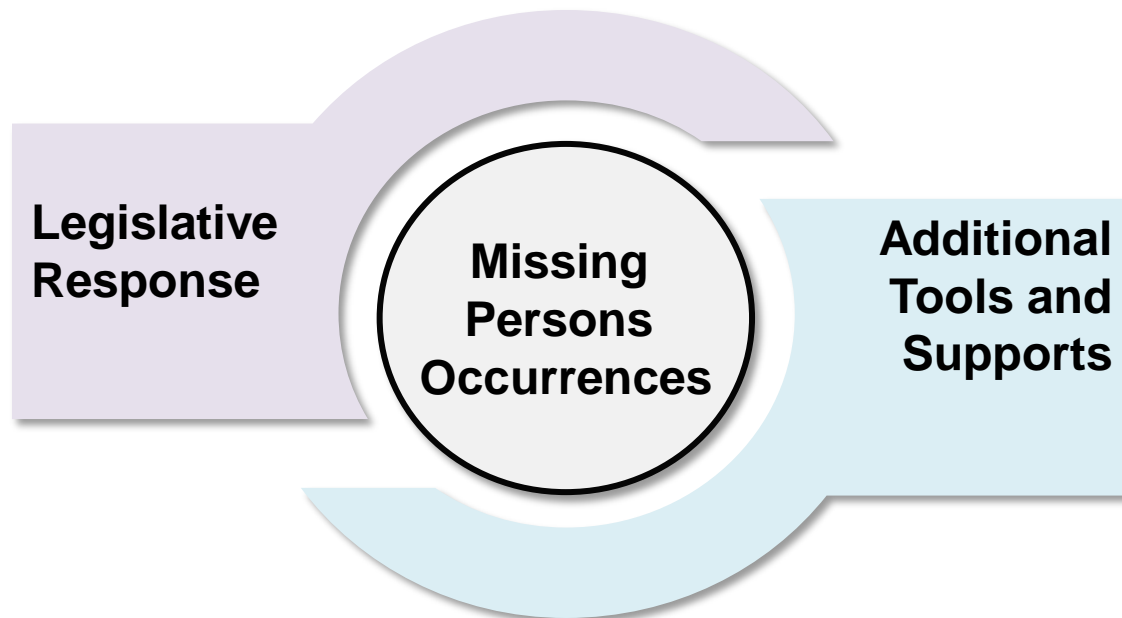


Enhancing Ontario's Response to Missing Persons

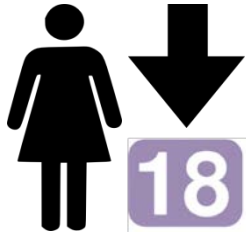
Ministry of Community Safety and Correctional Services
April 12, 2017

The Government of Ontario has committed to introducing legislation in 2017 to support the investigation of missing persons, and is also looking at other ways to address this issue

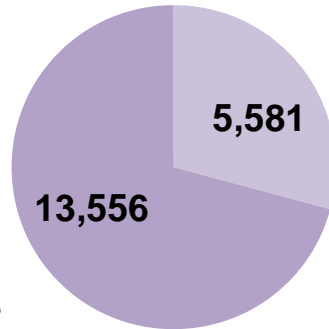
We are seeking your feedback and input to inform our approach to **enhancing the response to missing persons in Ontario**, which has two main aspects:



Missing Persons in Ontario: A Snapshot



In Ontario, females under the age of 18 make up the largest number of missing persons reports.



■ Reports of Missing Adults

■ Reports of Missing Children and Youth

5th

Ontario's **ranking relative to other provinces** in terms of the rate of **missing youth** in Canada

6th

Ontario's **ranking relative to other provinces** in terms of the rate of **missing adults** in Canada

#1



Running away represented the **number one reason** listed for children and youth to go missing

85%

of **missing adults** were located within a week

87%

of **missing children and youth** were located within a week

Many Indigenous organizations have noted that the number of missing Indigenous people is **chronically under reported**

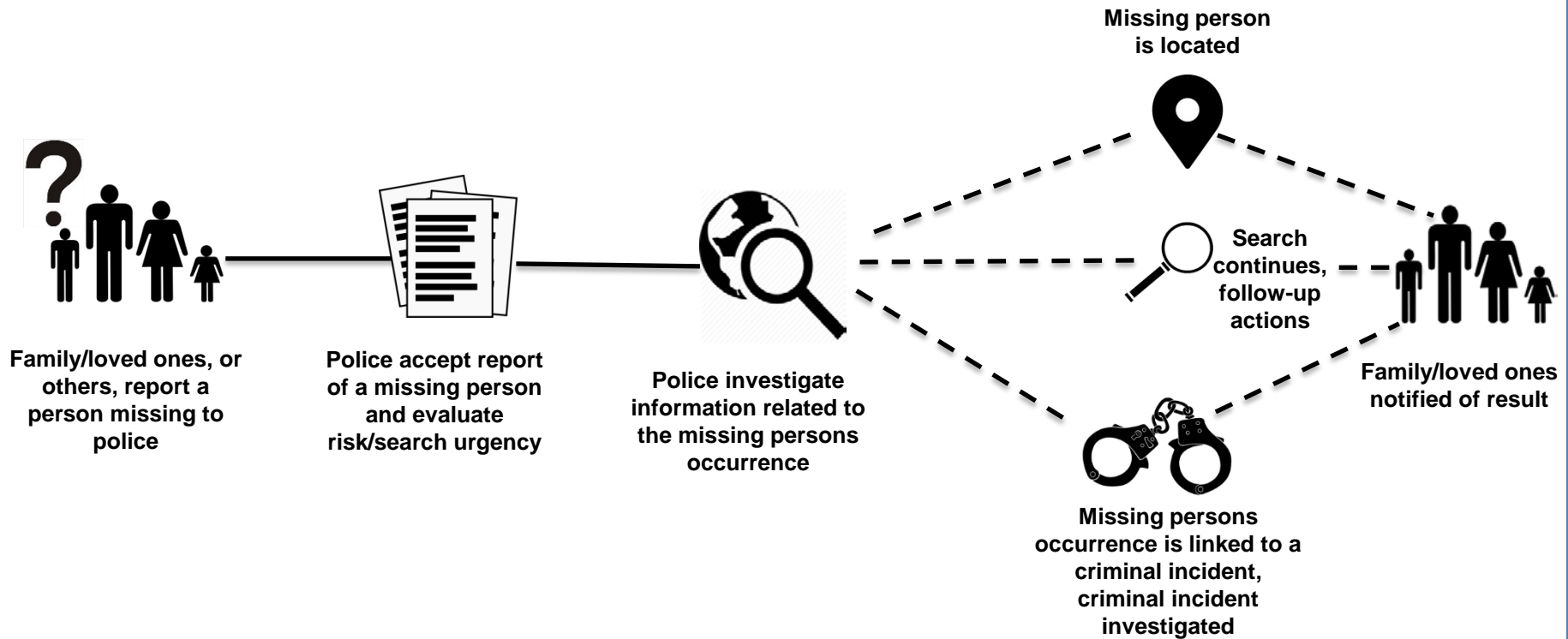
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Estimated number of missing Indigenous persons in OPP jurisdiction in Ontario

129

Estimated number of missing and murdered Indigenous women in Ontario, Quebec and Manitoba

Missing persons investigations typically involve the following steps:



Risk factors for becoming missing may include:



Age (e.g., youth, elderly) and Gender



Mental Health



Physical Limitations



Substance Use



Social Circumstances (e.g., exposure to abuse, precarious housing, etc.)



Being in Care (e.g., foster care, group home)

New legislation would help police respond more quickly and efficiently to missing persons investigations:



When a loved one is missing, responding swiftly is critical. However, the police are currently **limited in their ability to investigate reports of missing persons when there is no evidence of criminal activity.**



Missing persons legislation would help the police respond more quickly and efficiently to missing persons investigations by allowing access to specific information (e.g., telephone, banking, travel and health records) while respecting the needs and rights to individual privacy.

The development of this legislation has been recommended by a number of reports, inquests and inquiries:

Missing Women Commission of Inquiry (Oppal Inquiry)

“Issues Related to the High Number of Missing and Murdered Women in Canada” Report

Inquests into the Deaths of Seven Indigenous Youths in Ontario

Development of missing persons legislation to ensure timely access to personal information to expedite missing persons investigations

Legislation of this kind currently exists in six other provinces in Canada:

Alberta

British Columbia

Manitoba

Nova Scotia

Newfoundland and

Labrador

Saskatchewan

Additionally, a “**Uniform Missing Persons Act**” was drafted in August 2014 by the Uniform Law Conference of Canada (ULCC) as a guideline for the development of provincial legislation of this nature. The ULCC unites lawyers from federal, provincial and territorial governments with defence counsel and judges to consider proposals to develop and recommend “uniform statutes” for enactment by all relevant governments in Canada.

Legislation in other provinces and the Uniform Missing Persons Act share the following key elements



Define a missing person – as a person whose **whereabouts are unknown**, who has not been in contact with people they would likely be in contact with, despite reasonable efforts to locate them, and **whose safety and welfare are of concern** because of their age, physical or mental capabilities, or other factors



Permit police services to apply for a **judicial order** allowing **access to records** that would assist in locating a missing person. Where there is a belief that a missing person could be at serious risk of harm, permit police services to **request from the record holder directly, and the record holder must comply.**



Permit police services to apply for a judicial order authorizing **entry into a premises to search for a missing person** who is a minor/vulnerable person, if there is reasonable belief that they are located there



Include guidance on **privacy limitations and retention, use and disclosure of records**, such as what information a police service may disclose to assist in locating a missing person



Outline **oversight/accountability measures** such as an annual report on the use of direct written requests for records, or a comprehensive review of the legislation

Note: the intent is that this legislation would also apply to First Nations police services in Ontario, affording access to the same powers as provided to municipal police services and the OPP

Questions for Discussion



How should a missing person be defined according to First Nations communities?



How should a vulnerable person be defined according to First Nations communities? For example, should the definition of a vulnerable person mention factors that make people more at risk of going missing (for example, having a substance use issue, engaging in sex work)

This legislation would allow police to access certain types of information and records to help locate a missing person, where there is no evidence of criminal activity. These could include:

- Contact or identification information
- Attendance records from a school/university
- Telephone and electronic communication (e.g. cell phone and text messaging, Global Positioning System tracking)
- Video records
- Health, employment and banking
- Travel and accommodation
- Child welfare



What information do you feel comfortable and not comfortable sharing with police services to support the investigation of a missing persons report?



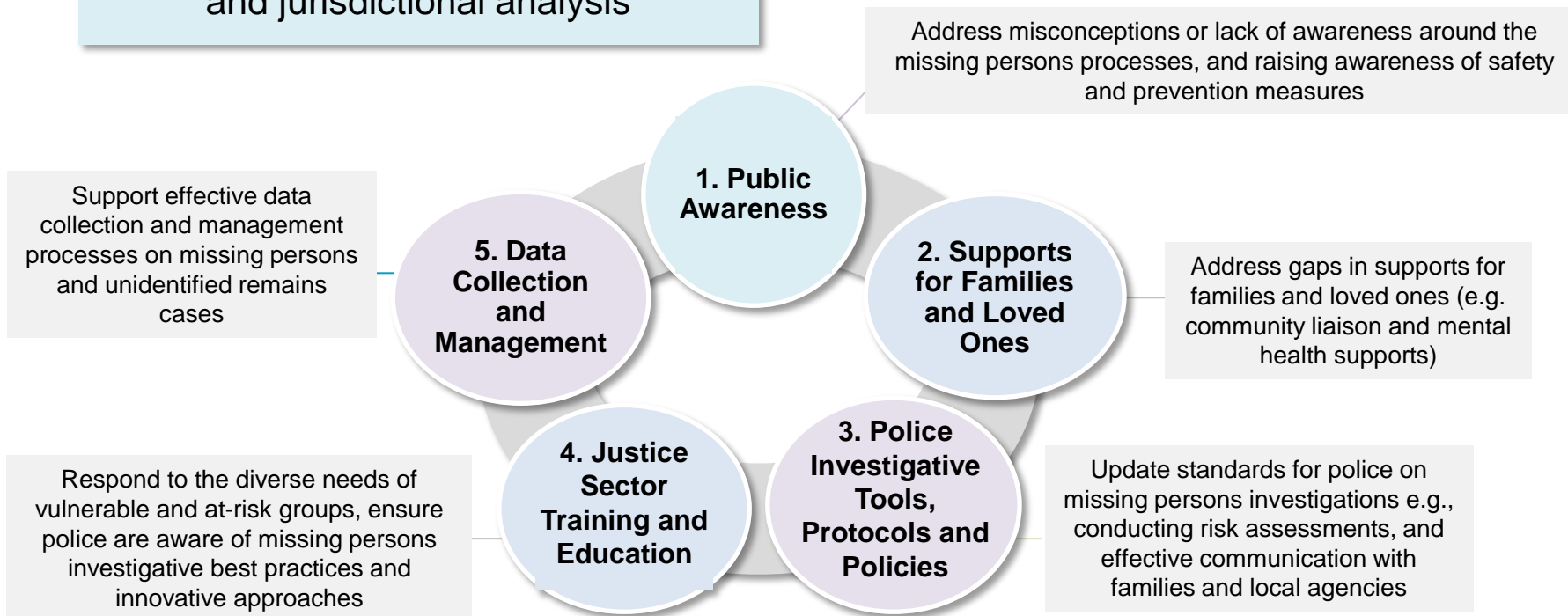
Are you comfortable with the items in this list being shared with police services? What items may be missing from the list?



Do you have any other thoughts on this type of legislation?

Additional tools and supports would also complement a legislative response and address additional challenges

These are proposed in **five key areas**, based on research findings and jurisdictional analysis



Public Awareness

- The **Canadian Centre for Information on Missing Adults** publishes a number of family-focused factsheets, including raising awareness through the media, missing persons checklist, filing a missing persons report, and others.
- The **Ontario Native Women's Association** released a Missing Persons Toolkit in August 2014 to provide support for families and loved ones of missing and murdered Indigenous women and girls.



- ❓ How do you think we can better raise awareness about missing persons?
- ❓ Can you point to any First Nation, or any province, city or country that has done a good job of public awareness on missing persons, in a manner that is culturally responsive? If so, what did they do and why do you think it was effective?
- ❓ Which areas (e.g. safety and prevention for youth, handling the legal affairs of missing persons) should we focus on in developing public awareness materials?
- ❓ How should public awareness materials on missing persons in Ontario be communicated? What is the best way to reach First Nation peoples?

Supports for Families and Loved Ones

- Supports for families and loved ones of the missing may include **health and mental health, communication/liaison, information on investigations and other supports.**
- Families and loved ones of missing persons across Canada receive help in many forms.



- ❓ What are the key supports you think families and loved ones of the missing need? Please describe.
- ❓ Are you aware of any support services currently available for families and loved ones of the missing that are particularly helpful, culturally responsive and/or effective? If so, what are they?
- ❓ Do you feel a dedicated, single point of contact (e.g. liaison) for families and loved ones of the missing would be beneficial? Where should this kind of liaison be located (e.g. a police service, within a community agency) and what roles could they play?

Police Investigative Tools, Protocols and Policies

- Police services across Ontario are required by law to have a policy or procedure on missing persons investigations.
- British Columbia recently updated their missing persons investigations' standards to include specific standards on: **intake; risk assessment; response and investigations; file review and monitoring; family members and reportees; concluding a missing person investigation; and prevention and intervention.**
- The recent inquest into the deaths of seven Indigenous youths in Thunder Bay **recommended that search protocols and policies** be developed for non-police searchers, and that public institutions have internal **search plans**.



PROVINCIAL POLICING STANDARDS

| | |
|---|------------------------------|
| Section 5.0 – Specialized Investigations | Page 1 of 6 |
| Sub Section 5.1 – Missing Person Investigations | Effective: September 1, 2016 |
| Subject 5.1.2 – Risk Assessment Process | Revised: n/a |

- ❓ What are the most important tools and policies that should be in place for police when investigating missing persons? What should be included in these tools or policies to ensure they respond to the needs of Indigenous peoples?
- ❓ Can you share any examples of tools, protocols or policies in this area that have been developed and/or led that are particularly effective and culturally responsive, and could be adopted/adapted at a provincial level?

Justice Sector Training

- New police recruit training does not have a specific focus on missing persons investigative practices. However, certain **specialized police officers receive training on missing person investigative practices**. Training for prosecutors focuses on searches and other contexts which may apply to police investigations of missing persons.
- Justice sector officials may benefit from **enhanced or additional education/training on topics related to missing persons and unidentified remains**. At the federal level, an Advanced Missing Persons & Unidentified Remains Investigators Course has been developed for police and covers specific topics such as missing children and Amber Alert.
- Responding to the **needs of vulnerable groups**, such as youth, seniors or persons with mental health or disability issues requires effective training.
- The recent inquest into the deaths of seven Indigenous youths in Thunder Bay recommended **enhanced training on cultural issues** for police officers involved in missing person searches and investigations.



Canada's Leader in Online Learning for Police

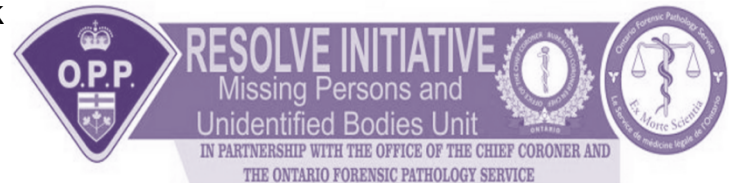



MPUR: Missing Adults Level One Investigator


- ❓ What key elements should training for justice sector officials on missing persons investigations include?
- ❓ Are there ways that we can enhance training for police on vulnerable individuals, as well as cultural competency, to better serve and protect vulnerable missing persons?
- ❓ Are there other sectors/agencies that would benefit from receiving training on missing persons?

Data Collection and Management

- The Ontario Provincial Police (OPP), the Office of the Chief Coroner of Ontario/Ontario Forensic Pathology Service work together to maintain a database to collect, store and analyze information provided by the public, the OPP and other Ontario police services on missing persons and unidentified remains in the province. This database has helped resolve missing persons cases.
- However, because providing information is voluntary, the database currently provides only a partial profile of missing persons cases in Ontario.
- Data on missing persons may often be fragmented across multiple websites or repositories.



 What do you believe are the some of the challenges with collecting information on missing persons?

 What data/information do you believe is required to build a comprehensive picture or profile of the missing in Ontario?

THANK YOU