



NIAGARA REGIONAL POLICE SERVICE

Police Services Board Report

PUBLIC AGENDA

Subject: Annual Report – Missing Persons – January 1 to December 31, 2021

Report To: Chair and Members, Niagara Police Services Board

Report Date: 2022-01-27

Recommendation(s)

That the Niagara Police Services Board receive this report for information.

Key Facts

- The purpose of this report is to advise the Board that the Service is in compliance with By-law 386-2020 - Missing Persons.
- In accordance with By-law 386-2020 - Missing Persons, the Service is required to report annually on its use of urgent demands for records and make the findings publicly available on the Police Service website by June 1 of each year.
- This report provides information to the Board for review and consideration of information relating to the Service's response to Missing Persons.

Financial Considerations

There are no financial implications relating to the recommendations contained within this report.

Analysis

In accordance with By-law 386-2020, the Chief shall make a written report to the Board on or before April 1 of each year with respect to Missing Persons. The report shall include:

- a) A summary of the written procedures concerning investigations into missing persons and ground searches for lost or missing persons;
- b) The status of Service compliance with the said procedures;

- c) Under Section 8 of the Missing Persons Act, 2018 the Service is to report annually on the use of urgent demands for records by members of the Service, this includes:
- (i) The total number of urgent demands made that year and the number of missing persons investigations to which they related; and,
 - (ii) A description of the types of records specified in the urgent demands for records made in that year; and
 - (iii) The total number of times that different types of records listed in subsection 4(2) of the Missing Persons Act were specified in the urgent demands made in that year; and if applicable, a description of any types of records not listed in subsection 4(2) of the Missing Persons Act;
- d) The Annual Report must be provided to the Board by April 1 in a format approved by the Minister and made available to the public on the Police Service website by June 1 of the year it is received;
- e) A copy of the Annual Report must be filed with the Ministry including the lead contact information of the Service.

The following is a detailed response to each of the above-noted requirements:

- a) *“...a summary of the written procedures concerning investigations into missing persons and ground searches for lost or missing persons...”*

Service General Order 076.12 Missing Persons outlines the procedures to be followed when members are called upon to investigate missing persons while Service General Order 177.06 – Ground Search outlines the procedures to be followed when the circumstances necessitate a ground search. General Order 076.12 dictates Service policy in accordance with the requirements of Provincial Adequacy Standards Regulations LE-026 Missing Persons.

The Order breaks down the responsibilities for conducting a missing person investigation, specifically for:

- The initial responding Officer
- The Patrol Supervisor
- The Duty Officer
- The Officer in Charge of the District Detective Office
- The Investigative Support Services Inspector
- The Officer in Charge of the Offender Management Unit, and
- Missing Person Coordinator

The Order mandates the use of a specifically formulated Search Urgency Form that provides members with guidance in determining an appropriate search response in each case. The Search Urgency Form has been incorporated into the Service’s Records

Management System as an electronic template and its use for special circumstances involving missing persons who fall into the following specific categories:

- Children under the age of 12
- Any young person whose disappearance demands a certain urgency
- A mentally handicapped person
- An aged or infirmed person
- A person believed to be contemplating suicide
- A victim of foul play
- An Alzheimer's patient

The Order provides clear instruction to direct and guide the initial investigation, the continuation, conclusion, and the notification of complainants, family members, and other agencies. It also addresses the procedures for multi-jurisdictional missing persons, as well as the preparation and distribution of the Missing Person Bulletin.

Service General Order 177.06 Ground Search outlines Service policy in accordance with the requirements of Provincial Adequacy Standards Regulation ER-007 Ground Search for Lost or Missing Persons. The Order is used in conjunction with General Order 076.12 Missing Persons by providing guidelines for expanding a search when the Search Urgency Form has indicated to do so. General Order 177.06 outlines:

- Command Structure
- Communications
- Definitions and uses for the following:
 - Command Post
 - Team Leaders
 - Hasty Teams
 - Urban Search Teams
 - Search Overhead Teams
 - Staging Areas
 - Duties of all involved members including:
 - Uniform Patrol Officers
 - Patrol Supervisor
 - Search Manager
 - Search Incident Commander
 - Communications Unit
 - District Detective Office

The Order recognizes that ground search incidents require specific training and skills to manage the required resources effectively as well as the participation and cooperation through partnerships with other emergency service providers and trained volunteer groups. It stipulates the extent of duties and responsibilities of agencies, organizations, and groups who provide mutual aid to the Service during a ground search.

Responsibility for the coordination and training between Search Managers and assisting agencies, such as Search and Rescue Niagara (SARN) rests with the Inspector in charge of Emergency Services. The Service recognizes its responsibility to the community to have in place a suitable response to missing person situations as outlined in Section 29 of the Adequacy Standard. SARN is a community-based, non-profit, volunteer organization committed to assisting with lost or missing person incidents.

The Service has entered into a Memorandum of Understanding with SARN which details the responsibilities of SARN and the Service as they pertain to the reporting, response, investigation, training, and command of volunteer members during local searches for missing persons.

Service General Order 173.10 Parental and Non-Parental Abductions provides specific guidelines to officers when an Amber Alert activation should be considered in missing children investigations.

Service General Order 202.06 Major Case Management addresses the requirement to use the procedures set out in the Ministry's designated Ontario Major Case Management Manual where there is a strong possibility of foul play in relation to a Missing Persons investigation.

b) *"...the status of Service compliance with the said procedures..."*

In 2021, the Service implemented a new Detective Constable position, the Missing Persons Coordinator (MPC) to oversee, coordinate and provide investigative support to all outstanding missing person investigations. The MPC provides the Service with a centralized, continuous point of contact for victim's families and other police services ensuring the timely sharing of information. In addition to the centralized point of contact and coordination, the MPC allows the Service to better monitor outstanding missing person cases and accurately report the investigative steps taken to locate persons in accordance with the requirements Missing Persons Act.

General Order 076.12 Missing Persons was developed in order to comply with the Provincial Adequacy Standards LE-026 Missing Persons, ER-007 Ground Search for Lost or Missing Persons and Board By-law 386-2020 Missing Persons. This General Order provides clear and strict roles and guidelines for officers, as well as supervisors, who are responsible for the investigation of missing persons.

With the creation of the Service's MPC position, along with the enactment of the Missing Persons Act in 2019, General Order 076.12 required extensive revisions to reflect the administrative roles of the MPC, as well as the new legislative requirements of the Service under the Missing Persons Act. The revisions to General Order 076.12 have been completed and the Order is awaiting final approval.

General Order 076.12 Missing Persons, General Order 177.06 Ground Search and General Order 202.06 Major Case Management are comprehensive policies related to missing persons investigations, and in conjunction with the Memorandum of Understanding with SARN, are in full compliance with Police Services Board By-laws and Provincial Adequacy Standards Guidelines, as well as provisions within the Missing Persons Act, 2018.

- c) *“...Under section 8 of the Missing Persons Act, 2018 the Service is to report annually on the use of urgent demands for records by members of the Service, this includes:*
- (i) The total number of urgent demands made that year and the number of missing persons investigations to which they related; and,*
 - (ii) A description of the types of records specified in the urgent demands for records made in that year; and*
 - (iii) The total number of times that different types of records listed in subsection 4(2) of the Missing Persons Act were specified in the urgent demands made in that year; and if applicable, a description of any types of records not listed in subsection 4(2) of the Missing Persons Act...”*

The Missing Persons Act, 2018 assists Police Services when responding to missing person occurrences, by providing them with:

- the ability to obtain a court order for a person or entity to produce records that would assist in locating a missing person;
- the ability to obtain a search warrant to allow entry into a premises to locate a missing person; and
- the ability to make an urgent demand for records without judicial authorization.

Under Section 8 of the Act, Police Services are required to report annually on the use of urgent demands for records without judicial authorization by members of the Service. The Act specifies that this annual reporting must be prepared by the Chief of Police, and a copy provided to the Police Services Board by April 1, in a format approved by the Minister.

According to Section 5(1) of the Act, an officer may make an urgent demand in writing to a person, requiring them to produce copies of records, if the officer is satisfied that there are reasonable grounds that:

- a) The records are in the custody or under the control of the person;
- b) The records will assist in locating the missing person; and
- c) In the time required to obtain an order in accordance with Section 4,
 - i. The missing person may be seriously harmed, or
 - ii. The records may be destroyed.

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- d) *“...The Annual Report must be provided to the Board by April 1 in a format approved by the Minister and made available to the public on the Police Service website by June 1 of the year it is received...”*

Between the dates of January 1, 2021, to December 31, 2021, there were a total of 768 missing person investigations by the Service. There were 25 urgent demands made that involved the search of the individual’s banking records for assistance to locate the individual. This information is outlined in the attached Appendix 1.

- e) *“...A copy of the Annual Report must be filed with the Ministry including the lead contact information of the Service...”*

The Missing Persons Act specifies that the Police Services Board receive the report and make the report available to the public by posting it on its website by June 1 of the year the report is received. The Police Services Board is also to provide a copy to the Ministry of the Solicitor General, including the contact information of the Chief of Police.

Alternatives Reviewed

Not applicable.

Relationship to Police Service/Board Strategic Priorities

This report confirms that the Niagara Regional Police Service is in compliance with Provincial Adequacy Standard Regulations in regard to Missing Persons and Police Services Board By-Law 386-2020 Missing Persons.

Relevant Policy Considerations

Police Services By-Law 386-2020 Missing Persons
General Order 076.12 Missing Persons
General Order 177.06 Ground Search
General Order 173.10 Parental and Non-Parental Abductions
General Order 202.06 Major Case Management
Memorandum of Understanding between the Niagara Regional Police Service (NRPS) and Search and Rescue Niagara (SARN) Dated: November 2, 2004
The Missing Persons Act, 2018 (Ontario Regulation 182/19)
Provincial Adequacy Standards Guideline LE-026 Missing Persons
Provincial Adequacy Standards Guideline ER-007 Ground Search for Lost or Missing Persons

Other Pertinent Reports

8.2.2021.03.25 Annual Report – Missing Persons – January 1 to December 31, 2020.

This report was prepared by Jay Nesbit, Staff Sergeant, Special Victims Unit, in consultation with and reviewed by James Leigh, Inspector, Investigative Support Services, reviewed by Brian Ash, Superintendent, Emergency and Investigative Services, and recommended by Brett Flynn, Deputy Chief of Police, Operational Services.



Submitted by:

Bill Fordy, O.O.M. #9615
Acting Chief of Police

Appendices

Appendix 1 Missing Persons Act – Form 7: Annual Report

In accordance with O.Reg.182/19 under the *Missing Persons Act, 2018* the contents included in this report must be prepared by April 1 of each year, and made publicly available by June 1 of each year.

Data Collection

Period of data collection

Start Date (yyyy/mm/dd) 2021/01/01	End Date (yyyy/mm/dd) 2021/12/31
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Name of Police Force
Nlagara Regional Police Service

Detachment Location (if applicable)

Unit Number	Street Number 5700	Street Name Valley Way	PO Box
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City/Town Nlagara Falls	Province Ontario	Postal Code L2E 1X8
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Total Number of Urgent Demands made 25	Number of Missing Persons Investigations in which a demand was made 6
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Types of records specified in the urgent demands and total number of times that each type of record was included in the urgent demands

Records	Description	Total number of times demanded
Records containing contact information or other identifying information		0
Photos, videos, or other records containing visual representation		0
Records of telecommunications or records that contain other electronic communications information, including information about signals related to a person's location	Telephone calls made and received, SMS (text) messages, tower locations, date and time, voice mails, azimuth, beam and radius data and payment details associated to account	19
Records of employment information		0
Records of personal health information within the meaning of the <i>Personal Health Information Protection Act, 2004</i>	Confirmation that the Missing Person (MP) was not in any hospitals in Ontario and did not use their OHIP card.	1
Records related to services received from a service provider as defined in subsection 2(1) of the <i>Child, Youth and Family Services Act, 2017</i>		0
Records that related to a student of an educational institution		0
Records containing travel and accommodation information		0

Records	Description	Total number of times demanded
Records of financial information	Banking records - all transactions leading up to and after the MP disappearance. Amounts of transactions, time, date, location and company.	5
Other records		0

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