



BY-LAW NO. 386-2020

**A BY-LAW RESPECTING MISSING PERSONS
(LE-026/ER-007)**

1. PREAMBLE

- 1.1 WHEREAS section 31(1) of the *Police Services Act*, R.S.O. 1990, c.P.15 as amended, provides that a Board is responsible for the provision of police services and for law enforcement and crime prevention in the municipality and shall:
- (b) generally determine, after consultation with the Chief of Police, objectives and priorities with respect to the police services in the municipality;
 - (c) establish policies for the effective management of the police force; and
 - (e) direct the Chief of Police and monitor his or her performance;
- 1.2 AND whereas subsection 31(6) of the *Police Services Act* provides that the Board may, by by-law, make rules for the effective management of the police service;
- 1.3 AND whereas O. Reg. 3/99 prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND whereas subsection 12(1)(l) of O. Reg. 3/99 requires the Chief of Police to establish procedures and processes for undertaking and managing investigations into missing persons;
- 1.5 AND whereas subsection 27(1) of O. Reg. 3/99 requires the Chief of Police to develop procedures on ground searches and subsection 27(b) of O. Reg. 3/99 requires the Chief of Police to promote through partnerships with other emergency providers and volunteer groups the co-ordination of ground searches;
- 1.6 AND whereas section 29 of O. Reg. 3/99 requires a police services board to have a policy on investigations into missing persons;
- 1.7 AND whereas Part LE-026 and ER-007 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Board, the Chief and members relative to managing investigations into missing persons and respecting ground searches for lost or missing persons;
- 1.8 AND whereas the *Missing Persons Act, 2018*, (O. Reg. 182/19) was enacted on July 1, 2019 to assist members of a police service when responding to missing persons occurrences;
- 1.9 AND whereas section 5 of O. Reg. 182/19, made under the *Missing Persons Act, 2018*, provides operational clarity about the requirements regarding urgent demands for records;
- 1.10 AND whereas section 8 of O. Reg. 182/19, made under the *Missing Persons Act, 2018*, requires the Chief of Police to report annually on the use of urgent demands for records by

members of the police service and the date by which the Board is required to make the annual report available to the public.

NOW THEREFORE THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD ENACTS AS FOLLOWS:

2. DEFINITIONS

- 2.1 “Act” means the *Police Services Act, R.S.O. 1990 c.P.15, as amended*;
- 2.2 “Missing Persons Act” means O. Reg. 182/19 made under the *Missing Persons Act, 2018*;
- 2.3 “Board” means the Regional Municipality of Niagara Police Services Board;
- 2.4 “Chief” means the Chief of Police of the Niagara Regional Police Service;
- 2.5 “Manual” means the Policing Standards Manual published by the Ministry of the Solicitor General;
- 2.6 “Member” means a member of the Niagara Regional Police Service as defined in the *Act*;
- 2.7 “Ministry” means the Ministry of the Solicitor General;
- 2.8 “Service” means the Niagara Regional Police Service.

3. BOARD POLICY

- 3.1 The Board recognizes that matters of missing persons are serious in nature, and it is therefore the policy of this Board that investigations into such matters be conducted in a professional and thorough manner and in accordance with procedures established by the Chief as directed in this By-law.

4. DIRECTION TO THE CHIEF

- 4.1 *PROCEDURES TO BE FOLLOWED WHEN INVESTIGATING A “MISSING PERSON” INCIDENT*
 - 4.1.1 The Chief shall develop and maintain procedures that set out the steps to be followed for undertaking investigations into reports of missing persons, including situations involving children, teenagers and elder and vulnerable adults.
 - 4.1.2 The Chief shall ensure that the procedures referred to in Section 4.1.1 above include a mechanism for investigative follow-up on outstanding missing person cases.
 - 4.1.3 The Chief shall establish procedures and processes to recognize and deal with the circumstances where there is the possibility of foul play and comply with the Ministry’s designated Ontario Major Case Management Manual.
 - 4.1.4 The Chief shall ensure that an AMBER Alert activation is considered in all missing children investigations and Major Case Management is implemented in all cases involving AMBER Alert activation.

4.2 GROUND SEARCH

- 4.2.1 The Chief shall develop procedures on ground search for lost or missing persons.

4.2.2 The Chief shall promote, through partnerships with other emergency service providers and volunteer groups the co-ordination of ground search services in the Regional Municipality of Niagara.

4.3 TRAINING

4.3.1 The Chief shall ensure that search coordinators and team leaders involved in investigating a missing person incident and/or ground search incident have the requisite knowledge, skills and abilities.

4.3.2 The procedures referred to above shall be in accordance with Appendix A.

4.4 NUMBER OF URGENT DEMANDS

4.4.1 The Chief shall ensure that officers who make an urgent demand for records do so in accordance with section 5 of the *Missing Persons Act, 2018*.

5. REPORT TO THE BOARD

5.1 ANNUAL REPORTING REQUIREMENTS

The Chief shall make a written report to the Board on or before April 1st of each year. 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 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 1st in a format approved by the Minister and made available to the public on the Police Service website by June 1st 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.

6. IMPLEMENTATION

6.1 By-law Nos. 218/247-2000 and 294-2010 as amended, and all other By-laws, sections of By-laws and policies of the Board inconsistent with the provisions of this By-law are hereby repealed.

6.2 This By-law shall come into force upon the date of its enactment.

6.3 The Chief shall implement this By-law, where applicable, through general order.

ENACTED AND PASSED this 22nd day of October, 2020.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

Signed Original on File

William C. Steele, Acting Board Chair

Signed Original on File

Deb Reid, Executive Director

Legislative/Regulatory Requirements

Section 29 of the Adequacy and Effectiveness of Police Services Regulation requires a police services board to have a policy on investigations into missing persons.

In addition, section 12(1)(l) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into missing persons.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to undertaking and managing investigations into missing persons that the Chief of Police will develop and maintain procedures that:

- a) set out the steps to be followed for undertaking investigations into reports of missing persons, including situations involving children, teenagers and elder and vulnerable adults;
- b) ensure investigative follow-up on outstanding cases; and
- c) where circumstances indicate a strong possibility of foul play, require officers to comply with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*.
- d) ensure an AMBER Alert activation is considered in all missing children investigations, and Major Case Management is implemented in all cases involving AMBER Alert activation.

Police Service Guidelines

Procedures

1. Every police service's procedures should:
 - a) require that investigations be undertaken or managed in accordance with the police service's criminal investigation management plan;
 - b) require that, when information is received that a person is missing, a report be taken and an investigation undertaken to establish the missing person's identity, physical description, any medical condition, emotional disturbance, mental illness or developmental disability, and circumstances surrounding the disappearance;
 - c) require that appropriate information be entered on CPIC upon verification of the report;
 - d) require that interviews with the reporting individual(s) and associates of a missing person be conducted as soon as practicable;

- e) set out the steps to be followed for situations involving:
 - i) a report that a missing person from another jurisdiction was last seen in the police service's jurisdiction; and
 - ii) a report that a missing person from the police service's jurisdiction was last seen in another jurisdiction;
- f) set out the steps for collecting information to assist in the identification of a missing person, including any photographs, media reports, dental records, fingerprints and DNA samples;
- g) require that any evidence be collected, preserved and secured in accordance with the police service's procedures for the collection, preservation and control of evidence and property;
- h) set out the steps to be followed in situations in which a missing person is a:
 - i) child;
 - ii) teenager; or
 - iii) elder or vulnerable adult, including liaising with the person's caregivers;
- i) require officers to also follow the police service's procedures on parental and non-parental abductions;
- j) require that officers liaise with voluntary or community agencies that are involved in locating missing children, teenagers and adults;
- k) require that any searches undertaken during a missing persons investigation be supervised by a trained search co-ordinator and conducted in accordance with the police service's procedures on ground search for lost or missing persons;
- l) address the steps to be followed during investigative follow-up when a missing person is not located, including the mandatory retention of the complete file, which includes the original and subsequent reports, photos, media reports, missing person identifiers and CPIC messages;
- m) where circumstances indicate a strong possibility of foul play, require officers to comply with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*.
- n) consider AMBER Alert activation in all missing children investigations;
 - Before an Alert is initiated, these guidelines must be met:
 1. Law enforcement agency believes a child under 18 years of age has been abducted;
 2. Law enforcement agency believes the child is in danger;
 3. There is descriptive information about one or more of the following:
 - Child
 - Abductor
 - Vehicleto believe an immediate broadcast alert will help in locating the child.
- o) require Major Case Management be implemented in all cases involving AMBER Alert activation.

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on ground search.

Section 27(a) requires the Chief of Police to develop procedures on ground search. In addition, section 27(b) requires the Chief of Police to promote through partnerships with other emergency service providers and volunteer groups the coordination of ground search services in the municipality served by the police service.

For the purposes of this guideline ground search means ground search for lost or missing persons.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to ground search for lost or missing persons that the Chief of Police will:

- a) promote, through partnerships with other emergency service providers and volunteer groups, the coordination of ground search services in the jurisdiction served by the police service;
- b) develop procedures on ground search for lost or missing persons; and
- c) ensure that search coordinators and team leaders have the knowledge, skills and abilities required to perform these functions.

Police Service Guidelines

Coordination of Ground Search

1. Every Chief of Police will promote, through partnerships with other emergency service providers and trained volunteer groups, the coordination of ground search services in the jurisdiction served by the police service.

Procedures

2. Every police service's procedures on ground search for lost or missing persons should:
 - a) require the designation of a trained member to coordinate search efforts in an area, with responsibility for:
 - i) selecting trained members to lead and direct small teams of searchers;
 - ii) consulting with the Ontario Provincial Police (OPP) when local resources are determined insufficient to conduct the required ground search operation;



- iii) requesting the assistance of Emergency Measures Ontario (EMO), where required;
 - iv) requesting the assistance of trained volunteers or volunteer groups, where required;
 - v) coordinating information and actions between the police service, other police services, other emergency service providers, government agencies, municipal officials, volunteer groups and the family of the lost or missing person; and
 - vi) advising assisting agencies of the decision to terminate a search;
- b) where volunteers from the community, who are not part of an organized volunteer search and rescue group, are utilized in a ground search operation, require that the search coordinator ensure that each volunteer is:
- i) registered by name and address;
 - ii) properly dressed and equipped in accordance with environmental conditions;
 - iii) assigned to an area of search according to that person's capabilities; and
 - iv) supervised to the extent reasonable and practicable, to avoid injury and damage to property;
- c) require officers to follow the police service's procedures on missing persons;
- d) where a ground search operation involves a major case, require compliance with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*;
- e) set out the process for obtaining the assistance of canine tracking investigative support;
- f) where federal operational assistance/humanitarian aid is needed to assist with a ground search operation, require that notification be made to the OPP to contact the Federal Government directly, including notifying EMO, where appropriate; and
- g) require the provision of assistance to victims and victims' families, in accordance with the police service's procedures on victims' assistance.

Training

3. Every Chief of Police should ensure that search coordinators and team leaders have the knowledge skills and abilities to perform these functions.

