



MEETING SD 6-20-24

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

**THURSDAY, APRIL 4, 2024
DET'ANCHOGH KÙÉ - EAGLE ROOM / ZOOM
10:00 AM**

AGENDA

1. Call to Order
2. Prayer
3. Review and Adoption of Agenda
4. Declarations of Conflict of Interest
5. In Camera Matters
 - a. Draft Terms of Reference – Study on Mental Health and Addictions Services
 - b. SCOSD Project Prioritization
 - c. Travel Update for Bill 2: *Missing Persons Act*
 - d. Internal Briefing: RCMP Hearing on Bill 2 *Missing Persons Act*
6. Public Matters
 - a. Public Hearing with RCMP 'G' Division on Bill 2: *Missing Persons Act*
7. New Business
 - a.
8. Date and Time of Next Meeting: 5:30PM Tuesday, April 9, 2024 – Council Chambers, Aklavik
9. Adjournment



Royal Canadian
Mounted Police

Gendarmerie Royale
du Canada

SPEAKING POINTS

Superintendent Dyson Smith
Criminal Operations Officer / acting Commanding Officer
G Division RCMP

April 4th, 2024

Appearance before the Standing Committee on Social Development

Re: Feedback for Review of Bill 2: *Missing Persons Act*

Introduction:

Supt. Dyson Smith is the Criminal Operations Officer for the G Division RCMP. He has over 23 years of service, including close to 11 years in total in the north. His experience encompasses 5 Divisions throughout the country, and more recently has fulfilled various Commissioned Officer positions in the NWT since 2018, including the North District Officer, Officer in Charge of Yellowknife Detachment, Assistant Criminal Operations Officer, and now the Criminal Operations Officer.

RCMP Obligations:

There is a legal obligation to conduct a fulsome investigation, as members must adhere to policies relating to these investigations. The following are excerpts from National Policy:

- **Missing person** means an individual reported to or by police as someone whose whereabouts are unknown, whatever the circumstances of their disappearance, and who will be considered missing until they are located.
- Locating the missing person is the primary investigational objective in a missing person complaint.
- A person is deemed to be missing until the police force of jurisdiction receives credible information confirming the missing person's identity, safety, and well-being.

Investigators have no discretion when it comes to a missing person complaint. They cannot take for granted that the person might not want to be found. Failure of members to adhere to these policies would be viewed as neglect of duty under our Code of Conduct.

Missing Persons Statistics:

2019

Persons Reported Missing = 39 (4 from fishing vessel (Indigenous males) and 3 from snowmobile through ice – Indigenous – 2 males and 1 female (1 male recovered)

Located= 33 Located (32 found safe / 1 found deceased)

= 82% Solve Rate (100% of remaining are deceased)

Race = 97% Indigenous & 3% Caucasian (One being a very wealthy person who was never found.)

Gender = 50% Female and 50% Male

72% of files attributed to Trail Cross Youth Home in Fort Smith (Issues stemmed from lack of systems.)

2020

Persons Reported Missing = 9

Located= 9 Located (8 found safe / 1 found deceased drown from boat in Tuktoyaktuk)
= 100% Solve Rate

Race = 100% Indigenous

Gender = 44% Female and 56% Male

22% of files attributed to Trail Cross Youth Home in Fort Smith (Issues stemmed from lack of systems.)

2021

Persons Reported Missing = 173

Solve Rate = 100%

Race = 100% Indigenous

Gender = 100% Female

2022

Persons Reported Missing = 301

Solve Rate = 100%

Race = 100% Indigenous

Gender = 100% Female

2023

Persons Reported Missing = 178

Solve Rate = 99% (1% is the Frank Gruben file.)

Race = 97% Indigenous & 3% Caucasian

Gender = 54% Female and 46% Male

Current Processes:

Missing Persons Steps (General)

- Gather Details and Descriptors
- Complete Missing Persons Report
- CPIC (Canadian Police Information Centre)
- Media Release (with photos if provided) –
Local and Non-Local
- Physical Checks of Known
Locations/Associates
- Tracking Cell Phones
- Monitoring Social Media
- Tracking Financial Accounts
- Follow-up on Any and All Tips/Rumors
- Police Dog (under certain conditions)
- Supervisor Reviews
- Manager Reviews
- Line Officer Reviews

Considerations for Water Searches

- Indication Subject was in the Water (boat, swimming, last seen at water's edge)
- RCMP can Initiate a Water Search if Conditions Met
- RCMP can Request JRCC (Ocean)

Considerations for Ground Searches

- Indication Subject was in a Specific Area
- Needs to Have a Starting Point
- RCMP can Initiate a GSAR if Conditions Met
- RCMP Does Not Conduct the Search, but Only Provides a Search Manager
- Search Resources Come from Community Based Groups

Civil Aviation SAR Association (CASARA) is an Option if General Search Location Known!

Without the Missing Persons Legislation, the RCMP has two mechanisms for obtaining information from organizations/institutions:

1. Humanitarian Grounds

Simply put, this is the free cooperation of organizations/institutions to assist the police by providing some information in urgent circumstances, where there are reasonable grounds to believe that there is the potential for imminent harm for the missing person. However, there is no legal obligation for cooperation in all circumstances. (i.e.: “pinging” cell phones, banking activity, social media activity, etc.)

2. Judicial Authorizations

These authorizations come in the forms of either Production Orders (to obtain records), or Search Warrants (to physically search locations). These authorizations must meet certain legal thresholds in order to be granted, and are time consuming to complete. Judicial Authorizations can only be tied to criminal investigations, so there has to be an offence alleged in order to seek these orders.

What Missing Persons Legislation Could Afford:

Legislation of this sort serve to expedite the processes that are currently sought through the Judicial Authorization process. It serves to afford these organizations/institutions with liability coverage for disclosing records that would otherwise be viewed as private. Additionally, this affords an avenue to seek information in cases where there is no evidence to support criminality.

○ **Concerns with Draft Legislation**

Clauses 7(4), 8(3), and 9(4) have to potential to be problematic in certain circumstances. These clauses require consideration to be given for granting these authorities, in circumstances where the missing person could be fleeing a domestic situation. The circumstances of their disappearance do not have any relevance in relation to the duty to locate them and ascertain their wellbeing. Privacy legislation prevents the disclosure of their location once found.

Respectfully submitted for your consideration.



Supt. Dyson Smith
Criminal Operations Officer
G Division RCMP