

HAMILTON POLICE SERVICES BOARD

- RECOMMENDATION -

DATE: July 23, 2020
REPORT TO: Chair and Members
Hamilton Police Services Board
FROM: Eric Girt
Chief of Police
SUBJECT: *Missing Persons Act: Form 7 annual reporting*
PSB 20-058

RECOMMENDATION:

- a) That the Board accepts the 2019 Missing Person - Urgent Demands for Records Report, known as Form 7, and make the report available to the public, as specified by the regulations of the Missing Person Act, 2018 of the Ministry of the Solicitor General of Ontario.



Eric Girt
Chief of Police

BACKGROUND:

In accordance with the Ministry of the Solicitor General, Missing Persons Act, 2018 Ontario Regulation 182/19, the obligation to make the annual report available to the public is on the Police Services Board. Each year, the Chief of Police is obligated to prepare the annual report and provide a copy to the Police Services Board (in the format approved by the Minister, i.e., Form 7). The Police Services Board is then responsible for making the annual report (i.e., Form 7) available to the public by posting it on a website in the year the report is received. The Act does not specify on which website to post the annual report (e.g., board's website or service's website).

SUMMARY:

The Missing Persons Act was passed on March 8, 2018, and has been in force since July 2019.

The act addresses current barriers faced by police officers in Ontario when investigating missing person occurrences. Prior to July 2019, police officers were limited in their ability to investigate reports of missing persons when there was no evidence of criminal activity. In these non-criminal situations, police officers were often denied access to records and permission to conduct searches of premises to assist in locating the missing person.

The legislation is intended to help police officers respond more effectively to missing persons occurrences by allowing, in certain circumstances, access to records (for example, telephone, banking, and travel), and powers to search premises, while balancing considerations for an individual's privacy.

OVERVIEW OF THE MISSING PERSONS ACT:

The act includes provisions that:

1. Define a missing person, for the purpose of using powers in this legislation
2. Create powers for police officers to use, in certain circumstances, to help locate a missing person. These powers are the ability to: Obtain a court order for a person or entity, to produce records that may assist in locating a missing person;

Obtain a search warrant to allow entry onto a premises to locate a missing person.

Make an urgent demand for records without a court order in certain circumstances.

Provide what information about a missing person can be publicly disclosed by police services,

Establish reporting requirements, including the release of an annual report, for the purpose of accountability.

REGULATIONS RELATED TO ANNUAL REPORTS:

Under the act, police services are required to report annually on the use of urgent demands for records by members of the police service. This includes:

- The total number of urgent demands made that year and the number of missing persons investigations to which they related;
- A description of the types of records specified in the urgent demands for records made in that year.
- The police service board, entity, or Minister receiving the annual report must make the report available to the public. (See attached report)

OUTCOME:

For the current reporting period of July 1, 2019 to December 31, 2019, there were 0 urgent demands made by the Hamilton Police Service.

EG/ph

Attachment: Annual Report Template – Form 7 – Missing Person Act, 2018

cc: Frank Bergen, Deputy Chief – Operations
Paul Hamilton, Superintendent – Investigative Services Division
Marco Visentini, Legal Counsel
John Randazzo, Director – Finance
Marco Visentini, Legal Counsel
Leanne Sneddon, Manager – Human Resources

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) 2019/07/01	End Date (yyyy/mm/dd) 2019/12/31
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Name of Police Force
Hamilton Police Service

Detachment Location (if applicable)

Unit Number	Street Number 155	Street Name King William Street	PO Box
City/Town Hamilton	Province Ontario		Postal Code L8R 1A7
Total Number of Urgent Demands made 0		Number of Missing Persons Investigations in which a demand was made 0	

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		
Photos, videos, or other records containing visual representation		
Records of telecommunications or records that contain other electronic communications information, including information about signals related to a person's location		
Records of employment information		
Records of personal health information within the meaning of the <i>Personal Health Information Protection Act, 2004</i>		
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>		
Records that related to a student of an educational institution		
Records containing travel and accommodation information		

Records	Description	Total number of times demanded
Records of financial information		
Other records		