



Legislative Assembly of Alberta

The 29th Legislature
Third Session

Standing Committee
on
Families and Communities

Missing Persons Act Review
Stakeholder Presentations

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The 29th Legislature
Third Session**

Standing Committee on Families and Communities

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Standing Committee on Families and Communities

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Christy Dzikowicz, Director, Child Safety and Family Advocacy, Canadian Centre for Child Protection
Lili Liu, Chair, Department of Occupational Therapy, Faculty of Rehabilitation Medicine, University of Alberta
Kim Savard, Program Manager, Carya
- Panel B.....FC-769
Linda Many Guns, Professor, Department of Native American Studies, University of Lethbridge
Rachelle Venne, Chief Executive Officer, Institute for the Advancement of Aboriginal Women
- Panel C.....FC-776
Steven Jewell, Legal Counsel, Alberta Health Services
Margaret Ward-Jack, Chief Public Affairs Officer, College and Association of Registered Nurses of Alberta
- Panel DFC-780
Andre Leduc, Vice-president, Government Relations and Policy, Information Technology Association of Canada
- Panel E.....FC-784
Kevin Harrison, Sergeant, Missing Persons, Edmonton Police Service
Lynn MacDonald, Acting Sergeant, Missing Persons, Calgary Police Service
Greg Preston, Acting Chief, Edmonton Police Service and Alberta Association of Chiefs of Police
Jason Zazulak, Staff Sergeant, Royal Canadian Mounted Police K Division

9 a.m. Wednesday, February 21, 2018

[Ms Goehring in the chair]

The Chair: Good morning. I would like to call this meeting to order. I'd like to welcome members, staff, and guests in attendance today for today's meeting of the Standing Committee on Families and Communities. My name is Nicole Goehring, and I am the MLA for Edmonton-Castle Downs and chair of this committee.

I would ask that members and those joining us at the committee table introduce themselves for the record, and then I will call on those joining us via teleconference.

Mr. Smith: Mark Smith, Drayton Valley-Devon.

Mr. Yao: Tany Yao, Fort McMurray-Wood Buffalo.

Mr. Orr: Ron Orr, Lacombe-Ponoka.

Mr. Ellis: Mike Ellis, Calgary-West.

Ms Benard: Dee Ann Benard, Alberta Rural Development Network.

Ms Savard: Kim Savard, Carya, Calgary.

Dr. Liu: Lili Liu, University of Alberta.

Ms Renaud: Marie Renaud, St. Albert.

Ms McKittrick: Bonjour. Annie McKittrick, Sherwood Park.

Drever: Good morning. Deborah Drever, Calgary-Bow.

Mr. Hinkley: Good morning. Bruce Hinkley, Wetaskiwin-Camrose.

Mr. Shepherd: Good morning. David Shepherd, Edmonton-Centre.

Ms LeBlanc: Stephanie LeBlanc, Parliamentary Counsel.

Dr. Massolin: Good morning. Philip Massolin, manager of research and committee services.

Ms Rempel: And Jody Rempel, committee clerk.

The Chair: On the phones?

Ms McPherson: Good morning. Karen McPherson, MLA, Calgary-Mackay-Nose Hill.

Dr. Swann: Good morning. David Swann, Calgary-Mountain View.

Ms Luff: Good morning. Robyn Luff, MLA for Calgary-East.

Ms Miller: Barb Miller, MLA, Red Deer-South.

The Chair: I would like to note for the record the following substitution: Ms Woollard will be substituting for Ms McKittrick later this afternoon.

A few housekeeping items to address before we turn to the business at hand. The microphone consoles are operated by the *Hansard* staff, so there's no need for members to touch them. Please ensure that all electronic devices are on silent mode. Audio and video of committee proceedings is streamed live on the Internet and recorded by *Hansard*. Audio access and meeting transcripts are obtained via the Legislative Assembly website.

A draft agenda for this meeting was distributed. Does anyone wish to propose any amendments? On the phones? Hearing none, would a member be willing to move a motion to approve the

agenda? Moved by Mr. Orr that the agenda for the February 21, 2018, meeting of the Standing Committee on Families and Communities be adopted as circulated. All in favour of the motion, please say aye. On the phones? Any opposed? Thank you. The motion is carried.

We have the minutes from our last meeting. Are there any errors or omissions that anyone would like to note? On the phone? Hearing and seeing none, would a member move adoption of the minutes, please? Moved by Ms McKittrick that the minutes of the January 18, 2018, meeting of the Standing Committee on Families and Communities be adopted as circulated. All in favour of the motion, please say aye. On the phone? Any opposed? Thank you. The motion is carried.

Review of the Missing Persons Act. Hon. members, on January 18, 2018, the committee decided to hear oral presentations in regard to its review of the Missing Persons Act. For today's oral presentations all participants have been invited to make a five-minute presentation as part of our review of the Missing Persons Act. After the presentations are complete, I will open the floor to questions from committee members.

At this point I would like to welcome our first panel guests. Please introduce yourselves for the record once you begin your presentation. We'll start with Dr. Lili Liu.

Panel A

Dr. Liu: Thank you. I'm Lili Liu from the University of Alberta, Faculty of Rehabilitation Medicine. Thank you for this invitation. I don't have a PowerPoint presentation, but I've prepared a two-page summary of notes that I won't read to you but will just go over briefly and be happy to answer questions on.

I'd like to begin with the question: what is wandering in persons with dementia? We know that 3 out of 5, or 60 per cent, of persons with Alzheimer's disease or a related dementia go missing and that if they're not found within 24 hours, up to half of these individuals who get lost will suffer serious injury or death. In the literature and in academia we distinguish between general wandering, which refers to individuals who wander and doesn't necessarily result in any negative consequences, and critical wandering, which refers to wandering that results in injury or death. You have an academic definition there in italics in the handout.

Silver alert can refer to many, I think, programs or meanings in the literature or in the world, so in the notes I've prepared just some references that I think may help in today's discussion. Silver alert in the United States is well known for its state funding, and the state-funded programs exist in all but five states. Essentially, the way it works is that when a person goes missing, a report is made to a law enforcement agency. They assess whether the state criteria are met. I think that's important to note, that there are state criteria and they vary between states. When these criteria are met, it raises an alert with the media, and then law enforcement and the public are asked to report information regarding a missing person. Then eventually the alert is discontinued.

This program in the United States has serious, I think, issues. From our literature review we have found that there are inconsistencies across the states, that the state criteria for issuing an alert can vary. For example, in one particular state the alert is triggered for individuals who may be 55 or older, and for another state it may be 65 years or older. You can imagine the confusion that arises when a person who is missing then crosses state. They are no longer covered by the silver alert program from their home state. There is also lots of evidence, I think, to alert the public that this is just a quick fix in the United States, that when state governments fund these kinds of programs, these inconsistencies

can cause more harm and jeopardize some civil liberties of older adults by reinforcing negative stereotypes. These images that are out in the media are there for quite a long time, so media alert fatigue also may result.

Silver alert in the United States refers to something completely different. In Canada currently there are no provincially funded silver alert programs. Actually, our team does not, I guess, advise or advocate for this at this point. In Manitoba Bill 214, Missing Persons Amendment Act, was passed in 2016-17 and is yet to be, I think, proclaimed. In B.C. there was an unsuccessful attempt or several attempts to launch a provincially funded program. Again, I think that that request for provincial funding is probably where the bill failed to be passed. Currently there is a citizen-led silver alert program funded through donations.

We are here today to talk about Bill 210. There are some other related programs that exist that are not related to legislation that people may think about when we're talking about silver alert. The first is in the Maritimes, Manitoba, and British Columbia. They have partnerships with an international group called Project Lifesaver. This costs money to the users, and there are monthly fees and an initial registration. What happens is that they wear a bracelet with a radio frequency transmitter. When a person goes missing, then, caregivers alert this particular company, which then sends out a team to search for the individual using this technology. For some of these, police services are also involved. It has its limitations, and to date there is actually no research. This company, Project Lifesaver, does not collect data that provides evidence on the reliability and the effectiveness of its service.

Safely home is a program that the Alzheimer societies across Canada form in partnership with MedicAlert that uses a community network of local chapters. Now, this is also based on a monthly fee, but essentially it doesn't help to locate an individual when the vulnerable adult goes missing. What happens is that they are tagged or they wear a bracelet so that when a person is found, whether alive or dead, there is at least an identification of that individual.

9:10

The finding your way program, funded through the Alzheimer Society Ontario, is an initiative that focuses on education. It's very effective, in multiple languages, and we are in partnership with them. But, again, it does not actually involve activities that will search for an individual.

Some of the challenges in locating missing persons with dementia or cognitive impairment are – I've provided some bullets here in the handout . . .

The Chair: I hesitate to interrupt, but you're at the six-minute point. If you could just summarize quickly, please.

Dr. Liu: Okay.

The Chair: Thank you.

Dr. Liu: Well, the message here is that it takes a community to find missing adults who are vulnerable, not just the police. And given that Bill 210 does not commit the province to funding specific projects, as in the States, it respects privacy and personal information by working with the police and family and communities, and it facilitates partnerships between police and community, I do not have recommendations for changes to the silver alert amendment of Bill 210.

The Chair: Thank you very much.

At this point I would like to call on Alberta Rural Development Network, Dee Ann Benard.

Ms Benard: Yes. I'm Dee Ann Benard. I'm the executive director of the Alberta Rural Development Network. Thank you for the invitation today. I will say that our interest in this is quite peripheral. We work on rural development issues, and one of the key areas we work in is vulnerable populations. We try to work on projects and access to services that are going to help our most vulnerable citizens. This includes things like access to justice, access to transportation, municipal sustainability, but most importantly, we are working to build affordable housing in rural communities, and we are the delivery agent for the federal rural and remote homelessness funding. So that's the perspective I'm going to speak from.

Most rural communities lack access to services for those who are homeless or facing homelessness, whether that's mental health issues, access to affordable housing, access to employment or other services, or access to transportation. When these citizens are either at risk or found to be homeless, they, you know, approach somebody in the community, and often the community response is: well, let's get them to where services are. So they put them in a car or a bus or a taxi, and they send them to a large community that does have services. Now, this is done with the best of intents, but what happens, especially if they get sent to the largest centres like Edmonton or Calgary, is that they have to be homeless there for a year before they can access most services. They arrive with little or no resources, not knowing anybody, being in an unfamiliar environment, and often they just promptly disappear. Whether it's because they become victims, because they become criminals, or in some cases they die, they can't be found. Their loved ones go to find them and they can't. This is a huge problem. Often no one knows what happened to them until they're either in the criminal justice system or they've wound up dead.

From that perspective and looking at whether or not there have been any complaints – we certainly haven't heard any. I don't actually know how many times the Missing Persons Act has been used to find somebody who has gone missing from rural Alberta, but if this is a tool that can be used to find these people more quickly, before they become victims, before they die, then the benefits, in our opinion, would outweigh the risks.

The Chair: Thank you so much.

At this point I would like to invite Carya, formerly Calgary family services, Kim Savard.

Ms Savard: I'm Kim Savard, and I'm the program manager of The Way In at Carya, which is formerly Calgary family services. You'll see on the first slide that it talks a little bit about what our organization is. We've been around for 104 years. We've just gone through a recent name change, so that's why there is the Carya part.

Just to give you a bit of context, I work on the older adult services team, and we have an elder abuse response team, community development, senior support, older adult counselling. The program that I work in is The Way In. It's a network of agencies across Calgary that support vulnerable seniors. There are 35 service coordinators, employed by four different agencies, that work with the vulnerable senior population.

I just want to give you a little bit of history of why we're involved in this project. In 2015 Bowmont Seniors' Assistance Association and Carya commissioned an environmental scan of silver alert programs in North America. At that time the stats that we had in Calgary were that 180 seniors on average went missing per year in Calgary, and those were only the seniors that were reported to police. We recognized that there was a need for a different kind of engagement with community in Calgary, so we commissioned a study. We formed a steering committee with Calgary city police, United Way, the city of Calgary, Alzheimer Society, ourselves, and

Bowmont Seniors' Assistance. Then we held a community conversation in Calgary to talk about the issue and to see who was interested, and overwhelmingly all of our 32 stakeholders said that, yes, this is an issue. From there we formed an action team in the city of Calgary under the age-friendly strategy.

You'll see the list of all the different agencies in Calgary that are on the missing persons silver alert action team. We've been meeting now for two years to look at what we can do to support seniors and caregivers that go missing in Calgary. We have a number of different goals. I won't go through all of them, but I think I wanted to really point out that, as Lili said – and we've been working quite closely with Lili – it is a community issue, and it takes more than just police services to resolve this. We think that a collaborative approach to looking to support caregivers and seniors that go missing is the way to go. Part of what we want to do is to look at the upstream part of it, the prevention and the support for caregivers, but also some kind of system that would look at responding once a senior goes missing.

I know I don't have a lot of time, but I just wanted to tell you a very quick story. We had a staff meeting. We're talking about this project, and that evening one of our staff member's 90-year-old mother went missing in Calgary. It became very, very clear that we have a system, through the police services, that will engage transit, engage, you know, different organizations in Calgary, but what we don't have is that social media push, eyes on the ground to be looking out for that senior. So he's posting on Facebook, saying, "Please help me," and people are reposting and reposting. So we recognize that there needs to be a more comprehensive program. It became very close to home in the work that we are doing.

The highlights: where we're at right now is that we're promoting the Calgary Police Service's vulnerable persons registry. We've consulted with MLA Mark Smith and supported Bill 210 as it really aligns with how we see a program working in Calgary and other jurisdictions. We're engaging with U of A and AGE-WELL to explore a community ASAP, kind of a community-led program, where we engage community members to be looking for seniors, and we're looking to beta test a program here in March.

That's it.

The Chair: Thank you very much.

I would now like to invite the Canadian Centre for Child Protection, Christy, via video conference. Go ahead, please.

Ms Dzikowicz: Hi there. Thank you for the opportunity to provide a presentation today to help inform the committee's important work. The Canadian Centre for Child Protection is a national charity dedicated to the personal safety of all children, so I'll be speaking from that perspective. It started as Child Find Manitoba following the abduction and murder of a 13-year-old named Candace Derksen. Her mom, Wilma, and a group of dedicated volunteers created the organization to provide essential services to families of missing children. It's been our goal ever since to reduce the incidents of missing, exploited children while educating the public about ways to keep kids safe. The centre – can everybody hear me?

The Chair: You're cutting in and out, but I think that if you keep going, we'll be very quiet on this side.

Dr. Swann: We're having trouble hearing in Calgary.

The Chair: Yes.

Ms Dzikowicz: Okay. Can you hear me now?

The Chair: Yes.

Ms Dzikowicz: Is that better? Okay.

The centre, through its missingkids.ca program and its child safety and family advocacy division, provides support to families of missing and exploited children. We've been doing that for over 30 years. Through this program we work with police agencies and other stakeholders to safely locate and return children to their legal guardians. Our team of trained caseworkers offers free services 24/7, 365 days a year. We also, importantly, operate cybertip.ca, which is Canada's national tip line for reporting the online sexual abuse and exploitation of children. The tip line is a central part of the government of Canada's national strategy for the protection of children from sexual exploitation on the Internet.

In my testimony today I'll briefly touch on issues affecting missing children and youth and what we've learned from reviewing the missing persons legislation from across Canada. I'll set out four main ways our agency believes that Alberta's government can strengthen the Missing Persons Act in order to better protect children.

9:20

Firstly, statistics from the RCMP for 2016 show that 3,839 missing children and youth reports were filed in Alberta. The current definition of missing person in the Alberta Missing Persons Act is fairly broad. However, it would be more robust with the addition of age, which would ensure that the inherent vulnerability of children and youth is always considered. British Columbia's and Manitoba's legislation has included age in the definition of a missing person. Suggested wording based on British Columbia's legislation is provided in our written submission, dated October 31, 2017, on page 4.

Secondly, section 3 of the Alberta Missing Persons Act gives law enforcement the ability to access information about third parties when the missing person is a minor or a vulnerable person. A vulnerable person is defined as a person represented under the Adult Guardianship and Trusteeship Act. This may be about persons who are not defined as vulnerable under the act but are nonetheless at great risk of harm. For example, indigenous women and girls are disproportionately victims of violent crime in Canada and are more likely to go missing than any other group. Currently only British Columbia gives law enforcement the power to access records or search premises related to third parties if the missing person is a person at risk. British Columbia's missing persons regulation goes further and sets considerations to be taken into account when determining if a person is a person at risk. Amending the definition of missing person in section 3 of the act to include a person at risk would likely provide law enforcement investigating cases involving vulnerable members of society with a few more options. Suggested wording for the definition of missing person is provided also in our written submission, on page 4.

Third, under section 7 of the Missing Persons Act a parent or guardian may request and receive information collected under a missing persons investigation regarding a child after the child has been found and returned. This has the benefit of giving parents and guardians the opportunity to glean more information that can assist them in offering their children additional supports. However, some caution when applying this section is necessary given that children may have gone missing for reasons connected to the parents. Sadly, our organization is aware that an alarming number of children who are, for example, sexually abused are abused by a parent or a guardian. In an ongoing study involving reported case law of child sexual abuse perpetrated by a family member, our agency found that 64 per cent of the 138 cases in 2017 involved perpetrators who were fathers or men in a parental role. With over 90 per cent of missing children reports filed in Alberta in 2016 relating to runaway

children and youth, our agency believes it's important that law enforcement be mandated to take into consideration a child's refusal to consent to the disclosure of information to a parent or guardian. Where minors withhold consent but are otherwise in need of supports, it may be worth including provisions that information may be shared with the child welfare agency or the office of the Child and Youth Advocate.

Finally, there does not appear to be a formal requirement in the Missing Persons Act for law enforcement to inform a child that her parent or guardian has asked for information under the act nor guidance provided to law enforcement on the process or procedure that should be used. A set process, either set out in the act or in the regulation, to provide guidance to law enforcement on the need to consult youth in matters that affect them would help to ensure consistent application of the legislation throughout the province and better protection of youth rights.

In closing, I'd like to reiterate the importance of the committee's work in this area. The safety of missing and exploited children is dependent on our ability as a society to use and improve upon the tools and resources available. The Missing Persons Act of Alberta is such a tool, and strengthening it will give greater protections to the most vulnerable in our communities.

Thank you.

The Chair: Thank you to everybody who provided a presentation.

I would now like to open the floor to committee members to ask questions, and I would ask all panel presenters, when responding, if you could please start with your name for those joining us via video conference.

Member Drever.

Drever: Thank you, Chair, and thank you, everyone, for your presentations. My first question is for Dr. Lili Liu. We appreciate the viewpoint of someone who has worked with adults with dementia. You talked about the value of community networks and getting communities mobilized to help missing persons with dementia. I was wondering if you can explain a bit about community networks and how they might be able to work in conjunction with the police services under the Missing Persons Act.

Dr. Liu: Thank you for your question. One example might be related to the project that we're working on that's funded through AGE-WELL, which is national, the Networks of Centres of Excellence. What this project proposes to do is to use a platform, a digital platform that can come as an app on a mobile device for community volunteers. For now for the purpose of the project we call them volunteers, but we understand that the term "volunteer" can mean very different things across the province. This is a national project in the sense that we've got Ontario involved and we've got British Columbia, but we're starting with Alberta. Essentially what it involves is the community. Once they receive the alert through the police or through a co-ordinator that has the authority to ensure that the privacy of the individual who is lost is protected and only the minimal amount of information that's necessary is released, then these volunteers in the community can just keep an eye out for older adults who look like what's on the alert. Often what we found is that older adults who go missing are not recognized as missing individuals until after, you know, the injury or the body is found.

Drever: Okay. Thank you.

I have one more question for Dr. Lili Liu if that's okay.

The Chair: Go ahead.

Drever: Okay. Thank you.

Do you have any thoughts on what kind of special considerations might be needed to be given to missing persons cases dealing with adults with these conditions, if that makes sense?

Dr. Liu: What are some special considerations?

Drever: Yeah.

Dr. Liu: Yeah. The reason we support silver alert or attention to the older adult population in the Missing Persons Act is that this population, this age group, is different from children. Children have guardians, but older adults typically do not or are not viewed as vulnerable, especially people with cognitive impairment. They look just like anybody else, right? The consideration is that older adults also have a right to self-determination. Even individuals who have dementia are not incapacitated in every aspect of their lives, only in certain aspects. The special consideration, I think, the challenge for us is: to what extent do we share or do we cross the line of providing personal information yet still respect their autonomy and also their right to keep their privacy? That's why we work with the family to elicit the minimal amount of information that's necessary in order to find them. Now, perhaps future generations of older adults are not going to care, but I think the current generation of older adults does care to a certain extent about their privacy.

Drever: Yeah. Absolutely.

I just had a couple more questions. Is that all right?

The Chair: Perhaps after I go to the phones. I'll put you back on the list.

Are there any members on the phones wishing to ask a question?

I'll call Mr. Smith.

Mr. Smith: Thank you very much. First of all, I want to thank you for taking the time out of your lives to come down here and help us. This is an exercise in democracy even though it's part of a committee, and having Albertans come in and provide us with the input that we need to make a better piece of legislation is actually very, very important. Thank you for coming here.

I'm going to focus in on the silver alert and on the seniors. I'm going to ask three very quick questions, and we can just do them all at once. The silver alert amendment that we made and passed through the Legislature can really be broken down into about two parts. The first is what criteria the police service need for activating a silver alert; the second is what information can be disseminated. I'm just wondering in a broad question for you: is there anything that we've missed? Is there any information that we need to add to this piece of legislation about activating a silver alert?

In the legislation it talks about:

- (a) the individual is a missing person,
- (b) the individual is a represented adult ... or an adult with a cognitive impairment, mental disorder or medical condition ...

There may be a fear for the safety of the individual, or

- (d) There is information available that, if disseminated ... could assist in the individual's safe recovery.

9:30

Is there anything that we've missed in there? Is there anything that we've missed in the portion on the dissemination of information? Lastly – and I think you've already said it – would you recommend that this committee support the addition of this into the Missing Persons Act, into Bill 210, and encourage the government to proclaim it?

Thank you.

The Chair: Thank you.

Ms Savard: We were very lucky to be working with MLA Smith when this bill was getting developed, so we were able to have some input right at the beginning. I think that in Calgary we've been, I guess, also very lucky to be working very closely with the Calgary Police Service, and they gave a lot of input into this bill. What we believe is that if we are looking at a silver alert type of program, then the police are an integral part, and we want to work through them so that the threshold for information going out is through the Calgary Police Service. We're ensuring that whatever report is getting made meets the criteria that the police would also believe is critical.

It's quite aligned already with the work that's being done, and it mirrors what we're already doing in Calgary. The wording in the bill itself, because we were able to have input all the way along, really does align already with what we're looking at as to how this project would go and what we're thinking are kind of the procedures that are almost already in place other than the community engagement part of the response. It quite aligns already with where we're thinking it should be, so, yes, I would completely recommend that.

The Chair: Thank you.

Any other panellists wanting to respond?

Dr. Liu: I could just quickly respond that the burden is going to be on the police because they are the critical point to determine whether or not a particular incident or a particular case does warrant an alert. Having said that, you know, there is no requirement or onus on public funding. In the end, it may be that, in fact, more resources will have to go to the police, but I think the bill itself covers the essentials for carrying out this attention to vulnerable seniors. Our colleagues in the Calgary police tell us that they already do this. This fits, this aligns with what they're doing, so this is not going to change anything that they're doing. In other words, what it does is that it formalizes and recognizes that what they're doing is appropriate and is necessary.

The rest of the comments related to information dissemination, any information missed, that sort of thing: that really comes in the application. I can see, for example, that 10, 15 years from now, when technology, the data collection process, improves, there shouldn't be a need to change the bill. I'm trying to think ahead to another decade from now. The bill should cover our improvements in gathering data, in disseminating data. So I would recommend it as well for proclamation.

The Chair: Thank you, Dr. Liu.

Any other panel members wishing to contribute? Thank you.
Member Drever.

Drever: Thank you, Chair. This question is for Kim Savard. I just wanted to say, you know, that I commend you on your efforts with Carya to have a collaborative approach to help vulnerable seniors in Calgary. The fact that 180 seniors go missing per year is quite a large number. I also wanted to mention that I personally work with Kim. Every month we have a seniors constellation meeting with different stakeholders in the riding, and we have a collaborative approach on how we can improve the lives of seniors in Calgary-Bow and in the northwest area of Calgary. I'm happy to say that we're going to have a fraud awareness session coming up March 28. I'm looking forward to that.

Getting back to the question, in your presentation you talked about developing a network that can support a community response. I was wondering if you can share any lessons that you've learned from that process.

Ms Savard: Probably a lesson that I would always learn in any of these processes is that it takes a long time and that collaboration is hard work, but this issue has been one where everybody has come to the table fully willingly and shown up at meetings and is willing to put their agency and their time on the table for this. It seems like one of those ones where there's not a lot of, I guess, small "p" politics in it. Everybody believes that this is something we should do, and if we can have more eyes on the ground for people that have gone missing, it's just better for our society. The beauty of having it as a collaborative: we have everybody bring different strengths to the table. So we have people that would be the responders. We would have agencies like the Alzheimer Society doing the education, the prevention, some of those pieces. We've got the Distress Centre in Calgary aligned with us, who are looking at supporting those caregivers that are in the midst of somebody being lost and getting them connected to resources.

What we're looking at is that this is not just about responding to somebody that's gone missing. It's about the upstream approach, it's about the prevention piece, and it's about supporting caregivers around the education. I think the collaborative way that we're approaching this is the way that we can have everybody come to the table, including agencies and the community itself. It really is part of the city's age-friendly strategy. It's been embedded in that, so we've had really good support from the city as well.

Drever: Thank you.

The Chair: Thank you.

Mr. Orr.

Mr. Orr: Hi. Good morning and thanks. I'm just wrestling, I guess, with polarities here a little bit. Two of you, Dr. Liu and Kim Savard, have talked about the value of community. I think what I hear you talking about is the issue of – I don't know – administration engagement. But on the other end of the spectrum we have a number of presenters saying to us that even a province-wide solution isn't enough because of the interjurisdictional issues that arise the minute somebody crosses a border. I just wonder if you'd comment on sort of the full spectrum of it. I mean, if we focus on community based, we've got dozens and dozens of interjurisdictional issues right within Alberta, not to mention the interprovincial ones. I guess the question relates, then, not so much to sort of the spirit of the administration or the execution of it but in terms of the legislation. How do you deal with that polarity from one extreme to the other, where it actually works well at community but interprovincially is an issue as well? I'd just appreciate your comments on that issue.

Dr. Liu: Sure. It's not so much about polarity as a difference between how the Americans carry out a silver alert versus how the Canadians are carrying it out or will be in the sense that what I try to do is present lessons that we can learn from the Americans on what not to do. What they have done is that they've legislated so that there are state differences. I mean, here where we say "vulnerable older adult," we don't specify the criteria to the extent that they do in the United States.

We are approaching this community sort of solution as one of many solutions. We're not saying that the province has to fund it. In fact, we want to promote economic growth, so there is going to be a start-up company that is going to be providing this particular service. This will exist nationally, and we hope that there will be competitors as well. There are no interprovincial kinds of requirements so that if an individual, if a volunteer, for example, who resides in Alberta goes to B.C. for a holiday, he can easily sign up to be a volunteer or a dementia-friendly volunteer to be on the

lookout for anyone where he might get an alert to look out for that individual. So the issues that we see in the United States I'm hoping we will be able to avoid in Canada by setting these interprovincial jurisdictional, you know, criteria.

Does that answer your question?

Mr. Orr: Somewhat.

Ms Savard: Well, maybe I could just add something. One of the things that we are very supportive of in this bill is that it's not prescriptive; it's permissive. It doesn't say that everybody has to have a system, so each jurisdiction, municipality can look at what their resources are and what their capacity is. That's one of the things that we appreciate about it. And then, knowing that smaller communities, rural communities have different kinds of issues and different kinds of capacities, we are looking at that as well. Although Calgary is going to look at being a beta site for, potentially, this new tool, we are also looking at a community, Cochrane, just outside of Calgary that would be dealing with the RCMP and dealing with different agencies to look at how that would then shift, what it would look like in a different kind of municipality.

9:40

Dr. Liu: Just perhaps to add to that, the United States for their silver alert program do not engage the community. It's purely that someone reports someone missing, the police put it out on billboards and on TV or maybe radio – I'm not sure – and then that's where it stands. What we're advocating for here in Canada or in the three provinces we're working with is that the community is involved and that the community members sign up to participate in keeping an eye out for someone who goes missing and that this information, this private information, is then screened through the police to ensure that we respect an individual's rights as well. So that tackles the issue of violating civil liberties, that the Americans are very concerned about as well.

We're very community based whereas in the States they are not. We also use technologies that we all carry around – they're ubiquitous – so our mobile phones and stuff. In the U.S. they don't do that. They just go through TV and billboards.

Maybe that clarifies the question a little bit.

Mr. Orr: Yeah. It's an interesting piece, how much you would actually consider putting in the legislation and reserving to the community engagement part. I totally support the concept you've pushed of community participation because I do think the solution often lies there. But it raises issues where, you know, somebody in Calgary goes missing and you push it out on the Calgary system but they're actually in Red Deer. You know, do you do it province-wide? What if they end up in Saskatoon? Do you do it interprovincially? How do you write that all in? That is my question.

Dr. Liu: Yeah. We can do that.

The Chair: Thank you.

Is there anyone on the phones wishing to ask a question?

Hearing none, Ms McKittrick.

Ms McKittrick: Thank you, Chair. I really have a question around what happens in rural areas. I think I'm going to start by asking it to Ms Benard. You know, I understand that in communities like Edmonton or Calgary or Red Deer there is a network of agencies. There are a number of places that missing persons can be noticed or seen and so on. But I'm thinking of the rural areas when somebody goes missing either because of dementia or mental health

problems or where a child goes missing and so on. The danger to that person is really imminent because between their home or wherever they go missing, there is nothing. There are fewer community services. There is less police involvement. The RCMP office may be miles and miles or kilometres away.

I have a question to Ms Benard. I know that your organization has worked extensively with rural areas around homelessness and access to justice and so on. I was wondering: what insight do you have from your work that would help us around making sure that any revision to the act takes into account the difference between rural Alberta and the big cities?

Ms Benard: Well, I'd have to say that with smaller communities it's probably less of a problem because people do know each other. They're going to notice something out of the ordinary. Once the word gets out, people will be on the lookout. The problem will be the slightly larger communities, where perhaps the network isn't as strong and not everybody knows each other. The community approach being discussed, especially by Kim here, would be really important and the use of social media, getting that word out across communities, whether it's a formal or informal community network that links communities to get that information out. I think the biggest danger would be with somebody who might wander out of the community in the winter, and then they're not going to be found.

By having some kind of system that would allow people to gain information quickly – there is an alert system in Vancouver that we're looking at starting in rural communities. It's essentially a cellphone system. So people sign up for it, and then everyone can get an alert in an area very quickly. That area can be as big or as small as you want it to be. That kind of option or strategy might be of particular use in rural communities. It gets the word out quickly. Everybody has a cellphone, and people can start looking quickly because – I agree – the danger becomes very bad very fast.

Ms McKittrick: Can I just ask a supplementary question?

The Chair: Go ahead.

Ms McKittrick: Thank you.

In your introductory remarks you talked about the homeless population who get sent out to the big cities and so on and they might be declared missing. I was wondering: is there a good tracking system for persons who a social agency or another agency moves into one of the big cities, big centres, and so on? You know, what happens when somebody has to leave the rural areas because somebody is sending them somewhere and nobody knows about it?

Ms Benard: The short answer is no, there is no tracking system. That's why people disappear so quickly. Even between communities one of the big issues we have when we're trying to count homeless people is: how do you know if this person has been moving around? Were they homeless in Rocky Mountain House, and now they're homeless in Airdrie? We have no way of knowing whether that's the same person or a different person.

We are working on using unique identifiers for people so that they can be tracked by service agencies. There is privacy involved. You don't know who that person is, but there is a way of creating a unique identifier. But even sharing that information across communities is a real challenge.

Ms McKittrick: Thank you.

The Chair: Thank you.

Member Drever.

Drever: Thank you, Chair. This question is for Christy from the Canadian Centre for Child Protection. Thank you so much for joining us today by teleconference. In your written submission and in your presentation you made a number of recommendations. I won't repeat them all, but there were two in particular that I wanted to address. One was the inclusion of age and person of risk in the definition of missing person, and the other was to add in considerations about the disclosure of personal information to parents or guardians after a missing child was found. I was wondering if you could let us know if you consulted with police services in different jurisdictions about these ideas and also if you had the chance to discuss these issues with stakeholders in different jurisdictions as well and what they thought of them.

Ms Dzikowicz: Thank you very much. I think one of the things we were hoping to achieve in putting forward our recommendations is prompting the committee to explore some of those things with police. I mean, we work with police partners across the country every day with respect to these types of scenarios. Certainly, in jurisdictions where they have, you know, a missing persons unit, like Winnipeg for example, there is recognition of some of the concerns that we share around family violence issues that may exist that prompt a child to run away and that sort of thing. So where there are concentrated units, I think there's a broader awareness of some of those concerns.

But I think what we were hoping to do is prompt the committee to seek that from some of the future panellists that you have, for example, and weigh in with some of those folks that would be putting together the submissions and the documents that would have that type of private information, for the most part not trying to be prescriptive but to insert into the legislation opportunities for people to consider those risks and consider those concerns, but not necessarily prescribe what must happen. It provides that opportunity for anybody moving forward, for example, to pause and consider whether or not the sharing of that information will be helpful to a young person.

Drever: Thank you.

The Chair: Thank you.

Are there any other members wishing to ask questions? Mr. Ellis, go ahead.

Mr. Ellis: Thank you. Panel, thank you so much for being here today. I guess my question is to Ms Benard. In your opening remarks, you mentioned a bracelet program. Maybe you can expand on that slightly.

Ms Benard: No. I don't think that was me.

Mr. Ellis: Oh. That wasn't you. Sorry. Was it Ms Savard or somebody? Somebody had mentioned a bracelet program.

Dr. Liu: I'm not sure. It was in my head, but I'm not sure I actually said it.

Mr. Ellis: I was reading your mind.

Well, if somebody could maybe have some remarks on it, a bracelet program regarding especially those seniors who are most vulnerable, especially those with dementia. If somebody could maybe expand on: has it been successful; is there a process; who pays for this process? Stuff like that.

Thank you.

9:50

Dr. Liu: Yeah. This is the MedicAlert bracelet program. It's just simply an ID, kind of like anyone who has diabetes or has a medical condition might wear a bracelet. It has their ID. There is a \$60 yearly fee. I believe in Edmonton the police are working with the community to try and register as many people as possible for a limited time for free.

This goes as far as identifying a person, and that's it. It doesn't help us in the search of a particular individual. Often we've heard cases where people go missing, they have a cognitive impairment, they're wearing the bracelet, and the people who find them don't even check the bracelet. So they are part of a registry, and the Alzheimer societies often are partners in this particular program.

We also are aware of other kinds of technological devices that are wearable – we've done a provincial study on this – that have proven to be very effective. These are GPS-enabled either bracelets or pendants that people can wear or a watch. We've tested them in Grande Prairie and the rural sites. They're more for the affluent, you know, people who are not homeless. I've been struggling to think of what we could do with the homeless population. It's very, very challenging, but there is technology also in the form of a bracelet that will actually allow you to track someone.

Mr. Ellis: Can I have a follow-up here, Chair?

The Chair: Absolutely. Go ahead.

Mr. Ellis: Yeah. That's more, I guess, what I was leaning to, the technologically based sort of bracelet system. I mean, you mentioned those, obviously, who are more affluent who could afford that. Do you have an idea of what cost is involved? Is it monthly? Is it yearly? Is it, let's just say, family members of those who are most vulnerable that are paying for this at this time?

Dr. Liu: Yeah. We did a study that was funded out of Alberta Health. The full report and summary reports are available online, so you can look that up. We carried out a study with 45 dyads of families that were in Calgary and also in Grande Prairie to compare. There were three devices we tried. One was a pair of insoles, the other was a watch, and the other was a pendant. The cost would range. For example, at the time, this was a couple of years ago, to purchase the watch might be – I don't know – \$300 or something. The monthly fee would be about \$40. At the end of the study Alberta Health Services could not ethically remove these devices from users because they were so useful and so effective, so they allowed families to keep using them until their family member was put in residential care or no longer needed it. As a matter of fact, Alberta Health currently . . . [An electronic device sounded]

The Chair: I apologize. At this point we need to adjourn the meeting.

[The committee adjourned from 9:53 a.m. to 10:23 a.m.]

The Chair: Thank you. I'd like to call this meeting back to order.

Dr. Liu, if you'd like to continue with your comments.

Dr. Liu: Yeah. I'll just finish up answering the question that I think Mr. Ellis had posed. In fact, this particular project that we did with Alberta Health Services was the first and still remains, I think, the first in the country where a provincial health service provider engaged in the use of a commercial product. So this is not a medical device but commercially available products that are GPS enabled to enhance the health and the safety of Albertans. In this particular case, I think Alberta Health Services continues to use these types of

devices for cases such as in domestic violence, people with severe mental illness, that sort of thing.

Also, since we did the project, the vendors themselves have realized that when working with vulnerable adults, particularly those with progressive dementia, it doesn't make sense with respect to their marketing model to sell these products to these families who may not use these devices beyond, say, a year, a year and a half, so they've entered into other options such as leasing, waiving certain costs. So I think that we're influencing the vendors in the market.

In terms of coming up with a cost, a price tag, I would say that there are many creative approaches. We don't have to feel like we're locked into, you know, one particular model of funding these kinds of devices.

The Chair: Thank you very much.

At this point I don't have anybody else on my speakers list. Are there any members wishing to have some final questions before we wrap this portion up? Mr. Orr.

Mr. Orr: Yeah. Just one quick one, maybe your different opinions on it. The Alberta Chiefs of Police have recommended specifically including the records of group homes, shelters, and rehab facilities. Any comment from anyone on that particular piece of it?

Dr. Liu: I didn't quite catch part of the question.

Mr. Orr: The Alberta Chiefs of Police have recommended that in the legislation we actually specify that records from group homes, shelters, and rehab facilities be made accessible, specifically stated, to the police in the case of an emergency because they're not actually named at this point in time. Any comments on that particular piece?

Ms Savard: I'm going to just ask one more clarifying question: records of the information about a person that has gone missing, to be able to access that.

Mr. Orr: Correct. Yeah. From group homes, shelters because they haven't been included up to now.

Ms Benard: Right. I'm assuming under the same requirements that exist for anything else, where they have to go to the justice of the peace for permission?

Mr. Orr: Of course.

Ms Benard: Of course. Well, I would say that that would probably be a very positive thing for finding homeless people, so I don't see how that would be much different than what currently exists and much more helpful.

Mr. Orr: Okay.

Ms Savard: I know we've been in some discussions with long-term care facilities, not so much group homes but certainly the long-term care facilities, knowing that, you know, should somebody leave the facility, a community response would be helpful. So the sooner the information is up around who they are, what they look like, and what the vulnerabilities are, that would be advantageous. I would think there would be some advantages to having some access to quick information.

Mr. Orr: Okay. Fine.

Dr. Liu: I see it as aligning with, you know, aspects of the bill that specify if a person's safety and welfare are feared or in danger. Whether or not it needs to be specifically written into here, if the

police think that it does in order for them to access it, then probably it should be. I see it already covered here, but perhaps I'm wrong.

Mr. Orr: Okay. Thanks.

The Chair: Thank you.

Are there any members on the phone wishing to ask final questions?

Hearing none, Mr. Ellis.

Mr. Ellis: Thank you. First of all, I just want to thank all panel members, including, of course, the panel member from the Canadian Centre for Child Protection, for joining us here today. I just have one final remark, and again it's broad. I guess it just has to do in regard to a mature minor. Do you feel that the current act properly defines a mature minor? Would you like to see it narrowed or expanded? I'd just like to hear some thoughts in regard to the defining of a mature minor.

Thank you.

The Chair: I would just like to remind those responding to introduce yourself. Thank you.

Dr. Liu: I'm not familiar with that term. Can you just define what a mature minor is?

Mr. Ellis: Well, I mean, I'd have to bring it up in the act. I don't have it in front of me right now. But, certainly, when – I'm sorry. I believe it was the lady from the Canadian Centre for Child Protection that mentioned it. Obviously, when you're trying to locate a child who's deemed to be vulnerable and there may be some safety concerns in regard to notifying the parents, the child may be deemed a mature minor, sometimes by the court, sometimes not by the court. Sometimes they're leaving that variable to the police to define who a mature minor is.

So part of the controversy, if you want to call it that, or part of certainly the discussion is: should the definition regarding mature minor – again, I apologize for not having it directly in front of me. But let's say, in general: would you like to see that scope narrowed, or would you like it to be broad, and I guess we'll say allow the police to use their judgment as to who or what a mature minor is? Again, in search of that person if that helps.

10:30

Ms Benard: Our experience with youth homelessness would seem to recommend that it should be broadened rather than narrowed or at least maintained. I think police discretion would be really important. There's such a range of situations that a minor can be facing. I would hate to see the definition narrowed.

Mr. Ellis: Great. Thank you very much.

The Chair: Thank you very much, Mr. Ellis. I would just like to point out that Christy from the Canadian Centre for Child Protection was joining us via video conference, and she has left the meeting. However, the clerk has indicated that she could e-mail this information to her and ask if she would like to provide any additional information to the committee.

Mr. Ellis: Thank you.

The Chair: You're welcome.

At this point I would like to thank the members for coming to present to us and our panel.

At this point I would just ask that we have a five-minute break to allow the next group of panellists to join the committee meeting.

Thank you. We will briefly adjourn.

[The committee adjourned from 10:31 a.m. to 10:38 a.m.]

The Chair: Thank you. I'd like to call the meeting back to order.

Before we begin, I would ask that we quickly go around the table and introduce ourselves for the record. I'm Nicole Goehring, MLA for Edmonton-Castle Downs and chair of this committee.

Mr. Smith: Mark Smith, MLA for Drayton Valley-Devon.

Mr. Yao: Tany Yao, Fort McMurray-Wood Buffalo.

Mr. Orr: Ron Orr, Lacombe-Ponoka.

Mr. Ellis: Mike Ellis, Calgary-West.

Ms Venne: Rachele Venne, CEO, Institute for the Advancement of Aboriginal Women.

Dr. Many Guns: Dr. Many Guns, University of Lethbridge.

Ms Renaud: Marie Renaud, St. Albert.

Mr. Horne: Trevor Horne, MLA for Spruce Grove-St. Albert.

Drever: Deborah Drever, MLA for Calgary-Bow.

Mr. Hinkley: Welcome. Bruce Hinkley, Wetaskiwin-Camrose.

Mr. Shepherd: David Shepherd, MLA, Edmonton-Centre.

Ms LeBlanc: Stephanie LeBlanc, Parliamentary Counsel.

Dr. Massolin: Good morning. Philip Massolin, manager of research and committee services.

Ms Rempel: Jody Rempel, committee clerk.

The Chair: Again I would like to remind everyone that today's participants have been invited to make a five-minute presentation, after which I will open the floor to questions from committee members.

At this point I would like to welcome our guests. Dr. Linda Many Guns, if we could start with your presentation.

Ms McPherson: Excuse me, Madam Chair.

Mr. Smith: You forgot the phones.

The Chair: Oh. Sorry.

Ms McPherson: Can we introduce ourselves?

The Chair: Absolutely.

Ms McPherson: Thank you. Good morning. Karen McPherson, MLA, Calgary-Mackay-Nose Hill.

Ms Miller: Barb Miller, MLA, Red Deer-South.

The Chair: Thank you.
Go ahead, Doctor.

Panel B

Dr. Many Guns: Okay. I really appreciate being here, and I certainly understand the difficulty of this work and how important

it is. I'd like to give you some context in regard to my background so that it will kind of give you a better understanding as to where I'm coming from instead of just my academic background.

I worked for several years in Ottawa, when I was getting my law degree, to open up three clinics for aboriginal people on the streets. Beyond that, I also worked for Elizabeth Fry and went into the prisons to assist women with their difficulties. Through those experiences it helps to inform the way I think about this act.

I'm also Blackfoot. I'm from Siksika. All of my family is native. We're from the Guns family. There are the Two Guns, the One Guns, the Cross Guns, the Red Guns. We're the Many Guns. Anyway, I'm proud of my heritage, and I work a lot with my people. I also work in the native studies department, and I teach aboriginal law. I believe that knowledge is very important to all of us in order to bring a better understanding of the circumstances, especially in regard to aboriginal people and, in this case, the missing persons that may be affected through this legislation here in Alberta.

What I have put together are some of the parts that I think could actually be added to in order to enhance the effectiveness of this legislation in Alberta. I'll go through some of these points. I only have a few minutes, I understand. The first thing is that I would like to see the definition of the section expanded to include the vulnerable and persons at risk. I believe that it's in the purview of this committee to actually look at what effect that expansion could actually have in regard to aboriginal people. I think that our aboriginal population is the most vulnerable, the most homeless. There is the missing and murdered women issue, that probably touches on, you know, this legislation. Due to that, I honestly feel that this act has to be expanded in order to bring those people within the purview of the effectiveness of this legislation.

The second point I raise is a clause added to this that would have recognition interjurisdictionally with other provinces. I'll speak later as to why I feel that that's absolutely essential, especially with the murdered and missing women. Criminals are very smart people. They know where all the loopholes in the law are, and it's up to us as the good people in society. We have to be aware of where these loopholes are so that we can cover these bases for, especially, vulnerable and missing people.

The second point. I believe Alberta was the first province to put this legislation in, and this is the review of it. I think that that review process should be regularized. I think that it should be normalized. The reason for that, I think, is that as you hear these presentations, there are a lot of gaps that are in it, and I don't think one fix is going to do it. I think that it should be considered something that's a work-in-progress.

The next point that I'd make is that the data collection process – right? – should be maintained in regard to these reports. What I'm saying here is that when I go to the demonstrations for the murdered and missing women, I have met I would literally say hundreds of families whose people have been missing and reports would not be taken. There has to be a mechanism for the number of reports that are not taken. There needs to be a data collection record process. I don't know how you would work that out, but there's a lot that's being missed beyond what you're seeing. That would also include a complaint process that would be attached to it so that when police won't take reports, somebody is collecting the number of those that are not making it onto any type of record. I think that those are the circumstances that aboriginal people have and that they face not just here in Alberta but in all parts of Canada.

Those are my points. Thank you.

10:45

The Chair: Thank you very much.

I would now like to invite Rachele Venne from the Institute for the Advancement of Aboriginal Women. Go ahead, please.

Ms Venne: Great. Thank you. I'm hoping that my voice doesn't crackle. I'm just getting over a cold, so I apologize. First of all, thank you for the opportunity to share some of the thoughts on what changes are needed to the Missing Persons Act. I'm thankful to be standing on Treaty 6 territory and homeland of my Métis ancestors.

The Institute for the Advancement of Aboriginal Women is a provincial organization based in Edmonton. One of our objectives: to build the individual capacity of aboriginal women, their families, and communities. Women and their families come to us normally as the last resort for advocacy services when they feel that police have not been helpful. We have hosted gatherings with police, government, and community over the years to get people talking about what system reforms can happen and specifically around the missing and murdered indigenous women.

Police carry a large part of the responsibility for implementing this act; therefore, the reforms suggested have a lot to do with the police. Sometimes they're a reason why the person goes missing, and it seems like police do not have the time to connect the person or the family to the necessary supports.

Police have the choice to take the report of a missing person. Although there has been a great deal of promotion done to tell those reporting that you don't have to wait 24 hours, many do wait, and there are still instances where police won't take the report. From our discussions with police, how to manage people, mostly youth, that go missing: many times it's very hard to determine when they are really missing. There are instances where risk assessment and management of the missing persons file are not done well or not at all. There are unique vulnerabilities that should be considered; i.e., intergenerational trauma, unfamiliarity with urban settings. In one instance we had a mother frantically calling us because the police officer was going off shift for a few days. We were able to advocate to the chief of police, and officers arrived in 20 minutes to help that family. Our first recommendation is that the failure to comply section should include fines for police not taking the report of a missing person.

Second, the police do not report on missing persons in a useful manner. As part of the work done on the missing and murdered indigenous women, the federal government put \$2 million into the RCMP in 2010 to set up a national database for missing indigenous women. We are still waiting for that database. Despite the province, through the Justice and Solicitor General department, conducting a probe with all the police forces in Alberta on the missing and murdered indigenous women in Alberta, information on how many are missing in Alberta has not been shared. We don't know. Therefore, we can only speculate on how many missing indigenous women are in the province and don't know if the situation is getting worse or better. Our recommendation is that the act include the requirement of yearly reporting to one source.

The next part, around research and investigation of missing persons, is not a priority for police. The information that is needed to find somebody is critical within 72 hours, yet police resources allocated to missing persons to get phone, health, and other records are limited. And time to respond to the request: it seems to take a long time to get that information. So our recommendation in that area is: wherever possible, explore alternatives such as contracted private investigators for this research and requests for information – I'm not sure if that's a possibility, but, I mean, something needs to be done about that – and then the idea of including an acceptable response time in the act for responding to information requests on missing persons.

The Chair: Thank you very much for your presentations.

At this point I would like to open the floor to committee members to ask questions. Mr. Orr.

Mr. Orr: Yeah. Thank you very much. I appreciate your comments, both of you, and thanks for coming. Dr. Linda Many Guns, I really appreciate your fourth and fifth points, and it's been echoed by Rachelle. The importance of a data collection process, I think, is critical and some sort of a process for complaint.

I think that if we're concerned about community health and wholeness in families and creating the environments that are healing and maybe even resolving some of the issues that cause missing persons in the first place, one of the challenges that we face as a society is that we give people in authority the decision as to whether or not they will give feedback, whether or not they will include the person who initially raised the issue. I guess I'll say "family," whether it's a spouse or a parent or a sister or a brother or whatever. Too often the people in authority have no legal compulsion and, quite frankly, no personal interest in including those extended people in any kind of discussion, not to mention formal reporting or anything else like that.

Do you think it would be helpful to require in the legislation some sort of careful prescription that family members or the person who raised the issue should at least get some sort of a report back? I realize that there are sometimes problems with abuse, and there needs to be carefulness and protection there, and, you know, there are complicating issues all the way around. But I so often hear about families that make a request, and then years later they still don't even know if anything ever happened. They still have no idea that anybody even looked into it, and nobody will tell them because they all claim that they don't have the authority or they've got privacy of information issues or whatever. I just would appreciate your comments on that.

Dr. Many Guns: Oh, my goodness, that's the big question. I actually wonder, you know, as I was looking at this material and the question, knowing some of the problems we face – I mean, what I noticed on the streets is that it may be people that have been living on the streets for years. They have no other context but the friends on the streets, and they have so little credibility that nobody will take a report from them.

Mr. Orr: That's a good word, credibility.

Dr. Many Guns: Well, it's the lack of credibility for almost all aboriginal people as well, I mean, for all sorts of reasons. I don't know if this is the right committee to be thinking about it, but I think, you know, that putting this on top of policing responsibilities – I don't think it should be there. I think there should be an entirely different thing formed that would be dealing with all age groups and all the various problems that are there instead of allocating police officers to go and run around and look at people. I think that that's where it's a bottleneck. It could be deliberate, it could have just emerged organically through time, but I wonder if it's proper to have police officers that are required to do this on top of looking for criminals. I just wonder if it's too much of a mixed bag.

In regard to the complexity of it, yes, I think that the vulnerable people that are missing and the reporters – I don't think there should be any more than 24 hours in regard to a report back. I think it should be an absolute requirement. I mean, you're talking about human beings here. These are the people that support governments, that come to our universities. They're the people that make Canada. They're just as much a part of the population. I've seen some of the kids whose parents have been on the streets come through universities, so for me I don't see them as lost people but just as people who have had difficulty for parts of their lives, and I don't think they should be pushed away. Their reports and their missing

moments in the world should be treated the same as anybody else's. How do you ensure that that happens?

10:55

Mr. Orr: If I can respond to that?

The Chair: Absolutely.

Mr. Orr: I honestly believe that if we don't mandate the authorities to require them to make some sort of a report, it will never happen.

Dr. Many Guns: Yeah. That's absolutely true.

Mr. Orr: I just believe the culture and all the other aspects of it – I know that there has to be allowance for situations where there's a reason to be careful. But, quite frankly, we've created a culture of absolute silence and mandated – unless we give them that authority clearly in the act, it'll never happen.

Dr. Many Guns: Well, I would add to that. I think that there should be a preliminary report and then a follow-up report, so anybody that's reported – and then the family can cancel it later. But if nothing is done after a certain period of time, there should be a follow-up report to see what's going on. If nothing is done there, I think there has to be on the document a clear number that says, "If nothing has taken place" for some place where they can file a complaint outside of the police so that somebody is documenting how many, not just the ones that are acted on but the ones that aren't taken, too. That's our problem, that they won't even take the reports as aboriginal people.

The Chair: Thank you.

Mr. Hinkley.

Mr. Hinkley: Yes. Thank you. Again, welcome, and thank you for your presentation and your perspective and, more importantly, for your recommendation. It's really appreciated. Dr. Many Guns, on your PowerPoint presentation, and also Ms Venne, if you'd like to comment as well: if we expanded the definition of missing person to include vulnerable people and people at risk, do you think that would be enough to give consideration to indigenous people under the act? Or would it be better to mention indigenous people specifically?

Dr. Many Guns: Well, the language: of course, we won't go into a discussion about aboriginal, indigenous, and whatnot. Which one do you think is more inclusive, indigenous or aboriginal, Rachelle?

Ms Venne: Yeah. I use both. "Indigenous" could be good, but I think it's what comes after that's really important. Like, "vulnerable people," I think, says it, but that's for me, because it changes.

Dr. Many Guns: Yeah. You know, we've added things into other legislation like, I think, the social work act. Almost at the very heading of it it's got a recognition of aboriginal culture. It hasn't helped much. It hasn't helped much. We can add our specific groups in the legislation, but if the mechanism hasn't got enough teeth to make the actors act, then it can say all it wants.

Mr. Hinkley: A second quick question, then.

The Chair: Go ahead.

Mr. Hinkley: Dr. Many Guns, again, in your written submission there was a recommendation about a complaint process and that that be created and that it either be neutral or an aboriginal body that can investigate these complaints. Have there been, in your experience,

any or many instances where aboriginal people have been subject to record requests under the Missing Persons Act where they have had reason to complain? Can you maybe give us some examples or tell us of those instances?

Dr. Many Guns: Okay. Well, that's got a couple of topics in there. I'll start with the reporting body or neutral body, and what I was thinking was that we have the ombudspersons. That's considered a neutral body, and I think perhaps that might be the place for the complaint issue.

In regard to complaints from people in regard to accessing information, I haven't heard that. Aboriginal people are quite impoverished. The ability to even have phones and computers is a given. Like, this legislation is primarily written for people who are family people who have homes and, you know, have that scenario intact. That makes it difficult to connect in many ways to some of the issues that you might be familiar with.

Ms Venne: If I can just add from our organization, we've been involved in a request for information from the RCMP, like a full report, for the family. A woman went missing in Athabasca, and the family wasn't happy with how the whole investigation was handled. We worked with the K Division and the aboriginal relations department, and they gave us a rundown of everything that happened and didn't happen. So that is open to us.

Mr. Hinkley: Thank you.

Dr. Many Guns: I'll just add. I know that one of the comments that was made with the previous panel was about accessing information from the shelters and whatnot. I thought that was an excellent idea because we have so many people there. If that was written into the legislation, I think it would enable more information flow.

Ms Venne: If I could just add a little bit on that as well?

The Chair: Go ahead.

Ms Venne: In our experience, the different youth shelters deem missing people differently. I know that was a difficulty raised by the police. Some of the group homes will see a youth on the other side of the street, and they'll say that he's missing, right? Others will wait days before they report a missing youth. So there are a lot of standards that need to be tightened up in that area as well.

The Chair: Thank you.

Dr. Swann.

Dr. Swann: Thank you very much. That's very enlightening and should have been common sense for our systems, but of course there persists a sense of two-tiered service for indigenous and nonindigenous that pervades all of our services, I'm afraid.

One issue that I wanted to pick up on was the need, as has been said before, to identify the responsibility for reporting on these annually at least and consolidating across the country, a provincial report and a national report, so that we force the services to work together to not only share information more effectively but also to be accountable for what they've investigated and what they've found.

I guess the question I'd have would be not only related to how we bring that into legislation but whether or not under the ASIRT team, the Alberta Serious Incident Response Team, we recognize the need for a social worker working together with a police person to deal with some of the complexities and some of the time-consuming activities that go along with it. Would it be too much to add this to the responsibility of an ASIRT team so that they could

share responsibilities for some of these duties, or has that been considered?

Dr. Many Guns: I think that that would be an excellent idea. It brings to mind, actually, some thoughts that I had when I was writing this piece for you. I was thinking that our aboriginal people have trust issues – that’s probably one of the barriers that exists – and I wondered if there was a reporting piece put in or some type of a mechanism that would include aboriginal people in it so that the trust level would be there in order to ensure that that factor doesn’t create another barrier in regard to whether people will go to these groups or this idea that you’re presenting. It’s just the aboriginal context. I was even thinking that the ombudsperson for this should be an aboriginal person that’s delegated or found by the various agencies and services that are aboriginal that could select somebody that would be most effective at this.

A very good point, though.

11:05

The Chair: Thank you.

Did you have something to add?

Ms Venne: No.

The Chair: Okay. Thank you.

Dr. Swann, any follow-up?

Dr. Swann: Well, I would just like to ask our staff, then, to look at what would be necessary, in the first instance, to establish both a provincial and a national reporting requirement – we can’t, of course, control the national side – and how we would proceed with that recommendation nationally. And I’d ask for a police comment perhaps on whether the ASIRT team, the Alberta Serious Incident Response Team, would have a role and if, in fact, they do currently use that team for some investigations of missing persons. I would appreciate some follow-up on both of those.

Dr. Many Guns: Well, can I share a story with the committee about where I’m drawing from? When I was with Elizabeth Fry, when we’d go into the prisons, the guards would just allocate us to, you know, the individuals, and they would kind of give us a background of the circumstances so that we were not too surprised, and we just helped them with various things.

One lady that I was going in to meet was a Chinese lady, and apparently she was apprehended because she had taken a meat cleaver after a man. This was in Alberta. What I found out afterwards, as time went by, was that she was taking little 10-, 12-, 13-, 14-year-old aboriginal kids off the streets, apprehending them, bringing them to other provinces, and putting them into houses to sell them into the sex trade – okay? – and the man that didn’t want this little 12-year-old girl, that was opposing her, was the person that she chopped up. For that little girl, if there was a report in B.C., nobody would have known about it in Alberta. Our little people are really, you know, being taken advantage of by the people that know how to work the system.

That’s why I’m saying that I think it’s our responsibility, especially for you as a committee, to understand how these crimes are, you know, being easily committed just by moving a few feet here or there in order to get away with the stuff that they do.

The Chair: Thank you.

Dr. Swann, I just wanted to remind you that the police will be present at the 1:30 panel presentation, and perhaps you could ask the question of them at that point.

Mr. Horne.

Mr. Horne: Thank you. And thank you, both, for taking the time today to present to us, and thank you so much for all of the work you both do in the community on some very important files. I just wanted to ask. You know, I think it’s very important for the committee to get a sense of the scale of the problem. I myself, while I am a member of the Métis nation, have been very fortunate not to have any of my family go missing. That’s unfortunately not the case for most indigenous people. I was wondering if you could share a bit more about the scale of the challenge of police not accepting reports or accepting them and then something along the line, whether it’s follow-through, just doesn’t get back to the family.

Ms Venne: Yeah. Maybe I could talk a little bit about that. We’ve been involved in a number of instances where the police wouldn’t take the report. So, you know, through relationship building with the police, we’ve got a contact, and we can send them to take that report, insist on it. But I think just a general understanding that the searching and a lot of times the finding of the missing person is not done by the police.

The discrepancies or the differences between a nonindigenous family having a missing person and an indigenous person having a missing person are just totally black and white. One of the gatherings that we had recently was to work with a family out of St. Albert that had their parents go missing and kind of explore some of the ways that they were able to get information on their family members that went missing and just compare the differences.

In probably 2000 we worked with the police to change the way that they communicate a missing person, so try not to say, “she’s a street person” or things like that; we try to say: she’s a mom. You know, it tends to be that people don’t have a heart for indigenous people like they do for others. We were successful with the police and a lot of other community organizations coming together to say: “Look, people don’t look for street people, so can you at least leave that out? Or put it in the description, but don’t make it high-profile in the case.”

For our part we were trying to work on raising funds so that there can be a helicopter for indigenous community members that go missing, you know, that they can access the fish and wildlife department to get maps and things like that, that other family members have been able to do that we haven’t.

So I hope that helps a little bit on just some of the instances that we’ve had.

Dr. Many Guns: I guess if you’re looking at the scope or how large the problem is, I’ve just got a few examples. I have a PhD candidate that I’m supervising – she’s Cherokee; she’s from the United States – and she’s been documenting indigenous missing women from the whole of North America, has been mapping it, and there are thousands.

Another incident that comes to mind is that up in Grande Prairie there was a women’s march for the murdered and missing women, a vigil that was held there. It was the first one that had been held in Grande Prairie. When the people came together afterwards, the old ladies, you know, the community people, they asked the question: how big is the problem around here? They started to sit down and write down names. They had four pages of names of women that they could remember from the memories of the people that were sitting there. If that’s indicative of the community up there, I’m not sure how big the problem is. The police won’t take our reports. So what else can we do, you know?

The Chair: Thank you.

Mr. Horne: I just have one follow-up. I do have another question, but I can certainly come back to it. One thing that struck me that Ms Venne said is that there was a family in St. Albert. Of course, we like to often think about this as being, you know, on-reserve or the Métis settlements or more rural. Perhaps if you could share any insights as to, you know, rural indigenous people versus urban indigenous people and the realities in terms of missing persons.

Ms Venne: Yeah. I can tell you a little bit. The family that I was referring to in St. Albert is the McCann family. Bret McCann has been very helpful to us to share any information that they had around how they searched for their parents and what sorts of things they did. I think it just opened up the doors for other people to kind of see: okay; this is who you connect with. He had a lot of connections, right?

In the case in Athabasca it was totally different. She was at the hotel. She went missing. They found her purse, but they didn't find anything else. Police did not search that day. Family was out, like, three times over the weekend because, of course, you know, things shut down over the weekend. So the priority is not there.

I mean, I know the police are stretched to the limits, and that's why I agree with some of the suggestions around, you know, maybe having an investigative body that can do that piece and then report back to the police or that the community can access. But definitely the idea of nobody knows what's happening – if there is a report, you know, on the number of missing people, that'd be sure nice to have yearly to see: are we doing any better? Hopefully, that helps a little bit.

11:15

Dr. Many Guns: One of the problems that we have in our aboriginal community is the back and forth from the reserve to the city. They call that churn. That's what the statisticians call it because they can't keep track of us. The problem as well with anything, whether it's social services, whether it's family violence, is that there's no connection between the services outside and on the reserve. There are no links. So what's going on inside that level is very different than this, and there's no connection between them either. That creates a really serious problem for our communities.

The Chair: Thank you.
Ms McPherson.

Ms McPherson: Thank you, Madam Chair, and thank you to the panel members for coming to tell us your feedback about this particular bill. I just wanted to let you know that when you talked about the vigil in Grande Prairie and there being four pages of names of women that have gone missing, I actually gasped. I grew up in that area, and I think a lot of what you are talking about really points to how there's a disconnect between communities about what's actually happening. It really reinforces your feedback about how important reporting and data are and to be able to measure what sort of improvements there are or if there are not improvements, to be able to address them.

I just wanted to come back to something that I believe Ms Venne was speaking about, and that is a provincial probe into data not being shared. Now, is that data that was being gathered as a result of the federal database initiative, or is that a separate initiative?

Ms Venne: In I believe it was 2015 Alberta was awarded some funds to look into the missing person, missing indigenous women issue. Part of that process was going to every police service in Alberta and gathering their information. I was so excited because we had, you know, bits and pieces here, but I thought, "Great; we're going to have it," and it was never released. I don't know why. I

know there was lots of difficulty because there are, of course, jurisdictional issues with each one. So it's very disappointing that we couldn't get that information shared. As a result, we'll probably do it. We'll do our own, and we will manage that. But I think that's one of the reasons why I said that the province of Alberta shouldn't have got that money. It should have gone to the community to do their own research.

The Chair: Thank you.
Ms McPherson, any follow-up?

Ms McPherson: Yeah. I really appreciate that clarification, and I wonder if there was some kind of a deadline on the initiative, if there was a reporting date. It's something I'll look into offline, but if you do have any of that information, I'm happy to hear about it.

Ms Venne: Sure. It is ongoing. They did get two years of funding after that, and that's where we get the family information liaison unit. So it's within that funding. I know there was some talk about the RCMP – they were one of the partners, of course. But the idea that the people who went missing frequently – do we measure them at six months, like, being missing, or do we measure them when the report comes in? When are they technically missing? I said: just pick a number, pick six months or something, so that we can at least have those numbers. But I know there are a lot of young people that go missing and are found fairly quickly. That makes it a little bit hard.

The Chair: Thank you.
Mr. Orr.

Mr. Orr: Thank you, Madam Chair. Two questions, if I may. First of all, with regard to the fact that, Dr. Linda, you've referred to the importance of expanding the definition of missing persons to include persons at risk, the question becomes, then: how do you define that, and how does it get interpreted later by police? Would you be in favour of going the route that B.C. has gone to actually name what persons at risk might mean in terms of hitchhiking, substance abuse, sexual exploitation? Maybe, I guess I'm asking: would you endorse that approach, and would you add anything to it? That's the first question.

Dr. Many Guns: Okay. I endorse it. I think that it would be very important because the aboriginal context is very different, and there are elements that I'd have to really rethink, you know, those things. I endorse the idea of expansion, but I think that there are probably very specific things like the interjurisdictional issue, the family violence issue. We've got the prevalence of fetal alcohol syndrome. We've got mental health problems that are very severe. We've got suicidal youth. We've got the highest suicide rates, fentanyl deaths, all kinds of things. So we've got kind of very different problems that are there that perhaps should be included.

Mr. Orr: I guess the challenge is: do you try and name all those in legislation and/or regulation, or do you just leave that up to sort of the general consciousness, the interpretation of the police officer who is supposedly doing the investigation?

Dr. Many Guns: Well, my law professor said that if you list it all, then if something falls out of it, too bad. If you leave it general and broad, then at least you're capturing everything if they're interpreting it all that way. The test then is ensuring that it's being read properly.

Mr. Orr: Okay. Thank you.

The second question. Both the previous session and I think you have mentioned that oftentimes it's not the police that actually finds

them; it's the community that finds them, which I think is good. Trying to discern, you know – and, Rachelle, I think you mentioned this, too – when do you actually go to the police? How do we understand that? I guess my question is: would there be particular issues with regard to empowering or encouraging aboriginal communities to engage on those particular things? I mean, I think you heard what was said earlier from the city of Calgary and what they're trying to do, but particularly for aboriginal and – maybe this was mentioned – rural, on-reserve, some of these other places: is there a way to enhance community engagement in knowing when to actually go to the RCMP? I agree that the police can't do everything, so how do we balance that?

Ms Venne: Yeah. The problem is money, usually. I know that the idea of, you know, doing a search – it all costs money, so just the amount of money that you can gather in a rural community is less. I know that's a particular issue, but the idea that if people are more familiar with what the police can do within this act, which is gather the health records, gather the phone records, they do their part within a quick amount of time. Then, yeah, hopefully, that would be given to the family or people that can search to help, right? For us, for the police, whoever this act is written for, they need to do their part to do the logistics, find where they were last, that type of thing. Then if that can be shared with people who are actively searching, you've got a lot of people working on finding the person.

Mr. Orr: If I may just follow up. Does sharing that information have to be mandated, or do you find that it's happening, or is it actively resisted?

11:25

Ms Venne: Well, just to give you an idea, 72 hours is kind of the critical time period, right? Half the time the case isn't even started in 72 hours, right? The critical time where you need to get the phone records – with Amber Tuccaro's case it was a long time before those records were released. And those are so important to where she was last, you know, where to start. I don't know if you're familiar with that. What was released was a recording of her in the vehicle with the supposed killer, saying: "Where are you taking me? You're taking me down 50th Street." That is critical information that we're not getting access to soon enough. That's why, if we can tighten up the response times that people have – with technology today, gosh, you'd think it could be a lot quicker than what we're doing.

Like, even health records. Where was their prescription filled last? Those types of things. Access to information is critical in that first time. This is what, in my opinion, the act needs this tightening for, right? It's not the searching outside of this, but it's actually gathering the information. Where were they last? Conducting that first little piece of it, and then the community, naturally – like, if your daughter went missing, you'd be out there searching, right? That's something that happens.

The Chair: Thank you.
Mr. Horne.

Mr. Horne: Thank you, Chair. I just wanted to comment on the transience of many indigenous people. There's an elder that often drops by my office every few months from Attawapiskat, certainly quite the distance for him. You know, if he went missing somewhere along the way, I have no idea how anybody would keep track of that. I just wanted to ask one more question. Specifically, I'm wondering how you feel about a specific protocol relating to indigenous people under the act. There are a lot of challenges, and I don't think that protocols designed for – let's face it – in a lot of

cases middle-class Caucasian people always apply. I'm wondering if I could get some feedback on that.

Dr. Many Guns: There has to be something organized that's doing the search and whatnot because maintaining the present system is probably the most expensive that you could possibly continue to maintain. Keeping people in this type of a context where it has to be an emergency type of thing is requiring the engagement of police officers, a major cost to the public. If you developed an alternate process that would take care of the search and investigation ahead of time, then it would save the public a lot of money, and it would actually probably be way more effective and timely and stuff like that. You know, the protocol probably would be good. An organization that is going to enable trust within the aboriginal population would be essential for it to be effective.

The Chair: Thank you.

Ms Venne: If I could just add one thing on that.

The Chair: Absolutely.

Ms Venne: What we're advocating for is some type of database, a yearly kind of reporting on who's missing and who's been found, those types of things. At that time then we would be able to go to the police and say: "Oh, look. You've got these couple left." Right? That gives us the power to kind of ask more questions and say: "How can we help? You know, these are the things that have been done. Can we do something else?" I think that database is so critical for us to be able to respond and keep the police on task.

Mr. Horne: Okay. Thank you.

The Chair: Thank you.
Mr. Ellis.

Mr. Ellis: Thank you. Panel, thank you for being here today. Obviously, the words and the insight you've given have been absolutely important to us. I guess I want to touch a little bit on what you had previously mentioned to my colleague Mr. Orr here in regard to that abduction case where the lady sounded to me as though she may have been murdered. Is that correct?

Ms Venne: Which one was that one? The young girl?

Mr. Ellis: You mentioned the phone records that had taken a year or something like that.

Ms Venne: Tuccaro. Yeah.

Mr. Ellis: Was that an abduction, murder?

Ms Venne: Murder.

Mr. Ellis: Murder. Yeah.

I noticed in I think it was the legislation in British Columbia that they have a per-day penalty. In that specific case that you were mentioning, was it the telecommunications company that was not wanting to give that information?

Ms Venne: That's my understanding. But throughout the whole case it was bad. The family is actually suing the police, I think, at this time.

Mr. Ellis: Right. Thank you.
If I could follow up, Chair?

The Chair: Absolutely.

Mr. Ellis: First of all, formerly I was a police officer for a number of years, so let me just say how appalled I am to hear the stories that you are saying in regard to police officers not even wanting to take a file. I can tell you that although I was not an inspector in the Calgary Police Service, certainly I was a supervisor, and under my sphere of influence I can tell you that we would always take a missing persons case. I can only control what I can control at the time.

My question in regard to that. We know that there are good officers out there that do take the files, do their job, do their due diligence, so I'm certainly reluctant to paint them all with the same brush. However, in your experience, your vast experience, are these stories that we're hearing all throughout Alberta, or is it localized? I know, ma'am, that you're from the Lethbridge area. I'm not trying to pick on specific police services, but certainly for the rural it's primarily the RCMP. When we've finally gotten those officers to show up and take that call, I'm curious to hear what their excuses have been. Has it been, "Ah, well, we're just short on officers"? I'm just curious about your perspective on that sort of stuff.

Ms Venne: Well, I can tell you that we have had really good conversations with the RCMP's K Division. We used to have Project Kare, that was looking at it. They continued, and the Edmonton Police Service stopped. They kind of did a different thing. They had one sergeant in the missing persons area that would phone officers. She would be checking to see: oh, have any missing people been in? She would look specifically for indigenous women. She would follow up with them in a week and say: why haven't you acted on this? So it is kind of, I'm guessing, just a lack of time that they have to kind of take that case, do the investigation. But I have never once heard, besides the Amber Tuccaro case, of the police actually getting health records or getting cellphone records and getting them in a reasonable amount of time, right? I've never heard of that happening.

Mr. Ellis: One more follow-up? Do you mind?

The Chair: Go ahead.

Mr. Ellis: In your experience, are you observing inconsistencies with the different police services you're engaging with in regard to their processes, so if you're dealing with Lethbridge, they're just dealing with a totally different way of dealing with missing persons as opposed to Calgary, Edmonton, the RCMP? Of course, that poses struggles, especially with the lack of what I'm observing here this morning, the lack of communication – right? – that is going on here. Am I accurate?

Ms Venne: That's one of the big kind of blinkers that came out as a result of doing the work with the police organizations in Alberta, that there are lots of people doing lots of different things. You know, we have settlement police. We have First Nation police forces that are even smaller than the RCMP, right? The city police, Edmonton city police: we're close to them, we know their process, and we can identify quickly when something is not happening properly. But for the other police forces, yeah, I think that was one of the difficulties that came up. Like I said, by not sharing that information, once the province kind of gathered all the information and then not shared it, you're just left at the same place you were in the beginning.

You know, we have no idea, and all we can go by is how many reports we get in our office. The Native Women's Association of Canada said that Alberta is the second highest across Canada. We know that. There's been some documentation. But it has to work together with the act, with the processes. Everything needs to work

together. Yeah, sadly, for the police forces, there's nothing, nobody forcing them to report, right?

11:35

Mr. Ellis: Is it fair to say that there's good work being done by good people all over the place, that, however, it's very much a piecemeal approach, and that, sadly, we're seeing the holes, as previously mentioned, in the system whereby, as we are, I guess, very familiar with, those who like to prey on the most vulnerable are now taking advantage of those holes? Is that a fair comment to say?

Ms Venne: Yes.

Mr. Ellis: Okay. All right.

Thank you, Chair.

The Chair: Thank you.

I would just like to note to the members that we're coming to the end of our time for this portion of the panels, and at this point I only have one member left on the list. Mr. Hinkley, go ahead.

Mr. Hinkley: Thank you. This may take a long time to answer, but because of time, if you could just briefly sum it up, I guess. You mentioned quite often enabling trust. I can see that some of the cases of missing persons may not even have been reported because there was no trust that the police would even do anything but also possibly that the police are not even trusting the people asking about it because they're not certain that it's a missing person or just a transient, nomadic person. The question I want to ask is: how do we build that trust between the police services and people, going both ways? I can see why there's been maybe a lack of trust. Any quick suggestions on that?

Ms Venne: From my perspective, transparency, transparency in reporting, right? Like, I know there are some reasons why they can't give out particular information, but, you know, there are a whole bunch of other reasons why they're not giving information out. I think somebody has to force the police to report on how many they're not taking statements for, how many they have, how many are on the books.

Mr. Hinkley: I guess that if those statistics were there, it would also build trust because then they would know they're paying attention to the numbers rather than just not even collecting them and not having to worry about them.

Ms Venne: And not just lip service, right? A lot of people don't know, but in 2016 the RCMP's K Division said that there's a serial killer, you know, of indigenous women in the Edmonton area. Is that high in our media? No. No, it isn't. Those are all missing people that have been found around the Edmonton area, and nobody has been charged.

Mr. Hinkley: Okay. Well, thank you.

The Chair: Thank you.

I'd like to extend one last round of questions. For anybody that's on the phones, if you would like to ask at this point.

Hearing none, I would like to thank you both for your presentations and for joining us here this morning. If you wish to provide any additional information, I would ask that you please forward it through the committee clerk before February 28, 2018.

At this point I would like to call a brief break to allow the current presenters to leave the committee table and to have our new presenters join us at the table.

Thank you.

[The committee adjourned from 11:39 a.m. to 11:42 a.m.]

The Chair: Thank you. I would like to ask everyone to rejoin the committee, and we will now proceed.

Before we begin, I would ask that we quickly go around the table and introduce ourselves for the record. I'm Nicole Goehring. I'm the MLA for Edmonton-Castle Downs and the chair of this committee.

Mr. Orr: Ron Orr, Lacombe-Ponoka.

Mr. Ellis: Mike Ellis, Calgary-West.

Ms Ward-Jack: I'm Margaret Ward-Jack. I'm the chief public affairs officer for the College and Association of Registered Nurses of Alberta.

Mr. Jewell: I'm Steven Jewell. I'm privacy counsel for Alberta Health Services.

Ms Renaud: Marie Renaud, St. Albert.

Ms McKittrick: Bonjour. I'm Annie McKittrick, Sherwood Park.

Mr. Horne: Good morning. Trevor Horne, MLA for Spruce Grove-St. Albert.

Drever: Hello. I'm Deborah Drever, MLA for Calgary-Bow.

Mr. Hinkley: Hi. Bruce Hinkley, MLA, Wetaskiwin-Camrose.

Mr. Shepherd: Hello. David Shepherd, MLA for Edmonton-Centre.

Ms LeBlanc: Stephanie LeBlanc, Parliamentary Counsel.

Dr. Massolin: Good morning. Philip Massolin, manager of research and committee services.

Ms Rempel: Jody Rempel, committee clerk.

The Chair: On the phones?

Ms McPherson: Good morning. Karen McPherson, MLA, Calgary-Mackay-Nose Hill.

Ms Miller: Barb Miller, MLA, Red Deer-South.

Ms Luff: Robyn Luff, MLA, Calgary-East.

The Chair: Thank you.

Again, I would like to remind everyone that today's participants have been invited to make a five-minute presentation, after which I will open the floor for questions from the committee members.

At this point I'd like to welcome our guests, and I will ask that you begin your presentation with an introduction of yourself for the record. If we could start with Alberta Health Services. Steven Jewell.

Panel C

Mr. Jewell: Thank you very much, and thank you for this opportunity to express views on this very important piece of legislation. I'm Steven Jewell. I'm privacy counsel for Alberta Health Services. What I deal with, basically, is all the privacy legislation and legislation which impacts the privacy legislation itself and also the general compliance of privacy under the Health Information Act for Alberta Health Services. I've been in this role approximately 10 years, and prior to that, I was legal counsel for Frank Work, the Privacy Commissioner of Alberta.

As far as comments with regard to the act, I think that from a practical standpoint it's a good act in terms of giving clarity to our front-line staff. In regard to section 3, order provisions, the regulation is very clear on what is needed for a police officer to get an order, and then the order itself is very self-explanatory for our staff. Likewise, in sections 4 and 5, for emergency written response, again it's very clear.

I do, though, have two comments. One is basically on what happens when a request comes in, be it a court order or an emergency written order. It goes to our access and disclosure people. They look at it, and they deal with it. They have a standard procedure which basically is in line with the statutory time requirements under the act. If the request comes in out of office hours, there is somebody on call for that. If the staff feel that it has to be discussed further, it usually comes to the information and privacy office and usually then does come to me.

Before this presentation I looked at our SharePoint on information and privacy just to see what type of inquiries we would get. This is by no means a scientific analysis, but we did have 406 inquiries about the act since its inception in 2012. The one striking thing I did find about the queries was that most of the queries, the majority of the queries, were with what I call an informal location request. This is when a police officer will come to our facility and say: can you tell me if an individual was there? Usually, I would think, that would be at the beginning of an investigation.

Of course, under the Missing Persons Act, when you look at section 4 and section 5 for the emergency provisions, we can't give any information. We can try to give information under the Health Information Act, but again disclosure under that act is very limited. There is section 36, where we basically can give limited information such as location of an individual, the type of treatment that individual has gotten, but there are two criteria that the custodian, Alberta Health Services, has to meet. One, we have to have probable grounds that an act, an offence has been committed, and the second is that the disclosure will help the public safety of Albertans.

What happens is that when you look at the Health Information Act, the onus is on the custodian, Alberta Health Services, to make that determination. Under the Missing Persons Act the determination of when a person is in danger or of the need for that information resides with the police. So it takes that discretionary element away from the custodian, which is a good thing because we're not the people investigating it. We're not there first-hand; we're just responding to this. To go back, under section 37.3 we do have the discretion to give limited information, but in the missing person scenario I think it would be very difficult to get to that threshold.

We also have, basically, a discretionary disclosure provision under 35(1)(m), which is the imminent danger provision. Now, again it's a very high threshold, and if a police officer is coming in and just saying that all they want to know is if this person is in your facility, that would never be met. What I would think, what I would suggest is that there should be some provision for an initial investigation by a police officer, which is just as simple as: "Where is this individual? Have you seen this individual? Has he been treated?" Now, if you look at that, I think it helps.

Again, when we talk about the Health Information Act, there is provision to disclose to family members or close personal friends, and that is for general information. Having said that, I would think that if there's an investigation which is initiated by the police, those individuals have already tried to go that route, or they might not have because the missing person might not have a family or have friends or because his friends don't feel it appropriate to go and ask for that information. Going to a hospital or phoning a hospital, not even knowing where to get that information from, is a daunting

prospect for any person, any member of the public, especially if they come from a marginalized community. My suggestion would be that consideration be given to, as I say, these informal requests.

The other thing, too, of course, is that if that information is disclosed – and it would only be, as I say, limited information, which is under 37.3, on location and when the person presented – that might help the police to initiate an investigation, because if they haven't got that information to begin with, really nothing follows from there. It also would basically help the police because they're frustrated when they come to us. We're protecting people's health information, and we're saying: well, sorry; you don't meet the criteria. What do they do from there? I would think that's something to have in consideration.

11:50

The other thing, too, is that when we look at the act, there are protections on use and disclosure by the police in that act, so even simple information like that couldn't be used in admission creep; it could be used just for the purpose of what it is. So I think that's one thing that, you know, should be given consideration. As I say, it's because it's something that we deal with every day.

Also, the second comment I would like to make is about the grounds when a police officer serves a written demand. The threshold for that is very high. Basically, it has to be imminent harm or death of a missing person. Now, under section 35(1)(m) of the Health Information Act the criterion there is imminent harm. Most importantly, since the Children First Act, there was an amendment to that section which also brought in a lower threshold for young adults or for minors, which was the risk of harm. I would ask you to give consideration to lowering that threshold, especially with young people, because then it would make the legislation somewhat congruent with the Health Information Act and the Missing Persons Act.

I mean, for lawyers, it's great. We've got all of these different acts we can kind of interpret, but for people on the front line, who have emergent issues going on all the time, if there's no help and they can't get to a phone or what have you, to interpret three different sections in two different acts or even three different acts with the Children First Act is very difficult. So I would hope you'd give some sort of consideration to simplifying the matters that way.

Those are pretty much all my comments. It's very brief. Thank you.

The Chair: Thank you.

Now I'd like to invite Margaret Ward-Jack from the College and Association of Registered Nurses of Alberta to make your presentation.

Ms Ward-Jack: Thank you. Just as a bit of a description, the College and Association of Registered Nurses of Alberta is both the regulatory college and the professional association for the province's 38,000 registered nurses and nurse practitioners, and we're very pleased to have this opportunity to speak with you today.

First of all, I'm here to say that we support the Missing Persons Act and some of the changes that have already been made, but we do believe that the act has some potential for improvement, and that's why we're here today. We do want to state that we do support Bill 210 and the silver alert tool that it adds to give the police more tools in finding missing adults, vulnerable adults. We believe that the Missing Persons Act can improve patient safety. The act can be used when the individual's safety and welfare are feared for given the individual's cognitive impairment, a mental disorder, or a medical condition, and that means that it can be used to support patient safety and care when somebody is missing.

In 2016 just under 3,000 people were reported missing in Alberta. The people most likely to go missing are vulnerable people, and that includes children, the victims of domestic violence, and people with medical conditions, and that includes those with mental health issues and dementia. Alberta, as has already been noted by your previous speakers, has the second-highest number of missing and murdered indigenous women in Canada according to the Native Women's Association of Canada, and we're fairly sure that that's probably underreported.

CARNA wants to support registered nurses and improve patient safety through strengthening the act in four ways, chiefly in the collection and distribution of health records. Our first recommendation relates to section 4(2)(e) of the act, which currently states that in emergency circumstances police can request health information records that "might indicate if the missing person has recently been admitted to a hospital," including the reason for admission. The reason for admission might be necessary and relevant for locating a missing person, but then so is possibly the reason for discharge. So we're recommending that section 4 be expanded to specify the reason for collecting the information and to include the reason for discharge.

The second change we suggest is in section 3 of the act. Despite the section 4 provision regarding emergency circumstances, section 3 of the act provides a mechanism for receiving an order for records regarding any missing person. The application for this order can be made ex parte, which means without notice to any party, including the parties holding the records in question, and this is not subject to the qualifications outlined in section 4(2)(e) of the act. That means that an order under section 3 could apply to every record containing health information for the individual who is missing. We recommend that that information in section 3 – it's really 3(2)(f) – should be subject to some qualifications.

As well, we suggest that if the order of a justice of the peace to produce documents under section 3 of the Missing Persons Act is meant to clearly override the Health Information Act, the Missing Persons Act should state that explicitly. Right now sections 3 and 4 of the Health Information Act create some ambiguity that should be reconciled by clearer language in the Missing Persons Act. Section 4 of the Health Information Act provides that no other act or regulation can overrule the Health Information Act unless the other act or regulation specifically states that it does so. Section 3 of the Health Information Act limits its scope, but it's somewhat ambiguous. For these reasons, CARNA does believe it's important for the Missing Persons Act to be explicit regarding the Health Information Act.

Finally, nurses are subject to ethical obligations when it comes to health information, according to the Code of Ethics for Registered Nurses. The code of ethics notes, "When nurses are required to disclose information for a particular purpose, they disclose only the amount of information necessary for that purpose and inform only those necessary." If a vulnerable person is missing and the police are involved, the information about that person is necessary and appropriate in the interests of patient safety. However, we believe it would avoid some contradiction if the Missing Persons Act was aligned with the provisions of the Health Information Act to the greatest extent possible.

That basically sums up our recommendations regarding this. Thank you.

The Chair: Thank you both for your presentations.

At this point I would like to open the floor to committee members to ask any questions that they may have. Ms McKittrick.

Ms McKittrick: Thank you very much. I think one of my first comments is: would it be possible, Mr. Jewell, to have your brief on paper? You mentioned a lot of acts and a lot of clauses and so on, and I was not able to get the details. I think you provided a lot of . . .

Mr. Jewell: I would be happy to provide that. Thank you.

Ms McKittrick: Thank you. I think you have to provide it through the clerk.

Then one of the questions I have is for Ms Ward-Jack. I really appreciate the work of nurses and, you know, the challenges that what we're talking about present to nurses because they're people who often are caring for vulnerable individuals. I was kind of interested in your recommendation around the fact that at the moment the act does not allow you to provide discharge information, just admission information. Whatever the reason, you cannot provide discharge information. Now, I know we were discussing a previous act; I think it was around mental health. Very often individuals are discharged – either it could be to a shelter or to a community agency – with provision that they need to follow up and so on. Is that the kind of information that you think your members should be allowed to provide, and the Missing Persons Act needs to be changed so that that kind of discharge information is provided?

Ms Ward-Jack: Well, when we were referring to discharge records, I mean, when somebody leaves, certainly, a hospital, subject to the policies of the employer – and many registered nurses, as you know, are employed by, certainly, Alberta Health Services and others – that would include information about their condition on discharge as well as if they're discharged from these places. When considering this, the health condition of someone when they're admitted to a facility, a hospital is important, but that may not be the most important information. It might be the condition they're in when they leave. The act doesn't refer specifically to discharge. It just mentions admission records. So it may include the information you've referred to, but it's also the health condition that might be relevant here.

Ms McKittrick: It might be that the act needs to be changed so that the health conditions of the individual plus if they've been discharged to another facility or into the custody of a loved individual or next of kin or something – is that the kind of information you're . . .

Ms Ward-Jack: If that's the information on the discharge record, it could be useful.

Ms McKittrick: Mr. Jewell, did you want to add anything else?

Mr. Jewell: No. I think that's correct. I think that sometimes discharge information is missing if they go to another facility or something like that, but I know the government's information-sharing strategy might answer that question in terms of where they are discharged to.

Also, I think another important thing with discharges is that if a person voluntarily discharges themselves, that's another key to perhaps where they are or what their mindset is.

Ms McKittrick: Are there a lot of people who go missing from hospitals or other medical facilities, and what happens when a person goes missing from a health facility?

12:00

Mr. Jewell: If they abscond against medical advice, usually protective services and the clinical staff will try to find them, and then they'll bring in the police if necessary.

Ms McKittrick: Okay. Does that happen often?

Mr. Jewell: I wouldn't like to say. I have no reference. I think it's more of a minority than the rule perhaps, but it does happen. Again, I mean, it depends on the context. When people abscond, it's not sometimes them leaving a ward against medical advice; sometimes it's actually that they've been given a day pass and they might be six hours late returning to their facility or something of that order.

Ms McKittrick: Okay.

The Chair: Thank you.

Mr. Yao: Just to clarify with you folks, based on your perspective, health professionals are indeed impaired or restricted from providing some information to law enforcement due to the rules surrounding confidentiality – is that correct? – but you do identify areas in the various legislation that we have where it can be tweaked or changed to address the nuances of what the law enforcement officials are trying to ultimately provide, which is safety for an individual?

Ms Ward-Jack: Yes. Alignment and clarity would be helpful.

Mr. Yao: I'm sorry?

Ms Ward-Jack: That alignment would be helpful.

Mr. Yao: Okay. That's all.
Thank you.

The Chair: Thank you.

Mr. Ellis: Thank you both for your presentation. I was actually very pleased to hear you mention the discharge information and condition of the patient because I can tell you, as a former law enforcement officer, about the absolute frustration of just trying to find out if somebody was there. I never even considered about, you know, a discharge or the condition, which is hugely important when we're talking about a missing persons investigation. Just so I can simplify it for myself to understand: you are supportive, essentially, of a police officer in a missing persons investigation, if it's legislated correctly, of course, being able to just inquire if somebody is at that facility?

Mr. Jewell: If it has legislative authority, of course. Also, I think that if basically a police officer is given, you know, the last time the individual presented at a facility, what sort of treatment it was, as I say, very limited information, as it is right now under section 37.3 of the Health Information Act, that would also meet the major principles of privacy legislation, which is need to know and least information disclosed to do the job at hand. I think that if you have those two limited pieces of information and, as I say, they'll be protected under the act from misuse in other forms, then that would be fine.

Mr. Ellis: Yeah. I just know that when a call comes in, you know, we have to start somewhere. We may contact vulnerable persons' shelters. We'll call the hospitals, right? Of course, if we're receiving, certainly, any challenges from any of those facilities, it's tough to continue with that missing persons investigation. I mean, anything to streamline it, I think, is extremely helpful for law enforcement.

Thank you.

The Chair: Is there anyone on the phones wishing to ask a question at this time?

Hearing none, Ms McKittrick.

Ms McKittrick: Thank you. I really appreciate the presentation from the nurses and AHS as a body. If somebody phones about a missing person or goes in person, they are usually not going to be talking to a nurse. They would be talking to somebody on the reception desk and this kind of stuff. I was trying to understand the chain of command in that event because very often the information needs to be timely and so on. Nurses and other health professionals are regulated by a college body and have a high standard around those kinds of things. I'm wondering what happens, especially in a hospital situation, when a member of the RCMP or police phones or somebody else phones about a person. How is that being handled to make sure that it's all the same for all medical persons within the hospital?

Mr. Jewell: Usually it's referred to information access, which is part of our health information management team. They do have standardized procedures which are very detailed in terms of timelines; the identification needed, let's say, if it was a member of the public; getting the badge number of a police officer. They have a certain form for it, and I certainly would be happy to provide those for review by the committee.

Ms McKittrick: Is there, like, a timeline that this information needs to be provided in?

Mr. Jewell: There is. It's what the legislated timelines right now under the act are.

Ms McKittrick: And what is the timeline?

Mr. Jewell: I think it's 12 hours when you get a court order, isn't it? Yeah. I think it is, yeah.

Ms McKittrick: Okay. You've made some really good suggestions around the congruency of all of the acts. I was wondering if either of your organizations had any other suggestions to make to us around the act.

Mr. Jewell: I think the ones which I outlined would be the major ones. As I say, the act does provide clarity to staff. It's great that way. The thing with the regulation itself: I mean, it just gives you all the information that you need to process the request, which is good.

Ms Ward-Jack: We also think it's a very good act, and the comments and observations that we made are the ones that caught our attention. We also just want to reiterate our support for Bill 210 and the silver alert. I know it's in there, but just to make sure it is proclaimed because we think that that is a very important addition given that the possibility of people with dementia leaving a facility is a serious consideration.

Ms McKittrick: Yeah. I have, like, one last little kind of question around facilities. I'm assuming that the medical facilities have a code for patients who might be likely to wander or go missing. Is there?

Mr. Jewell: There is.

Ms McKittrick: I don't want to know the code. I'm just . . .

Mr. Jewell: I think that on every Alberta Health Services employee badge we've got the codes on the back.

Ms McKittrick: So there is. Okay. Thank you. I appreciate it.

The Chair: Thank you.

At this time I don't have any other members on my speakers list. Are there any members wishing to ask any further questions? On the phones?

Hearing and seeing none, I would like to thank our presenters for coming and joining us this morning and for answering our questions. If you wish to provide any additional feedback, please forward it through the committee clerk before February 28, 2018.

At this point in our meeting we will now recess for lunch, and the committee will resume presentations at 1:15 p.m.

Thank you.

[The committee adjourned from 12:08 p.m. to 1:15 p.m.]

The Chair: Welcome, everybody. Before I begin, I would ask that we quickly go around the table and introduce ourselves for the record. I'm Nicole Goehring, MLA for Edmonton-Castle Downs and the chair of this committee.

Mr. Smith: My name is Mark Smith, and I'm the MLA for Drayton Valley-Devon.

Mr. Yao: Tany Yao, Fort McMurray-Wood Buffalo.

Mr. Orr: Ron Orr, Lacombe-Ponoka.

Mr. Ellis: Mike Ellis, Calgary-West.

Mr. Leduc: Andre Leduc, vice-president, the Information Technology Association of Canada.

Ms Renaud: Marie Renaud, St. Albert.

Ms McKittrick: Bonjour. Annie McKittrick, députée de Sherwood Park.

Mr. Horne: Good afternoon. Trevor Horne, MLA for Spruce Grove-St. Albert.

Drever: Good afternoon. Deborah Drever, MLA for Calgary-Bow.

Mr. Hinkley: Hi. Bruce Hinkley, MLA, Wetaskiwin-Camrose.

Mr. Shepherd: Hello. David Shepherd, MLA, Edmonton-Centre.

Ms LeBlanc: Stephanie LeBlanc, Parliamentary Counsel.

Dr. Massolin: Good afternoon. Philip Massolin, manager of research and committee services.

Ms Rempel: Good afternoon. Jody Rempel, committee clerk.

The Chair: And on the phones?

Ms McPherson: Hello. Karen McPherson, MLA for Calgary-Mackay-Nose Hill.

Ms Miller: Good afternoon. Barb Miller, MLA, Red Deer-South.

Ms Luff: Robyn Luff, MLA for Calgary-East.

The Chair: Thank you.

Please remember that today's participants have been invited to make a five-minute presentation, after which I will open the floor for questions from committee members. At this point I would like to welcome our guest, and I would ask that you begin your presentation by introducing yourself for the record.

Panel D

Mr. Leduc: Hi. My name is Andre Leduc. I am the vice-president of government relations for the Information Technology Association of Canada. We represent some 37,000 ICT companies, including telcos and Internet service providers.

Madam Chair, thank you. It's a privilege to be here today to provide you with the industry perspective on behalf of ITAC, the Information Technology Association of Canada. We're the voice of the ICT industry, and this includes both the telcos and ISPs. Many ICT service providers find themselves in the undesirable position of being an intermediary between citizens and law enforcement when it comes to the information they have on hand that law enforcement seeks when conducting investigations or pursuing a case involving a missing person. There is little doubt that along with a myriad of benefits, technology has created new platforms for criminal activity. While it's clear that law enforcement approaches to investigating and preventing crime need to adapt to new technologies and platforms, it's critical that governments ensure that any changes to law enforcement powers do not undermine innovation in the ICT industry or the privacy or fundamental freedoms of Albertans.

The industry believes that the legislation in its current form is functional, that the statute is working for industry, for consumers, and for law enforcement. When provided with the judicial order or lawful authority, industry has the legal clarity they require, and members are quick to comply and provide the required information to law enforcement. However, if there are changes that would increase costs on the industry to respond to access requests, there is a concern amongst industry of government off-loading costs onto the telecommunication or Internet service provider and, indirectly, further down the line onto consumers. Before putting any new requirements on ICT businesses, governments must work to build consensus across society on the acceptable use of and proper oversight of law enforcement access to citizen, subscriber, and personal information housed within ISPs and telcos.

ITAC and our members look forward to continuing discussions with government on these essential issues, and I'd be happy to take your questions.

The Chair: Thank you so much for your presentation.

At this point I'd like to open the floor for committee members to ask any questions. Mr. Shepherd.

Mr. Shepherd: Thank you, Chair. Thank you, Mr. Leduc, for your presentation. Brief and to the point. I appreciate it. I did have the opportunity to do a bit of reading about ITAC on your website. I just noticed that you have some discussion in some other contexts, like, for example, the review of PIPEDA, which took place earlier, where you recommended that we should be looking at promoting voluntary, industry-led approaches to improving transparency and compliance. I understand that the use of personal information for business purposes is different than the release of personal information to police for missing persons cases, but I'm just wondering if any of the companies that you represent or that you've worked with have a code of conduct about how they release information to the police about missing persons. Is that something that companies have taken the initiative on? If not, is that a direction, do you think, they should be looking at going?

Mr. Leduc: It's not a code of conduct. They have policies and procedures in place. What they require is legal clarity. There have been circumstances, prior to the Spencer decision of the Supreme Court, where upon request large telecommunications entities have provided the personal information of their customers to law

enforcement, to be sued by that individual further on down the line for contravention of either the Personal Information Protection and Electronic Documents Act at the federal level or provincial legislation. What they're trying to avoid is the ambiguity about when and when not to provide the information to law enforcement. The easiest way to get around that ambiguity is to have evidence of law enforcement's lawful authority or a judicial order that the telecommunications and ISP industry responds to. They have done so, and they continue to co-operate and collaborate with the law enforcement agencies across the country to satisfy those requirements when there is a judicial order.

Mr. Shepherd: Okay. Well, thank you. Chair, may I continue?

The Chair: Go ahead.

Mr. Shepherd: Thank you. That's helpful context to sort of better understand. What you're saying is that there needs to be clarity, I guess, about what's required in order for police to request this information. The businesses that you're working with: they're more than happy to comply with the law, but they need to clearly understand what the law is.

Mr. Leduc: Yeah, and they need to avoid situations where there might be a conflict between two different pieces of legislation.

Mr. Shepherd: Understood. Well, along those lines, I did note that in the written presentation from the Alberta Association of Chiefs of Police they did make a request. If I may quote a bit, they stated:

Regarding the disclosure to law enforcement in emergency/exigent circumstances: Police requests for cell phone data (e.g. transmission data, pinging phones, etc.) based on exigent circumstances, have encountered resistance by employees of telecommunications companies who have at times questioned our officers' grounds of exigency. Gives consideration of a For Greater Certainty clause.

Do you have any comment about that? They seem to be requesting some changes to the legislation, I guess, to clarify when they are able to make a request.

Mr. Leduc: Exigent circumstances are interesting. They need to have the circumstances upon which the events that are occurring be, in fact, exigent. They seek that clarity. Having some ambiguity about what is and what is not an exigent circumstance leads them to sometimes have some reservations about whether or not they are both legally obligated and are permitted under the privacy legislation to hand over that information.

Mr. Shepherd: Right. So that would be another area, then, where perhaps in looking at the legislation, it would be good to provide some clear definition.

Mr. Leduc: Yeah. "Imminent threat to life," that type of language, would help provide the clarity that the industry would seek so that they can be legally indemnified of any responsibility.

Mr. Shepherd: Okay. Excellent.

If I may continue, Chair, just one further question. I do note that the Alberta Association of Chiefs of Police also has made another request, and if I may quote again:

Online platforms have denied emergency or judicial requests under the premise that an App has not been used by the missing person since they went missing. Companies who manage online platforms in fact collect data that can assist [in] an investigation, even if there is no public post or update to the missing person's account. Wording in the Act that recognizes and specifies online

account “activity” would assist investigators in making a request for information.

Could you give me just a sense, I guess, just briefly, of what your association might think about that sort of change to legislation or what concerns there might be?

Mr. Leduc: It would be difficult. You’re going from the telecommunications service providers who are dealing with the transmission of telecommunications and the routing over telecommunications services – you know, you pick up your cellphone, you turn it on, you turn on the GPS activity, and you make a phone call. It’s easier. They have to route that traffic.

1:25

When you’re talking about a smaller service provider who provides an app on that telecommunications backbone, they will not necessarily have the types of information readily available to them to be able to provide that to law enforcement. Every app has different levels of access to the personal information on your phone. That’s normally the end-user agreements, that people just click through, that say: I need to get access to the contacts on your phone; I need to get access to the GPS activity. But every app is different, so it creates a scenario where it may be very complex and difficult for these app providers to be able to provide that information.

Mr. Shepherd: Okay. So beyond sort of some of the security, privacy concerns which we’ve already discussed, aside from that, you’re saying that there may be challenges just in terms of the capacity of the developers or the people that run that app to actually be able to respond to such a request?

Mr. Leduc: Yeah. In a number of circumstances they’re using that as aggregated data to run analytics on. They’re not using it to run data on each active user of an application.

Mr. Shepherd: Would it be, I guess in terms of resources, that sort of thing, a large ask to be asking small app developers to build that sort of capacity?

Mr. Leduc: It could be very significant. You know, the telecommunication service providers are used to responding to these types of requests and have the policies, procedures, and mechanisms in place to be able to respond. Smaller app developers – we’re talking SMEs with fewer than 10 employees, potentially – may not have the capacity to be able to respond to these in a timely manner.

Mr. Shepherd: Excellent. Thank you.

Those were all the questions that I had, Chair.

The Chair: Thank you.

Mr. Orr.

Mr. Orr: Thank you. A couple of things, I guess. If I could just piggyback on that a little bit, though. Even though the app providers don’t have maybe the kind of data that might be wanted, the reality is, though, that the telecommunications delivery system does record traffic in that community that could be passed on. Am I correct?

Mr. Leduc: Transmission data. Yes.

Mr. Orr: Yeah. Okay. I just wanted to clarify that.

I’ve got to raise one little question. I’m a little bit puzzled by your reference earlier to platforms that are used for criminal activity. I guess my question is: is the industry viewing this as entirely related to criminal activity? Or the fact that in many cases it isn’t even

criminal – there are all kinds of other things. I’m just wondering: is your lens always criminal on this?

Mr. Leduc: No. It’s for all sorts of different police activities that we encounter requests for. So whether it’s missing persons, notifying next of kin, there’s a laundry list of different reasons that law enforcement would call on industry to provide this type of information.

Mr. Orr: Okay. My last question at the moment would be on the issue of timeliness. These requests come in. What’s a reasonable timeline, especially in urgent situations, to expect a response from telecommunications providers? That’s definitely part of the issue here.

Mr. Leduc: It’s totally dependent on the system that’s being used. In certain circumstances, depending on the different technologies used by different providers, they can sometimes pull up that information inside of five or six minutes. Sometimes it can take up to two or three hours. It’s dependent on the platform and the access that they would have to the transmission data. In certain circumstances, if we’re talking land lines, they might need to send an operator out to some of the servers and edge equipment that they have to be able to go get that information. Other times they have it available to them on a laptop, and they can just bring it up, but it’s dependent on the types of equipment and services that are being used by the consumer and the types of technologies that they leverage. It differs also by region, right? The more rural and remote regions are not using, like, 4G LTE, where that would be used in a larger urban area. So they might have better, easier access to that type of transmission data in an urban centre as compared to a more rural or more remote community.

Mr. Orr: But it would be reasonable within, say, a day rather than a week?

Mr. Leduc: Yeah. Again, it’s dependent. You know, if I have to send a technician out to go collect data from an edge server that is 400 kilometres away and he has to go there and physically set up and link the computer up to the servers and routers and start sifting through that information to be able to pull that information off, it’s not always that simple.

Mr. Orr: Okay. Thank you.
Thank you, Madam Chair.

The Chair: Thank you.
Member Drever.

Drever: Thank you, Chair. I just had one question for you. What kinds of other concerns would members of your organization have or what kinds of recommendations would you make for changes to the Missing Persons Act? I apologize if you already kind of talked about it, but just a recap.

Mr. Leduc: Right now, you know, the industry seeks legal clarity. They believe that they have the legal clarity in place now, that they require evidence of lawful authority or a judicial order to respond to LEA requests for the information. They believe that there haven’t been undue delays and that the statute as it stands now in terms of accessing consumer information or customer information is sufficient.

Drever: Okay. Thank you.

The Chair: Thank you.

Mr. Ellis.

Mr. Ellis: Thank you, and thank you, sir, for being here today. Would you say that law enforcement in Alberta is satisfied with the relationship with the organization which you represent right now?

Mr. Leduc: You're asking me to comment on what law enforcement thinks? I think law enforcement would appreciate more facilitated access to basic subscriber information and to consumers' data, but we have a system of laws in place that protects the citizenry from facilitated access. The requirement now is that there is evidence of lawful authority or a judicial order that must be provided by law enforcement to the industry. The industry really wants that legal clarity because when it's not happening, they have been pursued in the courts. And it's not only the legal costs; they're being pursued financially as well.

Mr. Ellis: When you do receive that judicial order, is there a specific time frame – or does every company vary? – in which to respond back to law enforcement on that judicial request?

Mr. Leduc: Once they get the judicial request, they can provide information to law enforcement: this is on this type of network or these types of devices, and it's going to take us approximately this amount of time to be able to access that information. Like I said, sometimes they're sitting in front of a laptop and they'd be able to access it in minutes; other times it's more complex to be able to get access to that information, and it would take them longer. Normally, once the judicial order or the lawful authority is made evident, the industry usually collaborates fairly well with law enforcement.

Mr. Ellis: Sorry. I apologize because we had a previous speaker mention that under a judicial order it had taken a year. Would you consider that to have been unreasonable for the industry to respond back to that judicial order?

Mr. Leduc: It depends what they're trying to access and how many records they're trying to access. I've heard of it taking a significant amount of time to go back and look through all the records and piece out what it is that law enforcement is actually looking for. You have to understand that we've had scenarios where this comes at a significant cost to the industry player, to be able to provide this information. They've got people sifting through this information over a significant amount of time. This has been challenged at the Supreme Court, the significant financial impact that some of these production orders can have on the industry just to respond to the request for information. But the law is clear now that they must comply with the production orders.

Mr. Ellis: Right. As a former incident commander in regard to these I'll respond in regard to exigent circumstances whereby potentially, you know, we have an at-risk missing person, where the information is timely, or we have a potential suicide, where, again, the information is timely. Of course, in my experience, although slightly dated – and it's consistent, I guess, with what I've heard from you, that the industry is concerned regarding the costs although they have been respectful in replying to the requests, when I was in command, for a specific location of an individual that we're trying to locate. However, I guess, for you: how can we work as a Legislature to co-operate with you as you're indicating, "Hey, we have a concern regarding costs," yet law enforcement is sitting there saying, "Hey, we've got somebody who's at risk of dying," right? To me, from their perspective, which was my perspective, that's

kind of outweighing your cost concerns. So maybe you can help with that.

1:35

Mr. Leduc: Well, I think it was, you know, David who brought up earlier the concept of exigent circumstance: having some clarity about what circumstances are exigent and making that clear in law, that these types of scenarios are exigent and other examples as to what is and what is not an exigent circumstance, would be helpful because it's being left up to interpretation.

If you go back a number of years, the industry wasn't involved in a lot of the production or intercept, right? It was about taking a couple of alligator clips and putting them on a phone line, and law enforcement would be able to do that. Once they had the order, they would go and engage in the intercept. What's happened over the course of the last 20 years is that, with the advances we have in technology, law enforcement is requiring industry to engage on a number of these fronts.

I'm just here to remind you that that doesn't come without a cost, so you have to be sensitive to the fact that if these costs are significant and they're borne by industry, they will often appear downstream to the actual consumers and the citizenry, because we've had scenarios where larger institutions and larger telcos – the cost of producing the information that's being sought in a production order can exceed a million dollars, and that's a significant amount of cost. They try to avoid that, to the extent possible, where they can collaborate and provide the information in a timely manner – with law enforcement they do so – but they also have concerns with reference to legal ambiguity and the potential, if they're providing the information and they don't have the appropriate lawful authority and the circumstances aren't, in fact, exigent, that there is a liability issue for the industry on the back end of that. They have been pursued by consumers, their own consumers, in the courts over the last 20 years for these types of scenarios.

Mr. Ellis: Just to be clear, you're looking for more defined exigent circumstances as opposed to it being somebody's opinion, I guess, right? You're looking in the legislation. And that would help you guys, right?

Mr. Leduc: And it's consistency. It would differ. What one law enforcement agency or officer would consider an exigent circumstance may not be considered the same way by a different agency or a different law enforcement officer, so guidance and clarity would help the industry better respond to these types of requests.

Mr. Ellis: Okay. Thank you, sir.

The Chair: Thank you.

I'd just like to point out to members that we are currently over time. I do have two members on the list, so please just keep your questions and comments short.

Member McPherson.

Ms McPherson: Thank you very much, Madam Chair. Mr. – sorry. I didn't write it down, and I'm not in the room with you. Is it Leduc?

Mr. Leduc: It is Leduc.

Ms McPherson: Okay. Good. I remembered. Thanks. I have a few questions for you. I'll try to be quick. When you were talking about the edge server technology in remote locations, are there not remote tools that allow you to collect that data rather than sending someone to the site?

Mr. Leduc: It depends whether you're looking for – you know, if you're looking for cellphone data, that could be one thing. If you're looking for land line data, home telephone data, that could present a different set of complexities. If you're looking for Internet transmission data, that can be a completely different system again.

What we have now is that with the degradation of IPV4 and moving towards IPV6, we have translation units that will translate between IPV4 and IPV6. Those can be out in the actual communities themselves, and they would have to actually physically go, potentially, to retrieve data from them. It's totally different. You can have a cellular system that runs 2G, 3G, 4G, 4G LTE using different routers and servers and equipment that are spread out over a fairly vast geography when you're operating in Canada, and the ability for them to access data on those differing networks is different. It's wholly dependent on the manner in which the networks are set up and built out, but they were not all built on the same day in the same way, so you have some routers and servers that are much older, that would not necessarily give you facilitated access to the information. You may require technicians to go out and physically gather that data off that equipment.

Ms McPherson: Thank you.

I wonder if, maybe outside of the auspices of this particular committee, it might be appropriate for government to have a conversation with telecom providers about the importance of being able to access data quickly.

I want to move on to exigent circumstances because it seems like during the conversation so far there really isn't a distinction between a missing persons and a criminal investigation's exigent circumstances. I'm wondering: do you think that there needs to be something very explicit, that details that it is a missing persons case, included in the legislation that would help to facilitate the retrieval of information more quickly?

Mr. Leduc: Well, it depends on the circumstances of the case as well, which is – if you're going to provide scenarios, it would be helpful, but, you know, there's a lot of difference between a 20-year-old who's run away and a six-year-old who's been kidnapped. It's to provide kind of the clarity around that. If we provide the information about the 20-year-old who decided to move away from the parents, that would likely infringe on that person's rights, and there is a potential for liability for the ISPs and TSPs, the telcos in that type of scenario. I mean, more than anything else, they want to avoid the potential legal liability of providing this type of information to law enforcement. If you can get rid of any ambiguity by providing guidance on what would constitute and what would not constitute an exigent circumstance, that would go a long way.

Ms McPherson: Well, I think that because it is a service that's being provided to people that they rely on, especially in emergency circumstances, there's also some aspect of a social responsibility that needs to be built in as well. Like, I've heard you speak about the costs that are incurred by service providers when there is an investigation, but I haven't heard any sense or an idea of urgency around helping to find missing people. I appreciate that there is some legal exposure, and I appreciate that there is clarity required, but I'm also a little – I don't know – lost in the fact that I'm not hearing anything about the social responsibility aspect of providing such an essential service.

Mr. Leduc: Well, I think industry does a pretty good job, and I think that if you talk to a number of law enforcement agencies, there's a fairly significant level of collaboration between industry and law enforcement. Industry, especially when provided with legal clarity, is happy to do so, and they do so in as timely a manner as

possible, especially where there are exigent circumstances. They are sensitive to that, that this might be their own customer that is endangered. I do think that, you know, they do address these situations to the best of their ability in as timely a manner as they can, but they're also cognizant of the fact of the potential for legal liability, so they really seek the clarity on when and when not to provide the information.

Ms McPherson: Thank you very much.

The Chair: Thank you.

Mr. Orr.

Mr. Orr: Yeah. Thank you, Madam Chair. I just would like a few stats if you could provide them, and if you don't have them at your fingertips, you can always send them to us later. That would be fine. I also think that if you could limit them to Alberta, that would probably be adequate, rather than the entire country. First of all, the number of requests you receive in a year for this kind of information, I think, would help us. The number of refusals versus the number of fulfillments: what would be the average time for those?

Mr. Leduc: The number of requests: we can definitely put together those numbers. The transparency reporting that's required now will have the larger telcos provide that information to the Privacy Commissioner of Canada based on both RCMP and local law enforcement requests so that there's an understanding of just how often these requests are coming in.

The refusal data is potentially skewed because oftentimes when a law enforcement agency is refused access to the data, they can continue to request the data over and over again. So you could have a single request that comes back 30 times be counted as 30 times being refused, where the telco would go, "No; there is a potential for legal liability here, and we are not going to provide the data" but the law enforcement agency continues to ask for it. The refusals numbers: they have a potential to be skewed because of that.

Mr. Orr: That's a good qualification, but the number would still be helpful, understanding that.

Mr. Leduc: Yeah. I can go back to our members and request that they provide it in terms of Alberta, how often they respond to these types of requests, absolutely.

Mr. Orr: Okay. Thank you very much, Madam Chair.

The Chair: Thank you.

Thank you so much for your presentation and for responding to our questions. If you wish to provide any additional information, please provide it through the committee clerk before February 28, 2018.

At this time I would like to call a brief adjournment to allow the current presenter to move from the committee table and to invite our next presenters up to the table.

Thank you.

[The committee adjourned from 1:45 p.m. to 1:48 p.m.]

The Chair: Thank you. Welcome, everyone.

Before beginning, I would like to ask that we go quickly around the table and introduce ourselves for the record. I'm Nicole Goehring, MLA for Edmonton-Castle Downs and the committee clerk.

Mr. Smith: Mark Smith, MLA, Drayton Valley-Devon.

Mr. Yao: Tany Yao, Fort McMurray-Wood Buffalo.

Mr. Orr: Ron Orr, Lacombe-Ponoka.

Mr. Ellis: Mike Ellis, Calgary-West.

S/Sgt. Zazulak: I'm Staff Sergeant Jason Zazulak, RCMP in Alberta.

Sgt. Harrison: Sergeant Kevin Harrison, Edmonton Police Service missing persons unit.

Acting Chief Preston: Acting Chief Greg Preston, Edmonton Police Service, representing the Alberta Association of Chiefs of Police and Chief Andy McGrogan, who is the president.

Acting Sgt. MacDonald: Acting Sergeant Lynn MacDonald. I'm with the Calgary Police Service missing persons team.

Ms Renaud: Marie Renaud, St. Albert.

Mr. Horne: Good afternoon. Trevor Horne, MLA for Spruce Grove-St. Albert.

Drever: Good afternoon. Deborah Drever, MLA for Calgary-Bow.

Mr. Hinkley: Bruce Hinkley, MLA, Wetaskiwin-Camrose.

Mr. Shepherd: David Shepherd, MLA for Edmonton-Centre.

Ms LeBlanc: Stephanie LeBlanc, Parliamentary Counsel.

Dr. Massolin: Good afternoon. Philip Massolin, manager of research and committee services.

Ms Rempel: Good afternoon. Jody Rempel. Actually, I am the committee clerk.

The Chair: I apologize. I'm the chair.
On the phones we have Member McPherson.

Ms McPherson: Thank you. Good afternoon. Karen McPherson, MLA, Calgary-MacKay-Nose Hill.

Dr. Swann: David Swann, Calgary-Mountain View. Thank you.

Ms Miller: Barb Miller, MLA, Red Deer-South.

Ms Luff: Robyn Luff, MLA for Calgary-East.

Ms Woollard: Denise Woollard, MLA, Edmonton-Mill Creek. Thank you.

The Chair: Please remember that today's participants have been invited to make a five-minute presentation, after which I will open the floor to questions from committee members.

At this point I'd like to welcome our guests, and I would ask that at the beginning of your presentation you introduce yourself for the record. I'd like to start with the Alberta Association of Chiefs of Police. Acting Chief Greg Preston.

Panel E

Acting Chief Preston: Thank you, Madam Chair and members of the committee. Before I get started, I just wanted to go back to one of the last questions that was asked, in relation to statistics. I think it's important that the question be answered in relation to requests under the Missing Persons Act, not just requests from law enforcement. We do make a number of requests under criminal law,

which is clearly different than what we're doing here today. I think that that's a key point that I want to get through, that we're dealing with the Missing Persons Act, not criminal law. I think that when I look at some of the submissions, from us as well, there's a key misunderstanding that we're dealing with criminal law. We talked a lot about the expectation of privacy, which there is still under the Missing Persons Act, but we're not dealing with criminal law. Spencer was a criminal law decision, and it's not directly applicable to this, I would suggest. I think that that sets some of the basis for my comments.

If you don't mind, I'll go through the brief piece, and at the very end – I apologize – I have a doctor's appointment, so I'll probably have to leave before the end of the committee meeting at 2:30.

The Chair: Thank you.

Acting Chief Preston: Okay. The first thing, as MLA Shepherd pointed out, is that we talked about the grounds of exigency and that sometimes when we make a request of some of the providers, we're not getting information because they're questioning whether it's truly exigent circumstances. I don't think that they're really in a position to question us. We have a duty to bring forward truthful information. If we're not doing that, then we are committing a misconduct, and they can make a complaint, and we'll be investigated.

I also think that there may be some misapprehension that section 11 of the act already protects them from civil liability. There was a lot of discussion around concern for finances and civil liability, but the act itself already protects individuals who work with us in good faith. If we make a representation, I think it should be accepted that we're doing it in good faith, and if we didn't do that, the member who did that does it at their own jeopardy. I think that, again, the committee should take that into consideration. One of the things that we are looking for is that if greater certainty is what some of the providers are looking for, maybe some consideration could be had around putting in a greater certainty clause, whether it's in section 11 or somewhere else in the act, just to give them that comfort level that they seem to be seeking.

And it's not just on this particular piece. In many cases we're finding that it's not just the providers but in some cases the justice of the peace, that they're a little reluctant to provide an order because they're not sure whether they're allowed to do it or that it will follow the direction that's set out in the act. Again, we have to follow the law. We enforce the law. If we don't, then we're held accountable to it, and rightfully so. That's the first piece.

The second one is under section 4, emergency circumstances. If we make a request of somebody and they don't provide the data that's requested, we're into section 5. Then the fortunate thing with section 5, the remedy provision, is that it basically says that if you don't get compliance under section 4, you can make an application to a justice to get an order. Well, then you're not really exigent anymore because you're back to doing an order. You have to go before the court and make an application. I think that there needs to be some thought around potential amendments to that to fix that. What it appears to be is that you're going in section 4, put into section 5, and really what you're doing is that you're being put back into the process under section 3, which is just the general application provision. Again, something for consideration for the members of this committee.

I know that there's a large definition section in section 3(2) in relation to data, but again, as we heard from the previous presenter, there seems to be some concern about certainty. As a result, even though I believe that the provision as it currently stands is sufficient under section 3(2)(b) around what exactly is captured in relation to

messaging – we talked about instant messaging and text messaging – I’m maybe wondering if, again, there’s some consideration around moving the words. Technology advances so quickly. Why do we put things like texts and e-mails and things like that as opposed to just “messaging,” the simplest term? It’s again a consideration because we’re finding that there’s this fine nuance that people look for in the wording so that they can distinguish between a text and a twitter or something like that. I don’t think we need to be that prescriptive. We need to have a little more room for interpretation on that. If we put inclusive language in, maybe we won’t get push-back from some of the telcos and other providers.

The other one was raised by MLA Shepherd around use. Some of the apps that are out there are not necessarily being posted to by the missing person, but the app itself is still collecting data in relation to them. That’s what we’re getting at in that submission, which is that it should be around the fact that there’s activity in relation to the app, not necessarily use. Use, I think, is being interpreted as that they’re posting something and that they’re somehow accessing it. They may not be accessing it, but the app itself is gathering data, and that’s what we’re looking for.

Justices of the peace. I think we need to again consider more training for justices as well as our own members. The act is still relatively new, and there’s uncertainty with some justices of the peace and whether or not they’re prepared to issue these orders. My colleagues will present more on the actual facts. They deal with them on a day-to-day basis. Again, it’s this discomfort level that we’re finding. I believe the largest barrier to assisting our investigators in relation to missing persons is a discomfort level around the legislation itself, so maybe if there was some more training for the JPs as well as our own people, there would be greater advancements in moving these files forward.

Beyond that, I will leave it to my colleagues, who have much more relevant information.

1:55

The Chair: Thank you.

I would now like to invite Calgary Police Service Constable Lynn MacDonald to present.

Acting Sgt. MacDonald: Good afternoon. I’d like to echo what was just said about the exigent circumstances. I would encourage caution when trying to pigeonhole specific criteria in exigent circumstances. I can speak solely of my 84-year-old mother, who walks five miles a day and might be very different than another 84-year-old, who’s not in such good health. I think there has to be some caution or some further discussion, if we are going to have set criteria, that we’re not eliminating people that need to be considered under that exigent circumstances umbrella.

Secondly, to touch on when we talk about a timely response in getting records back from telco companies or banks, our form 5, the emergency order, has a 12-hour time limit to take it back, but for an actual form 2, the order from a JP, there’s no time limit at all. So technically a company could take up to a year, and as we know, with missing persons investigations we’re investigating them for a reason. They’re missing because it’s out of character. They have some mental health or emotional health issues that are causing the police to get involved to try to preserve life. So I think some discussion or an approach towards a timely response for these documents would be of great benefit.

The Calgary Police Service has had great success with a lot of companies with regard to missing persons applications. I think, though, as mentioned, there needs to be some sort of a standardized application process that we – Edmonton, Medicine Hat, Calgary – are all following. It’s my understanding from my learned friend that

in Edmonton they have made arrangements with the JPs about what is acceptable to be brought forward in terms of an application. That hasn’t occurred in Calgary. Every so often when we have a new JP, it’s a new retraining session for that person to try to get them up to speed about this foreign entity that they’re seeing. So, for us, I think that some standardized application process between the police services themselves and then, again, standardized training for the JPs across the province would be very beneficial as well as for our members themselves.

Calgary does things a bit differently than a few of the other services in that we have chosen as a service that the only people that can write missing persons applications are members of the missing persons team or members of the general investigative unit with the guidance of the missing persons team. We do that to protect the integrity of the formatting of the applications but also to make sure that people are not submitting applications without having done a very proper investigation prior to submitting that application. I think that’s one of the ways that we have worked pretty hard to try to keep the integrity of that.

We also are very cautious, when we find that it may be switching to a criminal investigation, to seek guidance from a Crown to make sure that we are not continuing down the path with the missing persons side of things and putting that aside and switching it to a more formal criminal one.

Alberta Health Services, I think, needs to be brought up to speed about the Missing Persons Act. We’ve noticed more in the last six months for some reason that we are submitting form 5s to the hospitals to see if someone is in their care, and we have on several occasions gotten the response back that the person is not in there, only to find out later that they actually were in there. So I don’t know what the disconnect is for the members there – again, it’s a new thing that they’re seeing in these last five years – whether they’re just not trained to know the weight that it holds or if it’s a training issue for their members.

One of the other things – we talked about it earlier – is the imminent bodily harm or danger to someone. That comes to us with the form 5 as well. One person’s interpretation of imminent bodily harm may be very different from another person’s at a hospital. I agree that as a police service, when we put something forward to say that this person is at imminent risk, it’s our responsibility to make sure that that is truly what it’s about, and to have push-back from people that aren’t giving it to us because of their definition of imminent risk is causing some challenges for us.

I think those would be the submissions from Calgary, with, absolutely, an openness about having further discussion when the time comes to do a revamp of the act.

The Chair: Thank you.

I’d now like to call upon Edmonton Police Service Sergeant Kevin Harrison.

Sgt. Harrison: Thank you. Just to give a little context maybe from an Edmonton perspective, EPS sees about 2,000 missing person reports, on average, per year. About 200 of these files come to my unit, the missing persons unit. Approximately four or so of those files a year go unsolved, meaning that we’re at about a 98 per cent success rate in solving these files. Approximately two to three files per year end as homicides.

In general we find that the businesses are quite co-operative in providing records for missing persons given that they understand the risk to the missing persons. I’m talking about banking, Alberta Health Services. We have some better success with Alberta Health in Edmonton, banking companies, et cetera. It is normally the more serious and longer term files where we seek orders under the act to

obtain the records. In 2017 our unit authored seven orders under the Missing Persons Act.

The unfortunate part is that if these are not approved, it can seriously hamper an investigation. If we need telephone company records that have tower locations for cellphones or we need Facebook records and we need the IP address of where that person was last using their Internet and that's not approved by the justice, that can really hamper and stall our investigation. Currently there is no mechanism to seek clarification on rejected orders from the JPs, and we're sort of stuck with potentially reapplying and just applying to a different justice of the peace and hoping for the best.

I submitted three recommendations. I'm assuming that the committee has seen those recommendations, but I would just reiterate them. I believe that we need to develop an updated, standardized form 1, prescribed under the missing persons regulation, that will meet the needs of all the police agencies across Alberta. I believe that we need to include, as Chief Preston mentioned, the justices of the peace as a stakeholder in the review of the act, and we do need to develop some training on the act to provide to police agencies and justices of the peace to ensure that a consistent standard is met in authoring and approving applications.

Form 1: I believe I submitted some examples to the committee there of the different versions that the RCMP, the Calgary Police Service, and EPS are using. The versions have kind of morphed since the inception of the act in 2012 to meet the needs of the agencies, and that's because applications were rejected, and at times we were not given any feedback as to why they were rejected, or it was simply that they were not comfortable or that there wasn't enough information. So now we're all providing different forms of information to get to the same goal. I'm not sure that the amount of information we're providing meets with the spirit of the act in terms of: we're trying to save a life; we're trying to make sure that someone comes home safe.

That's pretty much the gist of my comments.

The Chair: Thank you.

I'd now like to invite Royal Canadian Mounted Police K Division Staff Sergeant Jason Zazulak. Thank you very much. Go ahead.

S/Sgt. Zazulak: Thank you. Good afternoon, ladies and gentlemen. Thank you for the opportunity to meet with you today and speak about the Missing Persons Act. My name is Staff Sergeant Jason Zazulak. I'm the NCOIC of the historical homicide unit, missing persons unit, and Kare/proactive unit for the RCMP in Alberta.

What does the Missing Persons Act mean to the RCMP? Well, the RCMP in Alberta generates approximately 540 missing person investigations per month. From July 2017 to the end of last week the missing persons unit reviewed 2,997 missing person investigations. Of those 2,997 investigations, 1,875 could not be concluded within the day and required some sort of follow-up and participation or assistance by the missing persons unit. The missing persons unit has written or assisted in the drafting of 17 Missing Persons Act applications in the last six months. All of this is to say that the investigation of reports of missing people in Alberta is a very important part of our service to Albertans, and the assistance to those investigations that the Missing Persons Act provides cannot be overstated.

2:05

What challenges do we face with the current Missing Persons Act? In relation to our judges and justices of the peace denying the application based on insufficient grounds, our members are having applications denied on the basis that insufficient grounds are being articulated to believe a missing person has accessed a medical

facility or that banking transactions may have occurred, for example. The comment back from the judge or justice is that the courts cannot grant a vague fishing licence to the police. In the case of a Criminal Code search warrant or other judicial authorization, the police must establish reasonable grounds or suspicion that the place to be searched for the records being sought will provide evidence of an offence.

Missing person investigations are unique in that there is no offence alleged, and we are not gathering evidence to forward a prosecution. We are on a fishing trip. We're casting a very wide net in a timely fashion that we hope will reveal information to help us safely locate a person who, we believe, is in need. For example, a request for health records will not specify a location because we are considering the possibility that the missing person is incapacitated and unable to contact family. We are not always able to provide information on specific banking transactions for our applications but are relying on the common principle that people need access to money to care for themselves.

The RCMP members in Alberta have also had applications for Missing Persons Act orders denied for the following reason: the judge does not believe they are able to grant the order because the act specifies a justice of the peace. Our understanding is that a judge by virtue of their appointment is a justice of the peace. Judges have refused to see the order, and the orders are being handled like a Criminal Code warrant application, where the application is being sworn by a justice of the peace and then being sent to a judge for the order to be reviewed and granted. We feel that a continuation of the training in the Missing Persons Act may afford the judiciary more comfort in reviewing and granting Missing Persons Act applications.

Second, our lack of application via facsimile or electronic means. The decentralized nature of RCMP policing in Alberta means that our members do not always have convenient access to a sitting judge or justice of the peace. Time is a very important factor in finding people who are missing, and any delays in accessing information that may assist in finding a person is significant. The ability to apply for an order for records under the Missing Persons Act via facsimile or electronic means through the hearing office would reduce or eliminate those potential delays.

Third, we consider the protection of privacy of the subject of a missing persons order. In conducting a missing persons investigation, the police are requesting access to personal information not generally accessible without a judicial authorization. There are still concerns by the judiciary. We can see with industry authorizing those orders and the organizations and businesses providing personal information that they are breaching the privacy rights of individuals. We would suggest that by adding a clause to the order whereby information gathered under the Missing Persons Act by the police would be destroyed within 90 days should the subject of the order be located, we may provide more comfort and confidence to judiciary and nonpolice personnel agencies involved. This clause would be based on what is already in section 7(1)(a) of the missing persons regulation, but stating that in the order itself: that's the piece of paper that our telcos are going to have in hand. It may help them to have greater comfort.

Also, the consideration of a sealing order for Missing Persons Act applications and orders. In one instance the RCMP were investigating a matter where the missing person was also the subject of domestic violence. The record being sought related to the missing person's telephone number and GPS location. Public release of the missing person's current phone number may have compromised the safety of the missing person as it related to the missing person's ex-spouse then becoming aware of that number. The RCMP would request contemplation of provisions to seal the

application and order under the Missing Persons Act similar to provisions under section 487.3 of the Criminal Code.

As stated by our colleagues with the Edmonton Police Service's missing persons unit, the current form lacks the ability to add any narrative to the document and needs some rework. The addition of a free text field may reduce the instances where the applications are denied because the judge or justice requires more information or clarification. The RCMP are also experiencing a confusion in the application process because the application is to be signed by a commissioner of oaths, but the order must be signed by a justice of the peace. Having those documents signed by a justice of the peace and, by extension, a Provincial Court judge, we may experience less confusion and delays in the process.

Just to speak to a point that Mr. Leduc brought up in regard to the privacy of clients for industry: he spoke about the example of the difference between a 20-year-old person who has gone missing on their own and a six-year-old person who has not gone missing on their own. Part of our policies acknowledge that a person, an adult, has a right to be missing. We're looking for information based on a third-party complaint that that person may be in some sort of danger. Once we contact that person, if they are an adult, a part of our process is to ask them and to inform them: "Here is the person who has reported you missing. Do you wish that person to know where you are?" They can say no, and we'll respect that.

We would, however, talk to the person about the possibility of what we would call a compassionate request to locate, where we would communicate back to the complainant that we've been in touch with this person, we believe them to be well and fine, we've provided them with your contact information, and since they are an adult, they can make the choice to contact you. From the police's point of view, then, the investigation is concluded. We're not imperiling that private consumer information.

Those are all of my submissions. Thank you very much for your time today.

The Chair: Thank you, all, for your presentations.

I would now like to open the floor to members to ask questions. Ms Luff.

Ms Luff: Thank you, Chair. I'd also just like to thank everyone for being here today. We appreciate that you've taken the time out of what I know are your very busy schedules to come and present to us. I think your input and recommendations are highly valuable, so thank you for that.

First off, I just wanted to ask quickly – and some of you have mentioned some of these statistics in your presentations. During the research phase, when we were looking into this act, we weren't able to find a lot of information about the number of times the act is used in Alberta every year. In Edmonton you, I believe, said that you issued seven orders last year, and the RCMP just mentioned 17 since July, I think. I was wondering if just everyone on the panel could perhaps comment on the number of times, the approximate number if you don't have it exactly, that this is used annually and then also, because you've been talking about applications being denied, about how often the applications under the act are denied.

S/Sgt. Zazulak: I can speak to that from the RCMP point of view. The 17 applications where the missing persons unit either assisted or actually made the application in the last six months: our policy is that each of our detachments is required to engage with the missing persons unit when they're doing a Missing Persons Act application, and we do that for consistency and also to assist them. They don't deal with this very often, and our missing persons unit are subject matter experts, so that helps us.

Seventeen in the last six months: I couldn't say if that's high or low, but I would say that, going forward, you will see that increase because our members are becoming more aware of what a great tool this is in their missing persons investigation. Within our own policies there are more people whom we consider to be high risk, and we're using this tool more and more frequently.

The denial of the applications. I'm sorry; I don't have those exact stats. But usually it is a matter of clarifying the circumstances and helping the judge or justice to understand why it's needed.

Sgt. Harrison: From the Edmonton Police Service perspective, I might just sort of echo that our policies in regard to how the orders are written are very similar to the RCMP's in terms of: our general membership is asked to consult with us. We don't see circumstances of them ever writing an order that we're not aware of in our unit. I would say that, on average, we're probably authoring five orders, maybe seven or eight a year, but we're using the Missing Persons Act itself much more often than that. We're just talking about orders under the act, but we're using other aspects of the act all the time. I don't believe we'd be able to accurately reflect how many times we use the act outside of just the orders.

As far as the rejections, the version of the form I that morphed in 2012 was the result of, I believe, some issues that Calgary had. It was changed back then in conjunction with justices of the peace, et cetera.

2:15

We had no issues with the order for several years, and then all of a sudden in 2016 – I'm not sure why – we had a justice of the peace reject an order just offhand, and then another one rejected a certain clause in the order. That's where we as an agency came to some agreement with the justices that we would add – and I believe it's included in your packages – an appendix to offer them some further information. Since then, since 2016, we haven't had any rejected because we're providing them with a little further information. Apparently, it makes them feel more comfortable with approving the orders.

Acting Sgt. MacDonald: As far as Calgary, we have only had one rejection or one denied, and that was our very first application, that we made back in 2010. Since then we haven't had any outright rejected. We have had situations where the justices have asked us to go back and change a couple of things on it. Usually we do that right at the courthouse and then re-present it right back. But, again, since 2010 we haven't had any rejected. We are a bit different than our two other agencies here in that, as I mentioned earlier, detectives out of the general investigative unit under the guidance of the missing persons team are the only ones that are allowed to write "Missing Persons Act." That's a policy that the service has taken on in terms of their idea of protecting the integrity of it and ensuring that street members are just not using it and abusing it.

In terms of writing them, since it came into play, we have only written 14 so far, with the majority of those being in the last three years.

The Chair: Thank you.

A follow-up, Ms Luff?

Ms Luff: Yeah. Thanks very much. Thanks for that. I appreciate it. If at all possible, if you could provide the total number in writing to the clerk, that would be great, just so that we have those numbers as we're going forward.

I just wanted to ask in regard to that. In British Columbia police services are required to report annually about the number of emergency orders they've issued and whether or not those orders

ended in successfully finding the missing person. We've had other presenters comment on the lack of reporting on this act. I'm just curious if you would be supportive of some sort of annual public reporting so that folks are aware of how and when the act is being used.

S/Sgt. Zazulak: I think if it helps to provide clarity on the act and helps to – within the RCMP we can take care of our own training, and we do have a constant conversation back and forth with Alberta Justice and Solicitor General and our own policy-makers in Ottawa and for the province here. It's more so with the judiciary and their comfort with what we're asking for and their understanding that it's not a criminal investigation that we're after. I think that's where a lot of the disconnect is coming from. If that publication, then, at the end of the year about how many applications were made and how many were denied includes some comment on what the problems were, that would be useful.

Acting Sgt. MacDonald: I don't have anything further to add on that. As a police service, if it's working for us or not working for us, I think it's something that needs to be explored and the reasons as to why it's not happening. I think there may be a misconception about the numbers, at least in terms of city service, that submit applications. As you can see, 14 is not a huge number in five years. But, as my Edmonton counterpart said, we do use lots of other portions of the act, in particular form 5, a lot more than we would ever do an application. So I don't think that releasing those numbers would be a big concern for Calgary.

Sgt. Harrison: Even just the daily phone calls from our investigators to banks and other agencies like that say, you know: "I have a missing person. There's some risk to this person because of A, B, C, and D. Can you tell me anything that's appropriate?" And Alberta Health will come back and say: you know, they're not in hospital. They can provide those records. To track that would be much more difficult because we're doing that almost on a daily basis, and that's investigators across the city. They walk into banks or they phone the banks, or they call Alberta Health Services. That would be a lot harder to track than actually just the official orders under the act. That's much easier, if that makes sense.

The Chair: Thank you.
Member McPherson.

Ms McPherson: Thank you, Madam Chair. I just first of all wanted to make a remark regarding the first speaker, who, it looks like, has left. App tracking, gathering data from applications that are actually tracking our movements, should be a pretty easy piece of information to track down, so I just wanted to highlight that.

Also, what I'm hearing overall from the panel is that there's a need for more training, obviously, for justices of the peace and perhaps a type of feedback and improvement loop outside of reviewing the legislation, so on a more local level, more operational review.

I do have a question regarding putting a gendered lens onto missing persons and if there is a sense of how many men versus how many women go missing. I realize you may not have this information available right now, but if you could provide it to the committee, I think it would be really helpful in us just considering all of the information that we're gathering.

S/Sgt. Zazulak: I don't have that data here with me today, but we could certainly provide it.

Sgt. Harrison: EPS can also provide that. I would say anecdotally that there is not a significant difference between males versus females.

Acting Sgt. MacDonald: I would agree. I have mine here, and it's almost split right down the middle.

Ms McPherson: Great. Thanks.

The Chair: A follow-up, Member McPherson?

Ms McPherson: Yes. Just one point of clarification: does a report of a person going missing necessarily mean that the Missing Persons Act is being activated, for lack of a better word?

S/Sgt. Zazulak: No, not necessarily. It just begins the stages of the investigation. Depending on the relationship of the complainant to the actual missing person, they may be very easy to find, and just looking in our own open-source databases, our own police databases, we can very quickly find that person. So it's more situation specific, I guess.

Sgt. Harrison: Yeah. I agree. There are parts of the act that speak about how we're allowed to release stuff to the public about a missing person like a missing person poster and their age and their name. You know, we would use that quite often. It doesn't mean we use it in every investigation. So we're using different parts of the act. It depends on the file and the severity of the case.

Acting Sgt. MacDonald: That would be the same for Calgary. We use different applications from the act. An actual missing persons application and writing one in an attempt to get an order is the very last step for Calgary. We try the investigation, the routes of members trying to get information without submitting it, checking hospitals, doing a media release. All of those things are done before we will ever make an application. In that way, when we bring it in front of a JP, we've tried everything else; we now need to move to this.

The Chair: Thank you.
Mr. Orr.

Mr. Orr: Thank you, Madam Chair. Unfortunately, the Association of Chiefs of Police rep is gone, but maybe some of you can answer this. I believe that in his report he stated that video records are included in section 3(2) but not for emergency orders. I'm just wondering if, from your point of view, it's an oversight that video records would be excluded from the emergency portion of it, access demand, or if there is a significant reason why they shouldn't be included at that stage.

Acting Sgt. MacDonald: We've always written in. Again, I guess that comes down to the standard forms. If there are things that aren't on here that we need, we write them in and present that in front of a JP or in terms of writing the application. We haven't come across situations in Calgary where they've denied us access to video, so we haven't actually had to submit a lot of these for video.

Sgt. Harrison: I think what maybe the chief – sorry for speaking for him, but I think what they're suggesting is that some of the check boxes that are present here are already becoming a little bit out of date and that there are things that could probably be updated in terms of giving us more free, you know, blank space to add things that are more relevant or that are updated, I guess.

2:25

The Chair: Thank you.
Mr. Ellis.

Mr. Ellis: Thank you. Thank you all for being here today. You are obviously our last speaker, but we had a number of speakers earlier this morning. Some of the folks from the Institute for the Advancement of Aboriginal Women were expressing frustration that police in general were just not taking the missing person calls. So my question to you, as we have representatives from the RCMP, CPS, and EPS, is: what checks and balances, I guess, do you have in place in your organizations to ensure that when a missing person call comes in, it is investigated? Or, going back to my previous experience, I mean, certainly if a call is originally a missing person call and then is somehow changed to something miscellaneous, we'll say – nothing is coming off the top of my head – is it checked by a supervisor to ensure that the intake constable was not, again, as was maybe expressed by previous speakers, somehow unwilling or not wanting to take the missing persons call? What kind of checks, I guess, going back, do your services have in place to ensure that missing person calls are followed through on?

Acting Sgt. MacDonald: With Calgary, when someone phones in, we take all missing persons cases that people want to report. Our call-takers then do what we call a dispatch assessment. It's a list, a series of questions that they ask to determine on face value what the risk is to this person, and they use that to dispatch our calls, so whether it be a priority 3, which is a lower priority, or a priority 1, where it's right away.

Every morning our sergeants, when they come in, review all the missing persons cases that have happened or have been reported in the last 24 hours. For any that are deemed as high risk, one of the members of our team is then assigned to follow up with the investigating members so that we ensure that it doesn't fall through the cracks. We've taken on training specific for our patrol sergeants as well as our 2900s, who are our street supervisors, in missing persons and the things that need to be covered off with missing persons. So that's the way that Calgary handles it.

Sgt. Harrison: From the Edmonton Police Service, a somewhat similar model: all calls or all reports of a missing person have to go through our communications, and that's to ensure there's some quality assurance. In the past they would allow people to walk to a front counter, and you were left to the interpretation of a police officer or a civilian standing at the front counter, or to walk up to someone on the street and say, "My so-and-so is missing," which left it to their interpretation.

Now all calls of a missing person must go through the communications section, where we refer them to CAA-trained comms, communications staff, who basically conduct it. There is an initial set of questions that determines if this person is high risk, meaning if they're under the age of 12, if they're over the age of 80, if they have dementia, et cetera. Any type of high-risk qualification or standard there would automatically be sent out for dispatch. What's then conducted is a risk assessment, much like Lynn described. It's 12 sets of questions which ask things like: "Does this person have any mental health issues? Are they suicidal? Are they involved in gangs or drugs?" This series of questions helps them to assess a level of risk. Anyone that is high risk, again, or that is what we would consider moderate or medium risk that is within seven days is automatically sent out for dispatch.

The risk assessment that is completed by our communications staff is looked at by the sergeants in communications who approve those, and then it also comes to our office, where the missing

persons unit staff and the sergeant review those as well. So there are times where we catch ones where maybe we would refer them as not listed on CPIC or not reported as missing, where we might review it and go: no, I think there's some risk here that we've missed. Or maybe the family has called back, and there are some other risk factors that have come up where we can change that and agree that we need to investigate them as a missing person.

Any of the moderate risk ones that are outside of seven days come to my unit, and we investigate those. What is considered low risk or does not meet the threshold for listing them as missing on CPIC: they are not reported as missing, and we do not investigate those. Although we do oversee and check those files, we do not investigate them.

S/Sgt. Zazulak: For the RCMP, again very similar, a little more decentralized, being that we're covering all of the province. But in our two telecommunication centres, north and south, our telecommunications operators are trained to risk assess and prioritize the calls for service that come in. We also have senior and experienced RCMP regular members who are there and are able to provide some guidance on the risk level of the calls that are coming in. That's been in place for a few years now.

In regard to missing persons in particular, we have a matrix of risk assessment and briefing notes that have to go out from the detachment based upon the missing person and who they may be or where they may come from. In the specific example of an indigenous female, then, a briefing note has to be done by the detachment within 24 hours. That is essentially disseminated up the chain of command, and it's ensured that the detachment commander and senior investigators in that detachment know, that the district advisory NCO knows for that area. It goes up through the officers. It also comes to my boss, the OIC of the serious crimes branch, and it comes to me as the overseer NCOIC of the missing persons unit. We have those checks and balances in place.

Also, the files are reviewed within 24 hours by a supervisor, and the supervisor can give direction on what reasonable steps need to be taken to investigate this. Then on a weekly basis our missing persons unit looks at all of the files for the province that are both categorized or scored as missing persons. We also look at ones that we call assist to locate, or just a well-being check. We've expanded our search parameters a little bit, once again throwing a very wide net so that we can identify any of the risks there, too, and have our specialists and missing persons unit look at those files and say: okay; we might not be comfortable with some aspects of this, and we want to get more senior, experienced investigators on the ground there to make further checks.

Mr. Ellis: Thank you.

A follow-up if you don't mind.

The Chair: Absolutely.

Mr. Ellis: Thank you, Chair. Just again going back to one of our previous speakers here from the Canadian Centre for Child Protection, in the Alberta regulations for the Missing Persons Act specifically:

- (b) "mature minor" means an individual who
 - (i) is under [the age of] 18 . . .
 - (ii) has the ability to understand the nature of the information collected under the Act about or pertaining to the individual, and . . .

Then there's some other stuff. Anyway, my point is that there were discussions and recommendations that the mature minor definition be further defined. From a police perspective, do you concur with

that, or are you satisfied with the current definition of mature minor under the regulations?

S/Sgt. Zazulak: I think we would concur that that should be looked at. I think part of the problem that our members are experiencing is with your older children, or the mature minors. We're trying to bring them into a situation of safety, yet they feel that they're safe. So we're trying to balance between sort of influencing them or persuading them to go along with what the police officer would like them to do for their own good and having to actually apprehend or use force with this young person who, again, may feel that they're just fine. But we still have an obligation under the act to bring them to a safe place. Definitely worth discussion.

The Chair: Thank you.

Mr. Shepherd.

Mr. Shepherd: Thank you, Chair, and thank you to all of you for being here this afternoon to make these presentations. Some good questions from my colleagues on the committee here. They've been very helpful. I just had one question I had originally hoped to have had the chance to ask Mr. Preston, but he did have to leave. Perhaps some of the others could provide some insight. In the written submission of the Alberta Association of Chiefs of Police I noted that they recommend that a refusal to respond to an emergency request for records be addressed as a wilful contravention of the act, and it'd be something that may be subject to a fine. I'm not sure. Again, that was from the Association of Chiefs of Police. But I was wondering if any of you might have some thoughts on that and, if that was something that you supported, I guess, what that might look like in practice. Is that something where an investigating officer would be able to then perhaps use the threat of that fine to encourage people to provide information in those circumstances?

2:35

Sgt. Harrison: Just in having a discussion with Chief Preston prior to coming here, we talked about this. I think he addressed that when he was speaking there. In terms of that section, what he was trying to get at was that if we make an emergency sort of request to a company and they say no, the only recourse under the act, then, is to go back to applying before a justice and going through the slow court process of now getting an order. Then this remedy is suggested – and I think it's already in the act – that there's a potential for a fine under the act. I'm not sure that Chief Preston was suggesting that now police officers will go back to the telephone companies and say: you're going to be fined \$10,000. That's certainly not the flavour. It just might be more about more discussions about what the process should be if all of a sudden under this emergency order or emergency request someone says no. What recourse do we have then? Slowing everything down and going back to the justice may not be the best way to do this if we need timely records of someone whose life may be at risk.

Mr. Shepherd: Okay. It sounds, then, that the concern is just that you feel there is a gap in sort of leverage to be able to respond in the case where there is a refusal of the information in an emergency situation.

Sgt. Harrison: Yeah. I think that's what the flavour was getting at in this recommendation.

Mr. Shepherd: Okay. Then again I guess we return to sort of the concern that was raised, perhaps, about making sure that we have a clear definition, then, of what constitutes an emergency circumstance if we're going to be moving to those sorts of repercussions.

Sgt. Harrison: That's right. I think what we're saying here is that, you know, sometimes it's easier for us to articulate risk. If you do a risk assessment on a missing persons report and you see that there's gang involvement and a high-risk lifestyle and they're a young person, et cetera, it's easier to articulate risk. However, if someone comes to me and says, "Well, he hasn't been seen in three weeks" and they meet a couple of the risk factors but not all of them, it's not always easy to articulate that risk to a telephone company, but there's still risk. We've listed them as missing. Things are out of character. We don't know which one is going to be found and which one is not. We're guessing. If we're relying only on imminent risk, it's not always sufficient for us. We need to know where they were last, where they used their phone. This could be a homicide. We need to be able to try and track them down.

Mr. Shepherd: Okay. I find myself, then, wondering a little bit about process here. If there is a fine that could be given or awarded, would that then require going back to a judge to assess that fine? My question: how would that fit into the process, and how does that then, I guess, get around the issue we have, which is that it's slowing down the investigation?

Sgt. Harrison: Yeah. I couldn't answer to that in this forum.

Mr. Shepherd: Okay.

Sgt. Harrison: It's quite convoluted.

Mr. Shepherd: It's a general principle. You're interested in exploring that direction. Thank you.

The Chair: Ms Luff.

Ms Luff: Yeah. Thank you very much. I just wanted to ask a quick clarification question. Because our act is silent on the issue of how you can apply for an order – the RCMP mentioned in their recommendations that you should be allowed to fax or e-mail your application to speed things up – is it true at this juncture that all report applications have to go through the court, like, you have to show up in person in front of a JP?

S/Sgt. Zazulak: My understanding is that, yes, we do. It means, yeah, physically presenting that application and requesting the order. In cases where we're in rural Alberta, that may be serviced by hub courthouses who are keeping business hours, we can be looking at significant delays in driving that order or having it transmitted to someone who's close to the actual courthouse that may be open. Then you're not having the person with the best knowledge of that information. It's actually being given to a third-party officer to present on the first officer's behalf, and if there's any clarifying that could be done right there in person, they're not able to do that. Right now our applications for Criminal Code search warrants: the technicalities and legalities have been worked out for those. So we would just suggest looking at how that works on the criminal side, and can it be adopted properly for a Missing Persons Act application?

The Chair: Thank you.

I'd just like to note for the panel that we're coming to the end of our time allotted for this portion of the panels.

I have Mr. Horne next on the list.

Mr. Horne: Thank you. I was just reflecting on one of the presentations this morning. Mr. Ellis had touched on it a bit, but I suspect that we interpreted the concerns we heard a bit differently. Specifically, we heard concerns that there was a perception,

anyway, that reports weren't always being accepted on missing persons. That could be any number of things. Unfortunately, I didn't think to drill into what exactly that looks like, so I was hoping to get your thoughts on where that perception might be coming from, if it's a matter of process, that reports are coming in from a different spot, or communication challenges or whatever the case may be.

Sgt. Harrison: I guess one of the things is that the RCMP model is slightly different from the EPS and Calgary models. Depending on who you call, which jurisdiction you're reporting in, the model is different, so there may be fewer upfront criteria for the RCMP to report someone missing whereas with the EPS and Calgary that risk assessment is up front. There are times where they're saying: I'm sorry, but at this point in time they do not meet the threshold for listing them as missing. You know, they are told that they can call back if circumstances change or they're not located. So I'm wondering if it's maybe just a difference in models between jurisdictions. Other than that, the model is pretty consistent within Edmonton. Maybe they're just not understanding sometimes the response from our communications staff saying: at this point they don't meet that threshold, and unfortunately we can't list them as missing.

Acting Sgt. MacDonald: I think it could be a perception thing. There are still a lot of people that believe that there's a time limit, that you have to wait before you can report someone missing. We've gotten that repeatedly from various people within the community despite the fact that it says right on our website: there is no time limit; report them right away if you think that the person is at risk. A little bit of that may be about an education piece on who can and who can't. We work very closely with Calgary's 911. We provide them all their training on missing persons. We've taken the stance that we would rather someone overreport than someone underreport, so there have been situations where our supervisor will review a case, and it is clearly not a missing persons case, and that may bring that investigation to a standstill. But we take the position that we would rather have overreporting than underreporting.

S/Sgt. Zazulak: The RCMP as well. Whenever you're calling in, whether you reach one of our telecommunications centres or you reach a detachment right there at their front counter or whoever is answering their phones, that does generate what we call a call for service. So there is a file generated where the details of the call, the contact information of the caller or complainant, and whatever other information are gathered, and they're entered into our database. Then, from there, that call is going to be dispatched.

Yes, there are definitely some opportunities for interpretation on how urgent this may or may not be. Is it a missing persons case, or are there other motives behind this person calling? It's hard to just very closely define what a missing persons case is. But I think you would find, consistent across all of the police services, that when you call, it generates a record of that call always, and if there is a specific call or caller where they feel that, well, this was not treated with the urgency that they feel it should have been, we always have the opportunity to review that. If we didn't give them, you know, a proper explanation or feedback initially, then maybe we need to take the time to contact them back and explain why we did things the way that we did, probably very consistent with our other policing partners.

Mr. Horne: Okay. I suppose, just reflecting on all of your – like, part of the challenge might also be a definition of vulnerable individuals, I suppose. I suppose that could play into it. I don't

know if you have any thoughts on whether or not a definition might be part of what's leading to this perception.

2:45

S/Sgt. Zazulak: I think, once again, it's hard to define. We're talking about an individual's interpretation of what makes a person vulnerable. You may feel that I have an addiction that I'm suffering with and this is going to cause me to come to harm, and I may feel: I'm just fine, I'm an adult, and why are you bothering me in my business? So it's hard to define, but that's where we fall back on our experienced call-takers and the experienced supervisors and then, as it goes up the line, more experience to be able to make those value judgments on: where is the risk, and how can we best assist?

Mr. Horne: Okay. Thanks.

The Chair: Thank you.

Mr. Orr.

Mr. Orr: Thanks, Madam Chair. Yeah. I'm just wondering if any of you would have a position on the issue of expanding, actually, that definition of missing persons to include persons at risk somehow. We've heard that from a number of presenters. The B.C. act actually goes in and defines a whole bunch of things, you know: sexual services, hitchhiking, self-harm likelihood, substance abuse, medication issues, even such things as dealing with weather and terrain. Would it be helpful or not from your point of view to actually expand that definition of missing persons to define what their risk factors are?

Sgt. Harrison: I would suggest from our – I mean, I'm speaking from my own point of view. Basically, everything you just listed is already encompassed in our risk assessment, so to expand that wouldn't change business for us. Everything you just said, we're already looking at.

Mr. Orr: Okay. Would it change it for people that you are approaching, though, in trying to get information, say, the telecom providers or the hospitals or whatever? Would that empower you more?

Acting Sgt. MacDonald: Personally, myself, I don't think it would. If you're bringing an order to a telco company and they decide they're not going to provide it, having "they're endangered" written on that won't necessarily change the perception to them that that person is at risk. Again, we're very similar to Edmonton. We have it in both our policy and our dispatch assessment when someone actually is at risk. I don't personally see that that would change very much in terms of getting that information from other people.

Mr. Orr: Okay.

The Chair: Thank you.

Mr. Shepherd.

Mr. Shepherd: Thank you, Chair. Just one last question. I've appreciated your comments this afternoon, particularly getting a bit of a better picture of some of the approaches that each of you take at a number of points throughout a missing persons investigation. I did note that in several cases you commented that there are different practices sort of between RCMP, Calgary police, Edmonton Police Service. I note that in B.C. there's a government-run missing persons centre which co-ordinates and assists with missing persons cases in that province. I was wondering if I could get your thoughts on whether you think such a centre might be useful in Alberta, if it

might have any advantages, if you see it as having disadvantages, if it might help bridge some of the differences, I guess, in how each organization is approaching this.

Acting Sgt. MacDonald: From the Calgary standpoint, I think that if something like that was to be put in place, there would have to be some serious discussion about it. We already have a national centre where we put in profiles of missing people, and they are a resource. The only thing that I would caution is that we don't get into a silo situation where we become solely about Alberta. As we know, in particular in B.C., Alberta, Saskatchewan, there's a lot of transient movement back and forth, and I think, whenever you go into a silo situation, that it can be detrimental in the sharing of information. I think we would have to weigh the pros and cons of the national site versus having an Alberta site and do an evaluation of the B.C. one to find how effective it is compared to the national one.

Sgt. Harrison: Yeah. I would echo that. I think we already have members of the K Division missing persons unit that are, I guess, the contacts for the national centre for missing persons, so there's already some connection there to the national centre through K Division and through the staff sergeant's team. I don't think that it's wrong to have that discussion. I think it's been discussed before, and there are different ways that each agency does some things, but I think that in general the investigations of missing persons look very much the same in terms of the steps we take and the avenues we follow to follow the evidence to find the person. We're all in fairly good communication with each other even across boundaries, with connections to the B.C. missing persons and our contacts out in Saskatchewan.

Acting Sgt. MacDonald: To add to that, I think that if there was going to be any effort put into something like that, it might be a better discussion of how to put support behind the national one so that the consistency across the country is there as opposed to individuals doing things differently.

Mr. Shepherd: Okay. Thank you.

S/Sgt. Zazulak: Just to add to that, our missing persons unit here in Alberta had worked as kind of an agent for the National Centre for Missing Persons and Unidentified Remains. Very recently they've allowed us to become kind of a stand-alone but integrated entity, so we are now what's called a CMPUR, a centre for missing persons and unidentified remains. In the analysis and publishing, when it comes to information for the Canada's Missing website, this was something that, before, we could intake and we would pass along to Ottawa. Now we in Edmonton will be able to take that information and do our own publishing to Canada's Missing website, so it just removes a step.

I think that going forward – and this is a very recent change – we are now going to increase our training, our capacity, and then we'll be letting our municipal policing partners know exactly what the protocols will be so that we don't have to go directly through Ottawa. We can do things locally and more quickly and more effectively.

Mr. Yao: I just want to tie some of the comments from some of the other groups together. Just to confirm, based on some comments from our health providers as well as the information technology folks and understanding that law enforcement is inherently tasked with the issue of missing persons and that it is a complex issue, do you feel it's needed or necessary that there are legislative changes made to some of our legislation that would enable law enforcement

to access and process the information related to missing persons, obviously provided that it's not criminal, to expedite and speed up the process of identifying these missing persons?

S/Sgt. Zazulak: I think that, for the RCMP, our position would be that we're fine in the scenario where we need to explain our grounds to a justice of the peace or a judge. We're very used to that. Depending on what we're asking for, do we need to prove reasonable and probable grounds on a criminal case? Well, no. We're looking at suspicion and what they would call the fishing trip. Yes, it is. It is a fishing trip, and we would say that quite openly. What we then rely upon is that if that justice of the peace or judge is convinced and they grant us the order, we would expect those partners and telcos to comply with the order. That's our understanding of how this works.

If they choose not to comply or if there's a burden on them or something like that, it's kind of outside the purview of the police. Our direct communication is going to be with judiciary, and they'll tell us what information we need to provide so that they have comfort in giving this order in a lawful manner, that can be, you know, in the criminal case articulated in court later on. In the case of the Missing Persons Act we're not laying any charges; we're simply looking for a person. So I think the bar is much lower.

I guess, to summarize, if the judge or justice is convinced – and those are the people we need to convince; the legislation is there for that – we're fine. We don't need to be pushing on private industry or the telcos. We would expect them to comply.

Sgt. Harrison: From an EPS perspective, I would say that, I think, in general we're quite happy with the act. I think it needs to be tweaked a little bit in terms of maybe the prescribed forms. It's more about: you know, if we're not going to tweak that form, then we need to train the justices and say, "You shall; this is what the act says; you need to authorize these" or if we're going to tweak it in conjunction with, "We need to offer that training" and say, "This is the standard of approving," because as we've seen, Calgary does twice as much work to get an order than we're doing. We're doing more than the act already requires.

I think the spirit of the act is that we're able to apply and get these orders with some expediency so that we can get the records to make sure people are safe. The danger in all of a sudden saying that we're going to provide a 25-page information to obtain to satisfy the justices is that that slows the process down huge, and that's a criminal-type investigation we're getting into whereas the threshold here should be lower. We're trying to make sure people are alive and safe.

2:55

Mr. Yao: Just to clarify some of what health said – because that's my background, health. I've certainly been witness to that situation where health providers are unable or unwilling to tell law enforcement about someone who is sitting in that emergency department, as an example. Health has identified that they recognize that that issue has happened before, but you guys have no concerns about that, then? There should be no tweaking?

Sgt. Harrison: In EPS we've certainly battled that over the years, and it really is left up to the interpretation of the people on the other end of the phone, the health service provider, because many of them don't understand the act or they don't understand what risk we're talking about. And sometimes the police don't do a good job of articulating that risk: this person is a missing person. We have recently had somebody from our unit meet with our urgent services team through Alberta Health. They've kind of gone through what our risk assessment is so they can explain the list: when someone is

listed as missing, there's already risk inherent here, and these are the risk factors we've considered. They've agreed that under their FOIP legislation and under the medical – I'm not sure which act they're referencing – they're able to release that information. So they've kind of, over the last six months, really improved whereas for a while we really struggled to get that information.

Mr. Yao: Confidentiality. That's what health professionals are strict about.

Sgt. Harrison: They're always worried about that. Correct. Yes.

Mr. Yao: All right. Thank you.

Acting Sgt. MacDonald: I think it's an education piece as well across the board for a lot of people. Some of the challenges that we have faced – and there are very few of them. It was more of an education piece than anything for the people on the other end, a new employee or someone who didn't quite grasp what we were asking for. Education and consistency across both seem to be a consistent theme that all of us are finding.

Mr. Yao: Thank you.

The Chair: Thank you.

At this point we have concluded the speakers list.

I would like to thank all of our presenters for coming this afternoon and for your presentations and for answering all of our questions. If you wish to provide any . . .

Dr. Swann: I think I was on the list there, Chair.

The Chair: Go ahead, Dr. Swann.

Dr. Swann: Thanks very much. A quick one. With respect to reporting and public reporting at an annual level, perhaps, I think it would give all of us confidence – I don't know what the present format of reporting is on the numbers of cases who get reported and the disposition of them. We, I think, have some concerns, especially expressed by our First Nations folks, that there needs to be more public accountability for how these are dealt with and the time in which they're dealt with. Do you have a reporting mechanism, and is there some way of assuring that we are getting the numbers each year, we understand what the trends are, what kinds of dispositions are followed and how effective our system is so we can have some basis for evaluating, I guess, what the services are doing?

S/Sgt. Zazulak: Yes. I'm sure those numbers can be provided.

Sgt. Harrison: I think we would just have to hammer out exactly what statistics are being sought, what form, but I'm sure it can be done.

Dr. Swann: Well, I would suggest that we should follow up with some thoughts, and perhaps other jurisdictions have some formats that we could borrow from, but I'll punt that to our research team, as I mentioned this morning. I think we need to know more about that whole process of reporting and accountability.

Thanks, Madam Chair.

The Chair: Thank you, Dr. Swann.

Thank you for your presentations and for answering all of our questions this afternoon. If there's any additional information that you would like to provide, please provide it through the committee clerk before February 28, 2018. This concludes the oral presentation for today's meeting. I would like to thank all of our presenters who appeared before our committee today. The

presenters are welcome to stay for the remainder of the meeting. However, if you do have to leave, please feel free to do so. Thank you.

That brings us into the next steps of our agenda. Again I would like to thank everyone. As we move into a discussion of our next steps, I think this would be a good time to consider what we would like to do in regard to making the written submissions and presentation-related documents available to the public. Is it the will of the committee that these materials be made available to the public by having them posted online? If this is the case, it would be standard practice to remove personal contact information and third-party information before doing so. Does anyone have a proposal as to how we should proceed with these documents? Mr. Shepherd.

Mr. Shepherd: Thank you, Chair. Having participated in a few of these review processes, I believe it's been pretty much standard to make this information public. It's been valuable. We've had it today on the public record. We've had the opportunity to hear from the experts. Being as this is an issue, I think, that is of some importance to Albertans, I would move that we go ahead with making the information public, with the normal caveats on removing personal information.

The Chair: Are there any other comments or opposition to this? Anyone on the phones?

Hearing none, I have a possible motion that the Standing Committee on Families and Communities direct that written submissions and materials received as part of oral presentations in relation to the committee's review of the Missing Persons Act be made public, excluding personal contact and third-party information. Can someone move this motion? Mr. Shepherd.

Ms Rempel: Madam Chair, if I could just confirm that the intent of this motion is to essentially make all of the presentation materials available to the public, that that's the intent of the mover.

Mr. Shepherd: Yes, indeed, Chair. I believe that since we've had the discussion on the public record about those presentations, the presentations themselves should also be available to the public.

The Chair: Moved by Mr. Shepherd that

the Standing Committee on Families and Communities direct that written submissions and materials received as part of all presentations in relation to the committee's review of the Missing Persons Act be made public, excluding personal contact and third-party information.

All in favour of this motion, please say aye. On the phones? Any opposed? Thank you. The motion is carried.

To follow up from our last meeting, I would note that an updated version of the Missing Persons Act crossjurisdictional comparison, which reflects changes including Bill 210, Missing Persons (Silver Alert) Amendment Act, 2017, was distributed in January, as requested by the committee. Does anyone have any questions on this? On the phones? Thank you.

Moving on to the next steps in this review process, now that we have heard from the individuals and organizations that were invited to make oral presentations, we need to consider what will happen next in terms of the review. In order to assist us with deliberations, it would be common practice at this point for the committee to ask research services to prepare an issues document putting together the information received through the written submissions and today's presentations. Does anyone have any thoughts on this? On the phones?

If I'm hearing no questions, I do have a proposed motion that the Standing Committee on Families and Communities direct research

services to prepare an issues document in relation to the committee's review of the Missing Persons Act. Is there anyone that would like to move this possible motion? Member Drever. Moved by Member Drever that

the Standing Committee on Families and Communities direct research services to prepare an issues document in relation to the committee's review of the Missing Persons Act.

All in favour of this motion, please say aye. On the phones? Any opposed? Thank you. This motion is carried.

Other business. Are there any other issues for discussion before we conclude our meeting? Mr. Smith.

Mr. Smith: Thank you, Madam Chair. I'm not sure how we go about this – we've put in a long day, and I don't think anybody wants to be here for a whole lot longer – but over the last little while we received a letter from Mike House from the Stollery Children's Hospital Foundation and a letter in response to that from you. I'd like to simply place it on the agenda for the next meeting, if that's possible, for discussion.

3:05

The Chair: If I could have the clerk speak to the response that we provided to the Stollery. I believe that we told them that at this point, because we're reviewing this legislation, we aren't able to meet with them. So to put it on the next . . .

Mr. Smith: I'm aware, yeah. I just want to put it on the agenda to have a discussion then.

The Chair: Okay. Is that something that we can do? Yeah? Perfect. Thank you.

Anyone else? Thank you.

The date of the next meeting will be at the call of the chair.

At this point I would like to call for a motion to adjourn. Mr. Orr. Moved by Mr. Orr that the meeting be adjourned. All in favour of the motion? On the phones? Any opposed? Thank you. The motion is carried.

[The committee adjourned at 3:06 p.m.]

