



## Alberta Association of Chiefs of Police

November 3, 2017

Standing Committee on Families and Communities  
C/o Committee Clerk - 3<sup>rd</sup> Floor  
9820 - 107 Street  
Edmonton, Alberta, T5K 1E7

RE: Review of the Missing Persons Act

Dear Madams and Sirs

I am writing to you in my capacity as the President of the Alberta Association of Chiefs of Police (AACP) to thank you for this opportunity to present recommendations on behalf of the senior police leadership in the Province of Alberta. Ostensibly, we will address three primary areas: Legal, Cyber/Forensics, and Missing Persons Investigative Teams. Finally, we offer some additional recommendations that would be operationally beneficial to police officers.

### LEGAL

- 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.
- The remedy provided for in Section 5, if the subject of a Section 4 request for information does not comply, is inadequate. It requires reversion to non-emergent practice under Section 3, whereby an officer would apply for judicial authority from a Justice of the Peace. The result being an alternate process in an emergency being the use of non-emergency means. Gives consideration for the refusal to respond to Section 4 requests being included in Section 12, where wilful contraventions are addressed.

### CYBER/FORENSICS

- Section 3(2)(iii) could be expanded to include any type of instant messaging, different than the traditional text messaging referred to in the Section.

- Precise wording is required to specify access required to third party “*Apps*”. 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 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.

#### MISSING PERSONS INVESTIGATIVE TEAM

- Section 3(2) outlines records to be provided under Section 3(1)(a). Suggest inclusion of records of Group Homes, Shelters, and Rehabilitation Facilities as named entities. Currently, those records would fall under Section 3(2)(j), *any other records as the justice of the peace considers appropriate*.
- The Emergency Access Demand (Form 5), facilitates police being provided confirmation if a missing person is in a hospital or not on the condition that the missing person may be in “*danger of imminent bodily harm or death*”. It can be articulated that any reported missing person that has not been in contact with those they are normally in contact with, would be at risk of this. However there has been an argument that there must be a “*threat*” or some other identifier that indicated “*imminent bodily harm or death*”. Some clarification required with respect to consideration around expedited measures to determine if a missing person is in a hospital.
- Communication of a set standard for both officer and Justice of the Peace regarding Missing Persons Applications, and in what circumstances, if any, that Exhibits are required to be included.
- Training specific to the Act for Missing Persons investigative teams – acknowledging that now some years of reference/experience to consider since the Act introduced.

#### ADDITIONAL RECOMMENDATIONS

The following represent recommendations and some additional feedback on issues that would be of operational value to police services in Alberta:

- The creation of a proper definition of “Apprehension of Persons” so that the ‘Use of Force’ is defined and supported;
- The creation of provisions for making ‘Application’ through mediums (e.g., FAX or Tele-warrant, etc.);
- The creation of a formalized process to obtain ‘Dental Records’. The Province of British Columbia has a “Comfort Letter” drafted by their Provincial Dental Association – for this very purpose;

- The adoption of a term or condition within the order that addressed retention of information (e.g., the use and disposal of information within 90-days of person being located) as this is needed to provide Justices of the Peace with a greater comfort level; and,
- Provisions to allow search of a dwelling or property under the Missing Persons Act. As things presently stand, police officers cannot apply for a search warrant under the Criminal Code as there is no criminal offence at this point.

As President of the AACP, I offer an open invitation for further discussion of these matters should clarification be necessary.

Yours truly,



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Andy McGrogan, Chief  
Medicine Hat Police Service

President, Alberta Association of Chiefs of Police