

## Ontario police to get new tools to search for missing people

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ALLISON JONES

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TORONTO — Police in Ontario could soon get more tools to search for missing people, such as the ability to track cellphones and enter a home or building to search for them.

Those are steps police are currently limited in taking unless there is evidence a crime has been committed.

A new Missing Persons Act is part of sweeping changes to policing laws that Ontario introduced Thursday, including expanded oversight and the power to suspend officers without pay.

Community Safety and Correctional Services Minister Marie-France Lalonde said the new Missing Persons Act would allow police to respond more quickly and effectively when people go missing.

“Very unfortunately youth and seniors go missing and sometimes we have not been able to demonstrate that a crime may have been committed and I would say our priority is as quickly as possible to respond to the call of that missing person,” she said.

“For individuals that are missing ... sometimes those extra seconds, those extra hours count very much.”

The proposed new powers were recommended as part of an inquest into the deaths of seven Indigenous youth in Thunder Bay, Ont. The young people had moved from their remote northern Ontario reserves to the city for high school and all died between 2000 and 2011.

Lawyer Julian Falconer, who represented the Nishnawbe Aski Nation at the inquest, says the new rules will bring needed clarity for police around what they can do in missing persons cases.

“What we’ve learned is police do the darndest things when left to their own devices, so we have to create situations that are bias neutral, that don’t simply (rely) on a police officer’s own life experience and life limitations to have them make discretion calls on which missing people are important and which aren’t, which warrant their attention and which don’t,” he said.

Nishnawbe Aski Nation Grand Chief Alvin Fiddler said police need to be able to jump into action when people are missing.

“I’m not just talking about Indigenous youth or children, but when any person goes missing there has to be immediate measures or protocols that kick in to ensure that efforts are made to try to locate the person,” he said. “We all know in these types of cases the first two, three, four hours are very critical and we should not lose any time.”

The act itself contains language acknowledging that systemic factors sometimes come into play in missing persons cases.

“The government of Ontario recognizes that the circumstances surrounding each missing person’s absence are unique, but that sexism, racism, transphobia, homophobia, other forms of marginalization and the legacy of colonization are factors that may increase the risk of a person becoming a missing person,” it reads.

The law would allow police to apply for judicial orders for access to records such as photos and videos, phone records and cellphone signals, as well as employment, health, travel and financial information.

Police could also ask for a warrant to enter a home or other building if there are reasonable grounds to believe the missing person may be there, or if entry is necessary to ensure their safety.

The judge would have to be satisfied that the need to find the missing person outweighs their privacy interests. If there is any information suggesting the missing person doesn’t want to be found, including that they are attempting to leave an abusive relationship, the judge would have to take that into consideration.