



Government of the Northwest Territories Response to Committee Report 2-20(1): Report on Bill 2: *Missing Persons Act*

Background

Bill 2: *Missing Persons Act* received assent in the Northwest Territories (NWT) Legislative Assembly in June 2024. The *Missing Persons Act* (the “Act”) is designed to resolve missing persons cases more quickly by providing new tools to law enforcement to locate missing persons in cases where there is no evidence of criminal activity. The legislation addresses Missing and Murdered Indigenous Women and Girls (MMIWG) Call for Justice 5.8 and fulfils the commitment made by the Government of the Northwest Territories (GNWT) to bring this type of legislation forward.

The Standing Committee on Social Development (the “Standing Committee”) conducted a review of Bill 2 and tabled its subsequent report in the Legislative Assembly on June 4, 2024. It included nine (9) recommendations. The GNWT thanks the Standing Committee for its recommendations as it works on the development of regulations.

The following is the GNWT response to the recommendations contained in *Committee Report 2-20(1): Report on Bill 2: Missing Persons Act*.

Recommendation 1

The Standing Committee recommends the GNWT work with Indigenous Governments and the Royal Canadian Mounted Police (RCMP) to establish a committee of local and community Indigenous leaders when a missing persons investigation is underway to aid with search and rescue operations, include the involvement of traditional knowledge, and facilitate communication with the affected family and loved ones.

GNWT Response:

The RCMP currently works with families and other parties on a case-by-case basis to locate missing persons. The involvement of communities and Indigenous knowledge in missing persons cases is important and valued, though the precise nature of involvement may vary with each individual case based on the specific circumstances and the information that can be shared. The RCMP often work with volunteers in the communities to assist with searches, including Indigenous people and organizations with resources that can assist in conducting physical searches. The GNWT, through the Gender Equity Unit, receives federal funding for Family Information Liaison Units which work directly with families of missing and murdered Indigenous people as a link between families, governments, and the justice system to help families find the information they need. As the RCMP are responsible for conducting missing persons investigations in the NWT, the GNWT will share this recommendation with the RCMP for further consideration.

Recommendation 2

The Standing Committee recommends the GNWT work with the RCMP and justices to evaluate any cultural safety programming/training being offered to RCMP members and justices to ensure it is trauma-informed, and otherwise responsibly addresses those working with missing person cases in the NWT.

GNWT Response:

The RCMP conducts policing services under the Territorial Police Services Agreement and controls their own operations and training. The 2024-27 RCMP Strategic Plan commits to advancing reconciliation with Indigenous peoples. The RCMP requires 66 hours of cultural awareness education at Depot, which incorporates 17 hours of Indigenous-specific training. "G" Division goes beyond this and requires mandatory Indigenous Awareness course training and offers additional training for trauma-informed approaches and missing persons cases. The GNWT tracks training performance measures which are provided by "G" Division through Ministerial policing priority reporting. 89% of "G" Division members have received Cultural Awareness and Humility training.

"G" Division meets with each community to discuss and identify annual policing priorities with community leaders. Working with communities to establish policing priorities in this way is reflective of policing services committed to reconciliation and honoring community input. The Commanding Officer of "G" Division also meets bi-annually with the Commanding Officer's Indigenous Consultative Committee (COICC). COICC provides advice and brings concerns to the CO on policing issues across the territory.

The Minister of Justice, in consultation with Indigenous communities, governments and leaders, establishes policing priorities for the Commanding Officer to direct "G" Division RCMP members. The Policing Priorities for 2024-2027 include continuing to build strong relationships with Indigenous communities and residents and the provision of policing services that reflect recognition and efforts to reduce harm to Indigenous women, girls, families, and children. The Minister and Department will continue to work with "G" Division to ensure that culturally safe, trauma-informed approaches continue to be priorities for the RCMP.

In regards to training for the judiciary, the Courts of the NWT operate independently from the federal and territorial governments. Given this, the GNWT is not responsible for the training that is offered to the judiciary.

All GNWT employees are mandated to take *Living Well Together: Indigenous Cultural Awareness and Sensitivity Training*. This training is intended to help GNWT employees further develop cultural competencies and play a more active role in reconciliation. As noted on the GNWT Department of Finance's website, "[T]his self-directed training provides skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism...." This training is also available to non-GNWT employees.

Recommendation 3

The Standing Committee recommends the GNWT establish training specific to the Act and its responsible, culturally appropriate usage for justices, RCMP, non-profit staff, and shelter workers.

GNWT Response:

While organizations generally develop their own policies and procedures in relation to training, the GNWT will assist organizations by answering questions regarding the Act where possible and appropriate.

The RCMP has mandatory online training for missing persons investigations to ensure best practices are consistently applied across the country. The RCMP will review the Act, amend the "G" Division's Supplemental Policy for Missing Persons as required, and communicate the highlights and policy amendments to members. As noted above, the GNWT is not responsible for the training offered to the judiciary, as the Courts of the NWT operate independently from the federal and territorial governments.

Recommendation 4

The Standing Committee recommends that in the formulation of regulations for the Act, the GNWT require the RCMP to include a schedule in the annual report referenced in the Act that outlines statistical missing persons information in the NWT, and that the regulations state where the annual report will be published.

GNWT Response:

The annual report referenced in the Act is a key method of ensuring accountability by providing relevant information related to missing persons cases to the public. The GNWT is developing regulations that, in addition to those elements found in the legislation, will lay out the requirements of what must be included in the annual report. This may include historical case data in certain circumstances. Further consultation is required to determine what specific data may be included.

The RCMP's National Centre for Missing Persons and Unidentified Remains assists law enforcement with missing persons and unidentified remains investigations across Canada. Their website features profiles of missing persons and unidentified remains published at the request of a primary investigator. The website includes descriptions and images of missing persons, and information on how the public can submit tips in relation to missing persons. The Centre also publishes annual fact sheets of missing persons cases by province or territory, sex, and probable cause.

Recommendation 5

The Standing Committee recommends the House refers the matter of titling Bills to the Standing Committee on Procedures and Privileges to review and consider the current conventions in the titling of bills and if those conventions should be expanded.

GNWT Response:

Currently, the Legislation Division of the Department of Justice titles bills with a title that is relevant to the subject and neutral in nature. As per the Uniform Law Conference of Canada's Drafting Conventions, "[T]he primary function of the title to an Act is to indicate the subject matter or purpose of the Act. It should be succinct and drafted with a view to enabling the Act to be easily referenced." The Drafting Conventions further expand on this guidance by stating "[A] title does not advance this function when it contains or consists of a slogan or the name of an individual associated with the Act, or when it focuses on aspects or expected outcomes of the Act to the exclusion of others." The GNWT believes it would be best to continue to follow these drafting conventions for the titling of bills.

Recommendation 6

The Standing Committee recommends the GNWT work with the federal government in establishing legislation specific to the Sixties Scoop and creating programming to assist those impacted by the Sixties Scoop in the NWT.

GNWT Response:

The GNWT is aware the Sixties Scoop impacted, and continues to impact, survivors and their families. Efforts by the federal government to work towards reconciliation through the settlement and other initiatives are strongly supported by the GNWT, and the Department of Health and Social Services will assist individuals who are seeking access to their Child and Family Services records. Contact information regarding the Sixties Scoop applications and claims, including contact information for the Legal Counsel for the NWT, are available on the GNWT website.

The GNWT does not plan to advance legislation specific to the Sixties Scoop. However, future amendments to the GNWT's *Child and Family Services Act* are intended to keep children in their homes and in their communities and cared for by relatives and family friends.

In addition, the priority placements set out in the federal legislation *An Act respecting First Nations, Inuit and Métis children, youth and families*, whereby children requiring placement must be placed in an order that prioritizes parents, family members, and community, were implemented in the NWT in 2020 when the Act came into force. Where a child is not placed with their parent or with family members, a reassessment of the placement must be conducted on an ongoing basis to support family unity. The GNWT's Child and Family Services Standards of Practice with respect to priority placements and family unity are available on its website.

Recommendation 7

The Standing Committee recommends the GNWT include specifics on record retention and destruction in the development of the regulations for the Act.

GNWT Response:

It is important to keep the personal information of individuals secure and to empower individuals to control their own information when possible. The GNWT will include specifics on record retention and destruction in the development of regulations to ensure that records are kept for an appropriate amount of time and are properly disposed of when no longer required.

Recommendation 8

The Standing Committee recommends the GNWT incorporate the consideration of information that suggests that a missing person may not want to be located in the development of the Regulations for the Act.

GNWT Response:

The GNWT is exploring how best it might incorporate the consideration of information that suggests a missing person may not want to be found in the regulations, such as requiring members to provide any evidence that a missing person may not want to be found to a judge when requesting a search order or record access order. The GNWT does note that it accepted Standing Committee's motion to remove the requirement that a member consider that a person may not want to be found when making an emergency demand.

Recommendation 9

The Standing Committee recommends the GNWT provide a response to this report within 120 days.

GNWT Response:

The GNWT is pleased to provide this response.