

PROTOCOL AGREEMENT REGARDING MISSING CHILDREN AND YOUTH

BETWEEN:

The British Columbia Ministry of Children and Family Development (MCFD) and Delegated Aboriginal Agencies (DAA), as represented by the Provincial Director of Child Welfare under the *Child, Family and Community Service Act (CFCSA)*.

AND:

The British Columbia Association of Chiefs of Police

Purpose:

(1) To establish a provincial protocol as directed in the British Columbia Provincial Policing Standards: Sub Section 5.1 Missing Person Investigations;

(2) To facilitate missing person investigations involving children or youth in care in foster homes or contracted agencies, or under a Youth Agreement. The Police may also have local protocols in place with local MCFD offices and DAAs (where relevant); and

(3) To ensure there are procedures in place for Police to refer found missing persons under the age of 19 to child protection authorities for assessment of their needs, where appropriate.

Definitions:

For the purposes of this Protocol Agreement:

“**business hours**” means the regular daytime hours a ministry office is open: 8:30 a.m. to 4:30 p.m.;

“**caregiver**” means a person with whom a child is placed by a director and who, by agreement with the director, is authorized to carry out the rights and responsibilities, under the agreement, of the director;

“**child in care**” means a person under 19 years of age who is in the custody of the Director;

“**delegated social worker**” means a social worker delegated under section 92 of the *CFCSA* or section 77 of the *Adoption Act* by a Director designated under the *CFCSA* or the *Adoption Act* to perform the powers, duties and functions of a Director. A delegated worker may be employed by the MCFD or by a DAA;

“**missing child/youth**” means any child or youth in care, in a non-permanent out-of-care placement including respite care, or under a Youth Agreement who is unreasonably late, whose whereabouts is unknown **and** who cannot be found after the caregiver has taken the same actions that a prudent and responsible parent would take to locate the child/youth.

“**Police**” are defined in the *Police Act* to include the RCMP, independent Municipal Police and those established under section 4.1 as designated policing units, such as First Nations administered Police services;

“**the Director**” refers collectively to the authority delegated by all Designated Directors under the *CFCSA* and *Adoption Act* within the MCFD and DAA.

AUTHORITY FOR INFORMATION SHARING

The Parties collect and disclose information consistent with the legislation that affects them as follows:

- the RCMP, by the federal *Privacy Act*, the *Access to Information Act*; and the *Youth Criminal Justice Act (YCJA)*;
- the Municipal Police and First Nations administered policing services by the *Freedom of Information and Protection of Privacy Act (FOIPPA)*; and *YCJA*;
- MCFD and delegated Aboriginal agency social workers by the *CFCSA*, *Adoption Act* and *FOIPPA*.

The parties agree that no subsequent disclosure of personal information occurs other than that which is legislatively permitted.

APPENDICES TO THIS PROTOCOL AGREEMENT

The following is addressed in appendices to this Protocol Agreement:

- Roles and Responsibilities: Appendix 1
- Factors to consider when a child/youth is missing: Appendix 2
- Reporting Information Required for Police: Appendix 3

Amendments to the Appendices may be made in writing, by mutual agreement of the Administrators of the Protocol Agreement.

AGREEMENT ADMINISTRATORS

Administrators of the Protocol Agreement are as follows:

- Director, Child Welfare Policy
- Senior Policy Analyst, Child Welfare Policy
- Representative(s) of the BC Police Missing Persons Centre

AMENDMENTS TO PROTOCOL AGREEMENT

Amendments to this protocol agreement will only be made in writing and must be signed by the ADM and Provincial Director of Child Welfare and the President of the British Columbia Association of Chiefs of Police.

TERM OF PROTOCOL AGREEMENT

This protocol agreement shall be in effect commencing the date of signing, and shall remain in effect until terminated by the ADM and Provincial Director of Child Welfare, or the President, British Columbia Association of Chiefs of Police.

SIGNATURES

Agreed to on behalf of the British Columbia Association of Chiefs of Police:

Original hardcopy signed by

Signature

Chief Constable Del Manak
President, British Columbia Association of Chiefs of Police

Dated the 21st day of June, 2018.

Agreed to on behalf of the Ministry of Children and Family Development:

Original hardcopy signed by

Signature

Cory Heavener, ADM and
Provincial Director of Child Welfare

Dated the 24th, day of July, 2018.

All of the following Municipal Department Chiefs and the RCMP Commanding Officer listed below are in agreement with this Protocol and have signed an original hardcopy:

C/Cst Bob Rich, Abbotsford Police Department

Original hardcopy signed

Signature

C/Cst Les Sylven, Central Saanich Police Department

Original hardcopy signed

Signature

C/Cst Neil Dubord, Delta Police Department

Original hardcopy signed

Signature

C/Cst Paul Burkart, Nelson Police Department

Original hardcopy signed
SIGNATURE

C/Cst Dave Jones, New Westminster Police Department

Original hardcopy signed
Signature

C/Cst Andrew Brinton, Oak Bay Police Department

Original hardcopy signed
Signature

C/Cst Dave Fleugel, Port Moody Police Department

Original hardcopy signed
Signature

C/Cst Bob Downie, Saanich Police Department

Original hardcopy signed
Signature

Chief Officer Deborah Doss-Cody, Stl’atl’imx Tribal Police

Original hardcopy signed
Signature

C/Cst Adam Palmer, Vancouver Police Department

Original hardcopy signed
Signature

C/Cst Len Goerke, West Vancouver Police Department

Original hardcopy signed
Signature

D/Commissioner Brenda Butterworth-Carr, Commanding Officer, “E” Division RCMP

Original hardcopy signed
Signature

APPENDIX 1

ROLES and RESPONSIBILITIES of CAREGIVERS, DELEGATED SOCIAL WORKERS and POLICE in MISSING CHILD or YOUTH CASES

SCENARIO	CAREGIVER	DELEGATED SOCIAL WORKER	POLICE
<p>WHEN A CHILD or YOUTH IS UNREASONABLY LATE AND WHOSE WHEREABOUTS ARE UNKNOWN</p>	<ul style="list-style-type: none"> • If a child or youth is unreasonably late and their whereabouts are unknown (<i>e.g. past curfew</i>) the caregiver does <u>not</u> automatically call Centralized Screening when the incident is outside of regular business hours. The caregiver <u>must</u> first: <ul style="list-style-type: none"> • Actively seek to contact the child/youth directly. • Actively seek out anyone who may know the child or youth's current or recent whereabouts. • Actively identify and check (where possible) likely locations where the child or youth may be. • If the caregiver requires additional information or resources to fulfill their obligation to take any steps a prudent parent would take, the 	<ul style="list-style-type: none"> • If contacted by the caregiver, Centralized Screening or the child/youth's social worker will assist the caregiver in helping to determine whether or not the child/youth should be considered missing with consideration of the factors outlined in Appendix 2. 	<ul style="list-style-type: none"> • N/A

	caregiver can contact the		
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SCENARIO	CAREGIVER	DELEGATED SOCIAL WORKER	POLICE
	child/youth’s social worker or Centralized Screening when the incident is outside of regular business hours.		
MAKING A REPORT of a MISSING CHILD or YOUTH	<ul style="list-style-type: none"> • If the caregiver knows a missing child or youth is in <u>immediate danger</u>, <u>the caregiver calls 9-1-1</u> before calling Centralized Screening or the child/youth’s social worker in order to request urgent action from the Police. • The caregiver informs as soon as possible the child/youth’s social worker or Centralized Screening if <u>9-1-1</u> was called for Police action. • The caregiver will call Centralized Screening outside of regular business hours to report a missing child/youth. 	<ul style="list-style-type: none"> • The child/youth’s social worker or Centralized Screening is informed by the caregiver if <u>9-1-1</u> was called for Police action. • The child/youth’s social worker or Centralized Screening receives the call from the caregiver about a missing child or youth, and provides guidance to the caregiver about making the call to the Police, and confirms that a report was made to Police. • If the child/youth is Indigenous and the child’s Indigenous community is involved in planning, the child/youth’s social worker or 	<ul style="list-style-type: none"> • Police respond to <u>9-1-1</u> calls of a missing child or youth in care being in immediate danger. • Police will initiate a missing person investigation in accordance with agency policy and the BC Provincial Policing Standards, including providing the caregiver and social worker with a Police file number.

		Centralized Screening informs the Designated Representative of the Indigenous community.	
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SCENARIO	CAREGIVER	DELEGATED SOCIAL WORKER	POLICE
	<ul style="list-style-type: none"> When a child/youth is <u>not</u> in immediate danger, the caregiver calls Police only after directed by the child's worker or Centralized Screening. 	<p>community, First Nation or Band about the missing child or youth.</p> <ul style="list-style-type: none"> The child or youth's social worker makes a Reportable Circumstance Report. 	

<p>BEFORE CHILD or YOUTH LOCATED</p>	<ul style="list-style-type: none"> • If Police request personal items of the child/youth's for the purpose of DNA collection (e.g., comb, toothbrush, etc.) the caregiver will provide these items as requested. • The caregiver works with the child/youth's social worker and/or Centralized Screening to have a plan in place for when Police locate the child/youth (e.g., where will the child/youth go? What if the youth refuses to go back to the caregiver's home? etc.). 	<ul style="list-style-type: none"> • The child/ youth's social worker or Centralized Screening (if outside regular business hours) will take responsibility for communication with the parent(s) about their missing child or youth, unless the responsibility for such communication has already been assumed by the Police. • The child/youth's social worker determines with Police how their efforts regarding locating the child/youth will be shared and with whom. 	<ul style="list-style-type: none"> • Police may request personal items of the missing child/youth's for the purpose of DNA collection. • Police will maintain contact with the reporting party, or the child/youth's social worker. • Information about the child or youth being in care is not to be included in any information disclosed by police to the public in an effort to locate the child or youth, unless disclosure of the information is necessary to seek the public's assistance to further a police investigation.
<p>SCENARIO</p>	<p>CAREGIVER</p>	<p>DELEGATED SOCIAL WORKER</p>	<p>POLICE</p>

		<ul style="list-style-type: none"> The child/youth's social worker determines responsibility for maintaining ongoing contact between parties (caregiver, parents, Director, and Police). 	<ul style="list-style-type: none"> Disclosure of the fact that a child is in care can create a risk of physical or emotional harm to a child in care. Disclosure should only be made after balancing the significant privacy interests of the child against the need to locate and ensure the safety of the child.
AFTER CHILD or YOUTH is LOCATED	<ul style="list-style-type: none"> The caregiver calls Police and the child/youth's social worker or Centralized Screening immediately if the missing child/youth is located by caregiver or child/youth returns home. If injuries are observed or suspected, the caregiver takes the child/youth to any medical assessments and/or treatments as indicated by the child/youth's worker or Centralized Screening or medical authorities. 	<ul style="list-style-type: none"> When the child or youth has been located during regular business hours, their social worker takes responsibility to ensure all parties are notified as soon as possible that the child or youth is no longer missing and unsafe. If outside regular business hours, Centralized Screening takes on this responsibility. If the child or youth has any observed or suspected physical injuries, or has experienced any form of emotional /psychological trauma while 	<ul style="list-style-type: none"> If child/youth is located in a different jurisdiction, Police call Centralized Screening to get local MCFD staff information on who can be contacted. Police will report child/youth being located to child/youth's social worker or Centralized Screening and take child/youth to social worker or person/place designated by social worker in agreement with Police. If the youth is unwilling to be transported by

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	<ul style="list-style-type: none"> The caregiver provides any follow-up as required (e.g., additional medical appointments, etc.). 	<p>missing, the child/youth's social worker plans for appropriate treatment and support for the child/youth.</p> <ul style="list-style-type: none"> If the child/youth's experiences or injuries meet the criteria in the Reportable Circumstance Policy, the child/youth's social worker makes a further Reportable Circumstance Report. 	<p>Police, the Police will report to child/youth's social worker or Centralized Screening the location of a found youth.</p> <ul style="list-style-type: none"> When possible and appropriate Police will attempt to debrief with the child/youth. Police will return all personal items collected for the purposes of DNA after the child/youth is found.
<p>POLICE LOCATE CHILD OR YOUTH WHERE THERE IS REASON TO BELIEVE THAT THE CHILD OR YOUTH'S HEALTH OR SAFETY IS IN IMMEDIATE DANGER.</p>		<ul style="list-style-type: none"> If Police take charge under CFCSA s. 27, the child/youth's social worker or Centralized Screening may identify for Police a place to take the child or youth. 	<ul style="list-style-type: none"> <u>CFCSA s. 27 states, a Police officer may take charge of child or youth if there is reason to believe that the child/youth's health or safety is in immediate danger.</u> Police may, without court order and by force if necessary, enter any premises / vehicle for purposes of taking charge. Police must report circumstances to

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			<p>the child/youth's social worker or Centralized Screening and take the child/youth to the social worker or person/place designated by the social worker.</p> <ul style="list-style-type: none"> • In some cases s. 28 of the <i>Mental Health Act</i> (MHA) may apply. S. 28 states Police may apprehend and immediately take a person to a physician for examination if satisfied from personal observations, or information received that the person is: <ul style="list-style-type: none"> ○ Acting in a manner likely to endanger that person's own safety or safety of others; and, ○ Is, apparently a person with a mental disorder (this may include a Substance use disorder)
POLICE ALERTED TO A CHILD OR YOUTH THAT IS AWAY FROM HOME IN	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • Centralized Screening receives report from Police and involves the most appropriate 	<ul style="list-style-type: none"> • If Police locate a missing child/youth and believe an assessment of the child/youth's needs

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<p>CIRCUMSTANCES THAT MAY ENDANGER THE CHILD’S SAFETY OR WELLBEING</p>		<p>MCFD/DAA office for assessment.</p>	<p>is necessary, Police will contact MCFD Centralized Screening.</p>
<p>DEVELOPING A PLAN AFTER A MISSING CHILD/YOUTH HAS BEEN LOCATED</p>	<ul style="list-style-type: none"> • The caregiver works with the child/youth’s social worker and attends any meetings as required to help identify and address issues related to the child/youth going missing. • If the child/youth is Indigenous: <ul style="list-style-type: none"> ○ Follow existing Protocols with Indigenous Communities ○ If applicable, involve local service providers and Indigenous community members, or the Designated Representative of the First Nation or Band. 	<ul style="list-style-type: none"> • The child/youth’s social worker develops a plan with the child/youth and relevant service providers, including those providing residential care and parents to address identified issues and offers resources and services to help prevent the child/youth from going missing again. • If the child/youth is Indigenous: <ul style="list-style-type: none"> ○ Follow existing Protocols with Indigenous Communities ○ If applicable, involve local service providers and Indigenous community members, or the Designated Representative of the First Nation or Band. 	<ul style="list-style-type: none"> • When appropriate, Police participate in any meetings called by the child/youth’s social worker to help develop a plan of action for Police involvement for the missing child/youth when reasonable. • If the child/youth is Indigenous: <ul style="list-style-type: none"> ○ Collaborate with local First Nations Police member(s) ○ Follow existing Protocols with Indigenous Communities, First Nations or Bands.

APPENDIX 2

MCFD's MISSING CHILDREN AND YOUTH POLICY: FACTORS FOR CAREGIVERS AND DELEGATED WORKERS TO CONSIDER WHEN A CHILD/YOUTH IS MISSING

Report a Child/Youth as missing when they are unreasonably late, their whereabouts is unknown and they cannot be found after the caregiver has taken the same actions that a prudent and responsible parent would take to locate the child/youth.

The following factors are considered when a child/youth is missing:

- vulnerability (e.g., due to: age or level of development, physical or cognitive disability, addictions or mental health concerns or involvement in high risk activities);
- the mental or emotional state of the missing child/youth (e.g., emotionally distraught, suicidal or likely to cause harm to self or others);
- extreme weather (no coat, boots, etc.) or other physical conditions (e.g., terrain);
- any suspicious or dangerous circumstances surrounding the child/youth's disappearance, which suggest the child/youth may be the victim of a crime;
- it is out of character for the child/youth to be missing;
- there is reason to believe that the child/youth may have been involved in an accident or mishap;
- the whereabouts of the child/youth have been unknown to the caregiver/care provider overnight.

APPENDIX 3

REPORTING INFORMATION REQUIRED BY POLICE IN MISSING CHILD OR YOUTH CASES

Once a report has been made to Police about a missing child/youth, the caregiver and/or the child/youth's social worker/Centralized Screening will ensure that the **following information is provided to the involved Police at the time the report is made.** Any new or additional information pertaining to the missing child/youth that becomes known after the initial Report to Police has been made **must** be provided to the Police immediately.

Missing Child/Youth's Caregiver/Social Worker Contact Information	
<u>Child/Youth's Caregiver Name:</u>	
Phone Number:	
Address:	
Email:	
<u>Child/Youth's Social Worker Name:</u>	
Phone Number:	
Address:	
Email:	
<u>If Indigenous, Missing Child/Youth's Designated Representative of their First Nation, Indian Band or Indigenous Community (where applicable):</u>	
<u>Steps Taken to Locate Child/Youth By Caregiver (or Child/Youth's Social Worker):</u>	
Missing Child/Youth's Description	
Full Name (including nicknames):	
Child/Youth's Date of Birth (DOB): _____ (yyyy/mm/dd)	
If cognitively delayed, child/youth's functional age: _____	
Gender:	
Ethnicity:	
Language(s) spoken:	
Height:	Weight:
Hair Color/Length:	

Eye Color:
Distinguishing Characteristics (tattoos, birth marks, piercings, scars, etc.), including where they are located on child/youth's body:
Other Notable Characteristics (glasses, braces, facial hair, any physical disabilities, etc.):
Child/Youth Was Last Seen Wearing (describe clothing in as much detail as possible):
Items Known or Likely to be in Possession of Child/Youth: (backpack, bike, cell phone, etc.):
Missing Child/Youth's Information
Any Medical Issues/Required Medication:
Any Mental Health Issues:
Any Drug or Alcohol Use/Addictions:
Any Involvement in Criminal Activity:
Any Access to Finances:
Mobile Phone Number:
Any Social Media Sites & Name(s) Used:
Known Friends/Associates (include phone numbers and addresses):
Any Locations Regularly Frequented:
Child/Youth's School (name, location, do they attend?):
Child/Youth's Modes of Transportation (e.g. hitchhike, public transit, bike):

Other Relevant Information
Date and Time Last Seen, and by whom:
Direction of Travel:
Any Vehicle Involved: License Plate Number:
Last Person Child/Youth Was Seen With:
Last Known Communication from Child/Youth:
Is This Behaviour Out of Character? (If not, provide further information re: their patterns of behaviour):
Any Special Instructions or Requirements for this Child/Youth Once Located? (e.g. child/youth should be transported to hospital, or child/youth cannot return to Group Home):
Any Additional Information That May be Helpful to Police (e.g. any possible whereabouts or any motive for being missing):
Please Provide Recent Photo: Photo Attached:
Medical Professional Information
Primary physician (if applicable): Phone Number: Address: Email:
Dentist (if applicable): Phone Number: Address: Email: