



Royal Canadian Mounted Police
Gendarmerie royale du Canada

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Missing Person

Explanation

A missing person is a person 18 years old or older whose disappearance is possibly not voluntary, or a child whose whereabouts are unknown to the child's legal custodian, the circumstances of whose absence indicate that:

- The child did not voluntarily leave the care and control of the custodian, and the taking of the child was not authorized by law; or
- The child voluntarily left the care and control of the child's legal custodian without the custodian's consent and without intent to return.
- In provinces with an Amber Alert Program, parents of a missing or abducted child can contact their local RCMP detachment to file a Missing Person Report. If a child is missing and believed to be in danger, there is no 24-hour waiting period. The RCMP will immediately enter information about the missing child into a Missing Person's file.

Members can request an Amber Alert if their investigation determines that the child's disappearance meets the Amber Alert criteria.

A missing person is a person who has disappeared for usually unknown reasons.

People disappear for many reasons. Some individuals choose to disappear alone; most of these soon return.

Reasons for non-identification may include:

- To escape child abuse, such as child physical abuse, emotional abuse, by a parent(s) / guardian(s) / sibling(s) (especially).
- Leaving home to live somewhere else under a new identity.
- Becoming the victim of kidnapping.
- [Abduction](#) (of a minor) by a non-custodial parent or other relative.
- Seizure by government officials without [due process of law](#).
- Suicide in a remote location or under an [assumed name](#) (to spare their families the suicide at home, or to allow their deaths to be eventually declared [in absentia](#)).
- Victim of [murder](#) (body disguised, destroyed, or hidden).
- [Mental illness](#) or other ailments such as [Alzheimer's Disease](#) can cause someone to become lost, or they may not know how to identify themselves due to long term memory

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loss that causes them to forget where they live, the identity of family members or relatives or even their own names.

- Death by [natural causes](#) (disease) or accident far from home without identification.
- Disappearance in order to take advantage of better employment or living conditions elsewhere.
- Sold into slavery, serfdom, sexual servitude, or other [unfree labour](#).
- To avoid discovery of a crime or apprehension by law-enforcement authorities. (See also [failure to appear](#)).
- Joining a [cult](#) or other religious organization.
- To escape domestic abuse.
- To avoid [war](#) or persecution during a [genocide](#).
- To escape famine or natural disaster.

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Missing Person - General Investigational Rules

NOTE: Mandatory requirements of the investigation and are the MINIMUM INVESTIGATIONAL STANDARDS OF THE RCMP.

All other items must be completed if applicable. *Reasons for not completing must be documented.* Consider this a mandatory requirement if charges are to be laid.

Missing Person Menu:

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Carry out INVESTIGATIONAL STEPS listed below:

Mandatory

- Suspect Description
- Obtain Statement From (VIC / COM / WIT)
- Victim Services Offered
- M.O.
- Victim Description
- Photographs / Diagram. Plus DNA
- VIC / COM advised of outcome / how?
- Eliminated Foul Play? ViCLAS Booklet Completed Within 10 Days if Confirmed
- CPIC/NCIC Entry Add / Remove. Complete Risk Assessment on PRIME - ED 6116 – If Risk is Medium to High advise Missing Persons Unit/GIS.
- ViCLAS

If Applicable

- Attendance to Scene
- Neighborhood Enquiries
- Note Utilization / Content
- Weapon Used / Description
- Suspect Vehicle Information

- Video Surveillance Seized if Available
- Secure Scene / Security
- FIS Attendance
- DNA stored with Donor name/Relationship as Exhibit
- Exhibits - PRIME property screen - 1625 if file private
- 5.2 Completed
- Protection Order Registry
- Police Dog Services
- Search and Rescue
- Briefing Note / Major Crime Report
- Investigational Support Team Used
- Dental Records sent to FORT and BOLD if Missing Greater Than 90 Days
- Supervisor Attendance

SUPERVISOR'S STEPS Listed Below:

Mandatory

- Investigative Steps are Confirmed and Documented on File
- Sufficiently Detailed Notes/Statements on File
- Detailed Neighborhood Enquires Conducted and Documented
- Exhibits Documented and Secured
- Intelligence/MO Disseminated
- Mandatory PRIME Details Pages/Reports Completed
- Initial DD within 4 days of Complaint: Subsequent Based on Most Current Risk Assessment

If Applicable

- MCM Principles used for High Risk Persons
- Use of Support Services (GIS/MCU/PDS/Ident etc...) Documented
- Missing/Abducted Children – Amber Alert Initiated
- Follow up with COM/VIC
- ViCLAS DD and Follow Ups (30 Days Foul Play/10 Days Non-parental Abduction)
- Media Release/Briefing Note Completed

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Sudden Death

Explanation

A Sudden Death describes the discovery of a deceased body; often times it is as a result of natural causes, due to age or a medical condition, however Sudden Deaths can also result from suicide or foul play.

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- [Related Offences](#)
- [General Investigational Rules](#)

Investigational Keys

If the death is as a result of a Hazardous Material (chemical, biological, radiological, nuclear) CBRN agent, do not attend the scene without implementing CBRN procedures, as per RCMP Operational Manual 14.

- Ensure that an NCO / delegate attends the scene of all deaths.
- Contact the provincial/ territorial coroner or medical examiner of all reportable deaths occurring within RCMP jurisdiction.
- If the death occurred in police custody, according to RCMP Operational Manual 41.3:

OM 41.3

2. 2. 5. Immediately notify your supervisor if a death occurred as a result of police action, or while the person was held in RCMP custody, under arrest or control of police whether in hospital, ambulance, other transport, or police facility.

If either Suspicious or Natural Death occurs:

- Do not disturb the scene;
- Did the death just occur? Consider the suspect may still be present or close by the scene;
- Complete a description of the scene. Is it in a state of disarray indicating that a struggle occurred or is the environment immaculate? Note point of entry if it is apparent;
- Record the body's location and position. Is it in a logical place for the death?
- Record the weather, temperature, room condition, insect/ vermin activity – this will assist the coroner in determining time of death;
- Note any signs of trauma;

- Document clothing and in what state it was upon the body's discovery and upon arrival at scene;
- Obtain a statement from the person / persons who located the body and who were at scene upon initial attendance;
- Restrict access to the scene - document names and actions of those entering and exiting the scene;
- Obtain photographs of the scene - if no camera available initially, do a scene sketch and call for a camera;
- Seize video surveillance if available;
- Are there any drugs, medications and/ or alcohol present on the deceased's person or around the scene?
- Check for a criminal record and obtain fingerprints if possible;
- If the death is suspicious and in the case of homicides contact GIS or IHIT accordingly.
- Request FIS to attend to assist in documentation of blood splatter and seizure of human material present at scene;
- Locate identification to assist in Next of Kin ("NOK") notification. Do not release the name of the deceased to the media, until the next of kin has been notified and agrees to the release;
- If the deceased cannot be identified have photographs, dental records and X-rays taken;
- Check on CPIC/ enter the unidentified deceased on CPIC;
- If the deceased is non-Canadian, notify the appropriate consulate/embassy.

If Natural Causes:

- Is age a factor?
- What medications was the deceased on?
- What was the lifestyle, health, habits, work, associates and activities of the deceased person?
- What were the person's recent activities?
- When was the person last seen and by whom?

Some deaths may appear natural or explainable; or the cause may not be apparent to the naked eye, i.e. Shaken Baby Syndrome or what appears to be suicide may in fact be a homicide.

The coroner or medical examiner is the only authority can officially determine the cause of death, and detailed notes taken during the investigation may corroborate the coroner's autopsy results.

Attend all autopsies when there is evidence or suspicion of foul play or homicide.

Key Elements

The key elements for sudden death are derived from the offences which result in deaths which are suspicious by nature.

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Sudden Death Related Offences

Other Related Offences

Section 320 - Causing Death

1. A person commits an offence if

1. Every person who by a criminal negligence causes a death is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years.

2. Where a person is found to be guilty of an offence under section 320, the court may, in addition to any other punishment, order that the person be committed to a psychiatric hospital or institution.

Section 321 - Homicide

1. A person commits homicide if he or she causes the death of another person by a criminal negligence.

2. Homicide is a capital offence.

3. Homicide is not a crime if the person is not responsible for the death.

4. Culpable homicide is murder or manslaughter.

5. A person commits culpable homicide if he or she causes the death of another person by a criminal negligence.

6. A person commits culpable homicide if he or she causes the death of another person by a criminal negligence.

7. A person commits culpable homicide if he or she causes the death of another person by a criminal negligence.

8. A person commits culpable homicide if he or she causes the death of another person by a criminal negligence.

9. A person commits culpable homicide if he or she causes the death of another person by a criminal negligence.

10. A person commits culpable homicide if he or she causes the death of another person by a criminal negligence.

Section 322 - Offence

1. A person commits an offence if he or she causes the death of another person by a criminal negligence.

2. A person commits an offence if he or she causes the death of another person by a criminal negligence.

3. A person commits an offence if he or she causes the death of another person by a criminal negligence.

4. A person commits an offence if he or she causes the death of another person by a criminal negligence.



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Sudden Death - Related Offences

Other Related Offences

Section 220 Causing Death by Criminal Negligence

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1. Every person who by criminal negligence causes death to another person is guilty of an indictable offence and liable
 - a. where a firearm is used in the commission of the offence, to imprisonment for a term of four years; and (b) in any other case, to imprisonment for life.

Section 222 Homicide

1. A person commits homicide when, directly or indirectly, by any means, he causes the death of a human being.
2. Homicide is culpable or not culpable.
3. Homicide that is not culpable is not an offence.
4. Culpable homicide is murder or manslaughter or infanticide.
5. A person commits culpable homicide when he causes the death of a human being
 - a. by means of an unlawful act;
 - b. by criminal negligence;
 - c. by causing that human being, by threats or fear of violence or by deception, to do anything that causes his death; or
 - d. by willfully frightening that human being, in the case of a child or sick person.

Exception:

6. Notwithstanding anything in this section, a person does not commit homicide within the meaning of this Act by reason only that he causes the death of a human being by procuring, by false evidence, the conviction and death of that human being by sentence of law.

Section 223(2) Killing Child

A person commits homicide when he causes injury to a child before or during its birth as a result of which the child dies after becoming a human being.

Section 229 Murder

- a. where the person who causes the death of a human being
 - a. means to cause his death, or
 - b. means to cause him bodily harm that he knows is likely to cause his death, and is reckless whether death ensues or not;
- b. where a person, meaning to cause death to a human being or meaning to cause him bodily harm that he knows is likely to cause death and being reckless whether death ensues or not, by accident or mistake causes death to another human being, notwithstanding that he does not mean to cause death or bodily harm to that human being; or
- c. where a person, for an unlawful object, does anything that he knows or ought to know is likely to cause death, and thereby causes death to a human being, notwithstanding that he desires to effect his object without causing death or bodily harm to any human being.

Section 230 Murder in the Commission of Offences

Culpable homicide is murder where a person causes the death of a human being while committing or attempting to commit high treason or treason or an offence mentioned in section 52 (sabotage), 75 (piratical acts), 76 (hijacking an aircraft), 144 or subsection 145(1) or sections 146 to 148 (escape or rescue from prison or lawful custody), Section 270 (assaulting a peace officer), Section 271 (sexual assault), 272 (sexual assault with a weapon, threats to a third party or causing bodily harm), 273 (aggravated sexual assault), 279 (kidnapping and forcible confinement), 279.1 (hostage taking), 343 (robbery), 348 (breaking and entering) or 433 or 43 (arson), whether or not the person means to cause death to any human being and whether or not he knows that death is likely to be caused to any human being, if

- a. he means to cause bodily harm for the purpose of
 - a. facilitating the commission of the offence, or
 - b. facilitating his flight after committing or attempting to commit the offence, and the death ensues from the bodily harm;
- b. he administers a stupefying or overpowering thing for a purpose mentioned in paragraph (a), and the death ensues therefrom; or
- c. he wilfully stops, by any means, the breath of a human being for a purpose mentioned in paragraph (a), and the death ensues therefrom.

Section 231(2) Planned and Deliberate Murder

Murder is first degree murder when it is planned and deliberate.

Section 231(3) Contracted Murder

Without limiting the generality of subsection (2), murder is planned and deliberate when it is committed pursuant to an arrangement under which money or anything of value passes or is intended to pass from one person to another, or is promised by one person to another, as consideration for that other's causing or assisting in causing the death of anyone or counselling another person to do any act causing or assisting in causing that death.

Section 231(5) Hijacking, Sexual Assault or Kidnapping

Irrespective of whether a murder is planned and deliberate on the part of any person, murder is first degree murder in respect of a person when the death is caused by that person while committing or attempting to commit an offence under one of the following sections:

- a. section 76 (hijacking an aircraft);
- b. Section 271 (sexual assault);
- c. Section 272 (sexual assault with a weapon, threats to a third party or causing bodily harm);
- d. Section 273 (aggravated sexual assault);
- e. Section 279 (kidnapping and forcible confinement); or
- f. Section 279.1 (hostage taking).

Section 231(6) Criminal Harassment

Irrespective of whether a murder is planned and deliberate on the part of any person, murder is first degree murder when the death is caused by that person while committing or attempting to commit an offence under Section 264 and the person committing that offence intended to cause the person murdered to fear for the safety of the person murdered or the safety of anyone known to the person murdered.

Section 231(7) Second Degree Murder

All murder that is not first degree murder is second degree murder.

Section 232 Murder reduced to Manslaughter

1. Culpable homicide that otherwise would be murder may be reduced to manslaughter if the person who committed it did so in the heat of passion caused by sudden provocation.

2. A wrongful act or an insult that is of such a nature as to be sufficient to deprive and ordinary person of the power of self-control is provocation for the purposes of this section if the accused acted on it on the sudden and before there was time for his passion to cool.
3. For the purposes of this section, the questions
 - a. whether a particular wrongful act or insult amounted to provocation, and
 - b. whether the accused was deprived of the power of self-control by the provocation that he alleges he received, are questions of fact, but no one shall be deemed to have given provocation to another by doing anything that the accused incited him to do in order to provide the accused with an excuse for causing death or bodily harm to any human being.
4. Culpable homicide that otherwise would be murder is not necessarily manslaughter by reason only that it was committed by a person who was being arrested illegally, but the fact that the illegality of the arrest was known to the accused may be evidence of provocation for the purpose of this section.

Section 233 Infanticide

A female person commits infanticide when by a willful act or omission she causes the death of her newly-born child, if at the time of the act or omission she is not fully recovered from the effects of giving birth to the child and by reason thereof or of the effect of lactation consequent on the birth of the child her mind is then disturbed.

Section 234 Manslaughter

Culpable homicide that is not murder or infanticide is manslaughter.

Section 235 Punishment for Murder

1. Everyone who commits first degree murder or second degree murder is guilty of an indictable offence and shall be sentenced to imprisonment for life.
2. For the purposes of Part XXIII, the sentence of imprisonment for life prescribed by this section is a minimum punishment.

Section 236 Manslaughter

Every person who commits manslaughter is guilty of an indictable offence and liable

- a. where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and
- b. in any other case, to imprisonment for life.

Section 237 Punishment for Infanticide

Every female person who commits infanticide is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

Section 238 Killing unborn child in act of birth

1. Everyone who causes the death, in the act of birth, of any child that has not become a human being, in such a manner that, if the child were a human being, he would be guilty of murder, is guilty of an indictable offence and liable to imprisonment for life.
2. This section does not apply to a person who, by means that, in good faith, he considers necessary to preserve the life of the mother of a child, causes the death of that child.

Section 239 Attempt to Commit Murder

1. Every person who attempts by any means to commit murder is guilty of an indictable offence and liable
 - a. if a restricted firearm or prohibited firearm is used in the commission of the offence or if any firearm is used in the commission of the offence and the offence is committed for the benefit of, at the direction of, or in association with, a criminal organization, to imprisonment for life and to a minimum punishment of imprisonment for a term of
 - i. in the case of a first offence, five years, and
 - ii. in the case of a second or subsequent offence, seven years;
 - i. (a.1) in any other case where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and
 - ii. (b) in any other case, to imprisonment for life. *Consult the Criminal Code for subsequent offences affecting length of sentencing.

Section 240 Accessory after Fact to Murder

Everyone who is an accessory after the fact to murder is guilty of an indictable offence and liable to imprisonment for life.

Section 241 Counselling or Aiding Suicide

Everyone who

- a. counsels a person to commit suicide, or

- b. aids or abets a person to commit suicide, whether suicide ensues or not, is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

Section 242 Neglect to Obtain Assistance in Child-Birth

A female person who, being pregnant and about to be delivered, with intent that the child shall not live or with intent to conceal the birth of the child, fails to make provision for reasonable assistance in respect of her delivery is, if the child is permanently injured as a result thereof or dies immediately before, during or in a short time after birth, as a result thereof, guilty of an indictable offence and is liable to imprisonment for a term not exceeding five years.

Section 243 Concealing Body of Child

Everyone who in any manner disposes of the dead body of a child, with intent to conceal the fact that its mother has been delivered of it, whether the child died before, during or after birth, is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years

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Sudden Death - General Investigational Rules

NOTE: Mandatory requirements of the investigation and are the MINIMUM INVESTIGATIONAL STANDARDS OF THE RCMP.

All other items must be completed if applicable. *Reasons for not completing must be documented.* Consider this a mandatory requirement if charges are to be laid.

Sudden Death Menu:

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Carry out INVESTIGATIONAL STEPS listed below:

Mandatory

- Attendance to Scene
- Obtain Statement From (VIC / COM / WIT)
- Victim Services Offered
- M.O.
- Victim Description
- Photographs / Diagram
- Secure Scene / Security
- VIC / COM advised of outcome / how?
- Eliminated Foul Play?
- Supervisor Attendance
- Sudden Death Report ED7 completed

If Applicable

- Neighborhood Enquiries
- Note Utilization / Content
- Weapon Used / Description
- Video Surveillance Seized if Available
- FIS Attendance

- Exhibits - PRIME property screen - 1625 if file private
- 5.2 Completed
- Secured Premise(who? / when? / how?)
- Police Dog Services
- CPIC Entry Add / Remove: Contact Coroner, Sudden Death report required. Check for Criminal Record – fingerprints may be required if subject has FPS.
- Investigational Support Team Used

SUPERVISOR'S STEPS Listed Below:

Mandatory

- Investigative Steps are Confirmed and Documented on File
- Sufficiently Detailed Notes/Statements on File
- Exhibits Documented and Secured
- Intelligence/MO Disseminated
- PRIME Details Pages/Reports Completed

If Applicable

- Attend Scene – Thorough, Physical Inspection of Scene Conducted
- Use of Support Services (GIS/MCU/DVU/PDS/Ident etc...) Documented
- In Custody File Complete Prior to End of Shift
- RTCC contains Elements of Offence with supporting documentation
- Follow up with COM/VIC
- Media Release/Briefing Note Completed

Date Modified: 2013-01-01

| | | |
|---|-----|------------|
| Exhibit: National Inquiry into Missing and Murdered Indigenous Women and Girls | | |
| Location/Phase: <u>Part 2 Regina</u> | | |
| Witness: <u>Brenda Butterworth - Carr</u> | | |
| Submitted by: <u>Anne McConville</u> | | |
| Add'l info: <u>P02 P02 P04 01</u> | | |
| Date: <u>JUN 28 2018</u> | | |
| Initials | I/D | Entered |
| <u>by</u> | | <u>102</u> |