



Portapique church hall memorial. Photo: Joan Baxter

Canada is an “after-the-fact” country

Could a red flag law have helped prevent the mass shootings in Nova Scotia or help reduce gun violence in Canada? Or do such laws give cover to the failure of policing agencies to act under the authority they already have?

APRIL 9, 2020 BY **JOAN BAXTER**

This article contains disturbing information about intimate partner violence and suicide, and is not suitable for all readers.

In a wrenching phone interview with the Halifax Examiner from her home in western Canada on May 11, Boe, a former resident of Portapique, painted a terrifying picture of GW, the perpetrator of the mass shooting last month. 1

In the interview, the first she had given the media, Boe described GW as a “psychopath.”

Boe related in graphic detail her terrifying experiences with GW, how his stalking and threats drove her and her husband to leave Portapique, and how she tried to warn the RCMP about GW’s abuse of his common-law spouse and his illegal guns.

Boe said she was a good friend of GW's relative who lived in Portapique at the time, and this relative witnessed GW violently assaulting his common-law spouse while two other men watched.

The relative then described the incident in graphic detail to Boe. This is what Boe originally said to the Halifax Examiner about that event:

But the other two guys, and this is what pissed me off, they stood there and watched him do it because he gave them booze. It was horrifying. So when [GW's relative] let me know all of this, I called the RCMP. I was working up at the cadet camp that summer, still with the military. And they came there; two RCMP officers from Truro came to talk to me. I told them everything that had happened. And they said, "Will any of those witnesses testify to what you saw?"

She asked the RCMP to hang on a second, while she called GW's relative and put him on speakerphone so they could hear his response:

So I called [GW's relative] and I said ... "Would you be willing to talk to the RCMP about what happened with [GW's partner] and the illegal weapons that Gabriel had? And he said, no way, because he's already told me he'll kill me because he's already told me that he's killed people in the United States.

... I was just flabbergasted. And I said, "Okay ... just chill. Just relax. Don't worry about it." I hung up and the RCMP basically said, "The only way that we can actually get the information on this and prove it and stuff is if we have, like, for her being beaten and strangled and stuff like that. She has to say it." And there's no way that she would do that. Gabriel had her under his thumb.

Boe also told the RCMP about GW's stash of weapons:

... I said, "He's got a shit load of illegal weapons. I've seen them. My husband has seen them."

She explained that she and her husband are military – she spent 30 years in the service and her husband 40 years – and that they know what weapons you're allowed to have if you have a Firearms Acquisition Certificate. 2 She said she also told the RCMP that.

She regrets that no action was taken on her report:

... I wish they had acted on it. They would have found all his weapons. Because at that time, he had already been charged with assault before. So, there were big red flags going up there. And with all these weapons he got all of them except for one from the [United] States.

...

If anybody reports that somebody is being beaten or abused or has any type of weapons on them, that you think they're going to use on somebody, it's got to be reported. And if you know that they're illegal and they're not supposed [to have them] ... check on it right away.

Boe also regrets that others who witnessed GW's behaviour did not come forward. She says the "biggest thing" that irritates her is that, "People around there knew and covered it up. Not cool, not cool."

Red flags

Before speaking with the media, Boe spoke about her experiences in Portapique with Linda MacDonald and Jeanne Sarson, founders of the self-funded campaign, Persons Against Non-State Torture. It was MacDonald who asked Boe if she would like to speak with the Examiner, which she agreed to do.

MacDonald is also disturbed that the RCMP didn't investigate Boe' complaint, which she said was not just a red flag, it was more like a red flare.



Linda MacDonald (l) and Jeanne Sarson. Photo contributed

MacDonald is concerned about the silence that so often surrounds intimate partner violence, like that which Boe describes. In her words:

So many people around know, but they don't ever say anything. So the bystanders' responsibility in this is big, too, right?

MacDonald says she is consumed by the tragedy:

I know so much about psychopaths because of the work that Jeanne and I have done for 27 years. And this man is a psychopath and he got away with mass murder.

She would like people to be more "honest and open" about the "other side of the province," and not ignore the real risks that violent men pose.

The suffering can be immense and lifelong, and generations long, because this will be a legacy that we'll live with now forever in Nova Scotia. And I want people to understand that femicide is part of mass shootings.

MacDonald is a signatory to a statement on the mass shootings from "Nova Scotian feminists fighting femicide," which demands an inquiry with a feminist analysis of the violence. She feels the RCMP have not been transparent in this case.

MacDonald is not alone in thinking that.

What should / could the RCMP have done?

On May 15, more than 30 law professors at Dalhousie University signed an open letter to Nova Scotia Premier Stephen McNeil, asking for a public inquiry into the "horrifying events in Portapique and elsewhere in central Nova Scotia."

They want a "critical review" of RCMP "policies procedures and decisions" during the tragedy and in the months and years leading up to the tragic events ...

...in light of recent accounts that reports had been made to the RCMP about the shooter's violence against his intimate partner and his possession of illegal firearms prior to the April 2020 murders.

The Canadian Press reports that the RCMP "can't find a record of the complaint" that Boe said she made in 2013.

But Boe has been very clear on the details of her complaint to the RCMP, and that raises the question of why the police didn't act on it, or whether they could have.

The RCMP absolutely could have, according to Carleton University criminology professor Darryl Davies. In a telephone interview, Davies said the police have always had "the authority under the law to enter a domicile or dwelling if they believe crimes are occurring," and if they have "reasonable and probable grounds" in the form of a written affidavit.

Davies says the police can't act "unless they have a complaint and they can't act unless the complaint is written." But if someone calls the police and says they've actually seen someone abusing a girlfriend, he says the police can and should act:

[If] you've seen her slapped around and he owns a cache of guns, illegal guns, well that would tip me off as a police officer. And I'd say, "If you come in and make a statement, give me an affidavit that you're actually aware of this, that you've seen them, then I can act on that ...

I can tell you I would be at his residence right now, not because I know he's going to commit mass murder, but because I know he has illegal firearms. And if he has them, we're going to remove every single one of them and we're going to charge him ... on safe storage or possession of illegal firearms. Because it's a crime. They don't need a red flag law to do that.

In a phone call on May 13, the Examiner asked Boe if, when she made her report to the RCMP, they had asked her to make a written statement about the weapons or about her knowledge of GW's violence towards his partner.

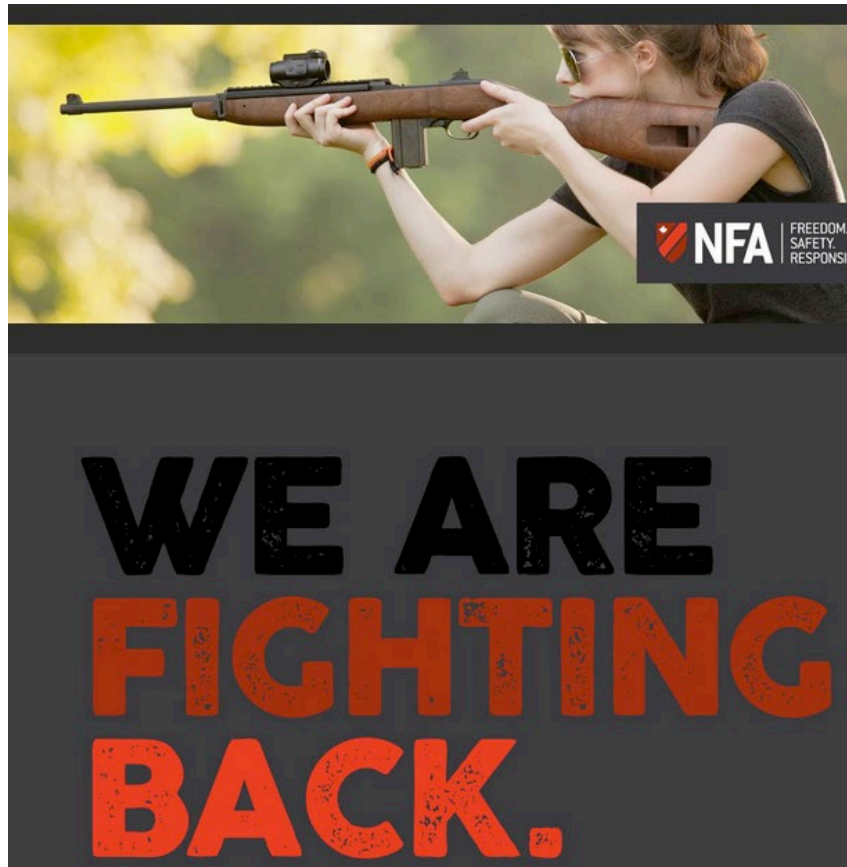
She replied that she was not asked for a statement.

What is a red flag law?

Since the mass shooting in Nova Scotia, the federal Liberal government brought in an Order in Council, banning more than 1,500 models of "military grade assault weapons," as the Examiner reported.



Darryl Davies. Photo contributed



Pro-gun associations responded in anger to Prime Minister Justin Trudeau's announcement, pledging lawsuits and campaigns to overturn the decision and to defeat any politician that supports it.
Graphic from National Firearms Association webpage

After Prime Minister Justin Trudeau announced the ban on May 1, Public Safety Minister Bill Blair said:

We will introduce legislation at the first opportunity to fulfill our commitments to Canadians to keep guns out of the hands of criminals by strengthening our storage laws, by preventing gun trafficking and smuggling. We will bring in greater control of ammunitions and magazine capacities.

And perhaps most importantly, we will bring in red flag laws that allow law enforcement to remove firearms from dangerous situations to make sure that they don't become deadly. We will empower victims, communities, doctors, families. We will empower Canadians to render their situation safe and where there is firearms in a situation that could be dangerous, we know that situation can become deadly and red flag laws will empower us to keep Canadian safe.

So what, exactly, is a “red flag law” in the Canadian context? What would it entail and aim to do, how would it differ from existing legislation, who will develop the laws, will diverse groups will be consulted, and what is the time frame for this legislation? I sent these questions to the federal Department of Public Safety and Emergency Preparedness, and received these answers, attributable to the office of Minister Bill Blair:

Red Flag laws aim to empower communities, police, medical professionals, victims of domestic violence and families to raise a flag on an individual who may pose a danger to themselves, an identifiable group, or a partner, and ensure that that person does not have access to a firearm.

The red flag laws we plan to introduce will expedite the process of suspending a firearms license. Under existing laws, this process can take days or weeks. We know that in dangerous situations, we don't always have days or weeks before that situation becomes deadly.

We plan to bring forward legislation at the first opportunity to introduce red flag laws, in conjunction with stricter firearm storage regulations, additional resources for law enforcement, and new offences and penalties for individuals who break the law.

While we can't give a precise timeline, we can say that we plan to introduce this legislation as a priority once the house is considering legislation relating to non-COVID-19 business.

Canada is an “after-the-fact country”

Professor Davies is adamant that there is no need for a red flag law, that the problems lie elsewhere, starting with the RCMP itself:

This is all nonsense. It's assuming that we have a national police service that's adequately staffed that we do not ... we have major problems with staffing in the RCMP. It hasn't helped that we've had a dysfunctional management at RCMP headquarters for the last decade ... I mean, think about all the harassment that's gone on against RCMP members.

You cannot prevent a mass shooting anywhere. Let's be clear about that. It's not possible. These are aberrant patterns, not even patterns; they're aberrant acts of homicide that are unpredictable.

In his view, the “military culture” and lack of transparency of the police, and its refusal to provide researchers (and journalists) with information, are, “one of the biggest problems we have in Canada.”

Measures such as banning assault rifles and red flag laws, Davies says, are not the answer to this type of violence:

So we’re an after-the-fact country. We do things after the fact. People are dead. ... we have a problem as well because we have all these coroners’ inquests in Canada. None of them can find culpability. None of them find anybody responsible. None of them are binding in law. None of them are usually even acted upon. And so it’s a farce.

Davies believes there is a failure of government to recognize “the more fundamental problems in the country, namely “families in crisis, poverty, unemployment, alcoholism.”

Would a red flag law be redundant?



Dr. Alan Drummond. Photo contributed

Dr. Alan Drummond is an emergency physician in Perth, Ontario, and co-chair of public affairs for the Canadian Association of Emergency Physicians. He has been working on gun violence issues since 1994.

In a telephone interview, Drummond said that “obviously” he thinks red flag laws are “a very good thing.”

But he sees the issue as much broader than crime control and mass shootings. “We need to start talking about the broader context, which is, in our view, suicide,” he says. Drummond says for the past 27 years his association has been saying:

... first of all, let’s not talk about criminality. Let’s talk about suicide and psychosis. Let’s also talk about intimate partner violence. And let’s acknowledge that we encounter people who may or may not have access to firearms and inappropriate thought processes and may be a danger to themselves or others.

Drummond continues:

...we are in a unique position in the emergency department to encounter people who may have a thought disorder ... and access to weapons. And we should be able to call them out and at least get the firearms removed temporarily until such time as they are evaluated and treated.

And maybe this is where Bill Blair came up with this idea [for red flag laws], although his view is similar to the Americans where you petition the court and then you get the fire arms removed without real benefit of hearing.

Drummond says that is not what his association has in mind. Rather, they want something more “clinically direct,” and he evokes this emergency room scenario:

It’s three o’clock in the morning in Perth, Ontario, and I’m seeing somebody that I’m concerned about, but can’t ... remove their liberties for a mandatory psychiatric evaluation. But I am concerned. Why can’t I call the local constabulary and say, “Look, I’m sending Mr. X home? I have concerns. I don’t know if he has access to firearms.” Is there any way that the police could directly either engage the family or they themselves remove any firearms until such time as (a) he’s seen a mental health worker, and (b) treatment’s initiated? [Once] the clinical situation is stabilized ... he can have his arms back. So we’re talking about a temporary removal or restriction of firearms access until such time as the mental health crisis has passed. That’s where we’re coming from.

Drummond is aware that there will be concerns about civil liberties, and says he understands that. But sometimes, he says:

... societal responsibility trumps the rights of the individual. We have many examples in Canadian law, and health law in particular, that allow physicians and nurses to do that, such as [when there is] child abuse or elder abuse. [People can be deemed] unfit to drive, unfit to fly. Certain infectious diseases mandate reporting to public health authorities. So it's not like this is a strange concept.

Drummond, who is a gun owner himself but a self-confessed "lousy shot," thinks it is a mistake to discuss the federal government's new measures as "gun control." Rather, he says:

Let's forget the term gun control. Let's call this a reduction of firearm violence. So it has a number of different faces. Yes, there is one component that is criminality. One component is that it is difficult to diagnose a mass shooter. But if we're trying to reduce mortality, then mental health comes to the fore, because 75% of all gun deaths in Canada are due to suicide. [There is also] intimate partner violence ... femicide ... but there's also the use of firearms as a mechanism of intimidation in a domestic violence scenario.

Although by no means a Liberal supporter – Drummond says he is a card-carrying Conservative member – he says the Liberals are offering "a good opportunity to change the way guns are looked at in Canadian society."

"I applaud them for that," he says.

But, that 1-800 number

On its website, the Canadian Shooting Sports Association argues that Minister Blair's proposed red flag laws show the Liberal government is "woefully ignorant of current Canadian laws surrounding firearm licensing and ownership." It argues that a red flag law would just duplicate reporting provisions already on the books:

If anyone – friends, neighbours, a spouse, doctor or police officer – believe a person is an imminent threat to themselves or others, they can call 1-800-731-4000 and select the option "report a spousal or public safety concern."

... The ability to report a spousal or public safety concern is the law of the land and has been since the Firearms Act passed into law in 1995.

When a concern is reported through this hotline an investigation is initiated immediately. Police must act or face liability for what happens if they don't and were warned of a possible danger.

Drummond disagrees that the 1-800 number is a viable option. He says the chief firearms officers responsible for investigating those reports are "under-resourced" and "slow to respond." He says it can sometimes take weeks or months before a reported case is acted upon, and in a couple of cases "it was close to a year before the chief arms officer investigated them."

Drummond also believes there is a serious problem with enforcement of safe storage laws.

I've had guns since I came to Perth in 1983. Nobody has ever come to my house and said, "Do you actually safe store? Can you show us how you safe store?" Nobody! ... So let's put [some] teeth in the safe storage law. If we are talking about intimate partner violence, then we're talking about such things as access to firearms, the ability to safely report. When you get your license renewal, your wife has to sign off on that. But is she doing so under duress? We're talking suicides ... we're talking about access to mental health services. But in all of these things, the common factor is the gun.

"Canada's gun problem is a problem of suicide"



Simon Sherry. Photo contributed

Simon Sherry is a clinical psychologist and a professor in psychology and neuroscience at Dalhousie University, whose work focuses on “assessing, treating and understanding suicide.”

In a telephone interview, Sherry said he was “cautiously optimistic about the value of a red flag gun law.”

But, he explains, it’s complicated and there is still a lot we need to learn:

Canada already has public safety initiatives that resemble red flag gun laws. In other words, the public can alert the RCMP to someone who has a weapon, who represents a potential danger to him- or herself, or other people. So a red flag gun law is going to be widening avenues for the seizure of risk-related firearms. ... So a red flag gun law is an expanded and an expedited legal ability to seize firearms in an effort to prevent homicide or suicide.

Sherry says that about six months ago, he repeatedly called the RCMP to try to clarify the nature of red flag gun laws. It was, he says, “a painful process that ultimately ended in defeat and no clarity.”

He points out that between 2000 and 2016, there were 13,168 guns deaths in Canada, and of those, 9,919 were suicides. So, he says, “Canada has a problem with gun violence and it is overwhelmingly to do with death by suicide,” and 96% of suicides by firearm are men.

And we know that Canadian men are roughly three to four times more likely [than women] to die by suicide. And that is, for the most part, because men select more lethal means in terms of selecting a gun.

Men choose guns for suicide attempts, he says, because they have very high lethality compared with other things.

He says that one strategy for reducing suicide could involve a red flag law:

...part of “means reduction” is taking out of the hands of suicidal people the means by which to die, by suicide. And so a reduction in the number of guns is part of such a strategy. And a red flag law in particular is an effort to remove guns from the hands of people who are suicidal. Now, that’s a means reduction strategy, and means

reduction has been highly successful in other areas. For example, the building of a bridge barrier in Toronto or here in Halifax, another example would be reducing access to poisons.

“From a numbers-based perspective,” Sherry says, “the critical point here is that Canada’s gun problem is a problem of suicide.” In his view, that makes this discussion particularly timely:

Canada and Nova Scotia are in the middle of a suicide crisis that will almost assuredly be made worse by the COVID-19 pandemic. So to be actively thinking about and informing the public about suicide is very timely.

Red flags and gun violence against women



Diane Crocker. Photo contributed

The COVID-19 pandemic and the isolation it causes are also behind a surge in domestic violence. The Globe and Mail reports that between April 1 and May 4 there were nine domestic homicides in Canada.

Domestic homicides can involve guns.

Diane Crocker, a professor in Saint Mary University’s Department of Criminology, says that in Canada, “The cause of death involves a firearm in approximately one quarter of domestic homicides.” Although stabbing is more common, Crocker says:

...guns obviously increase the risk of a death as well because they accomplish death more easily than other forms of violence. So it is important to keep in mind that a goodly proportion of domestic homicides are accomplished with guns.

In a telephone interview, Crocker said that she thinks red flag laws could be “potentially helpful because it’s not about banning a particular kind of weapon. It’s actually about making it harder for a man to kill his partner.”

And in domestic cases of abusive relationships, a gun in the home is a really big predictor of risk of harm. There are several tools that the police use, or the police should be familiar with ... [to] assess the risks when they come into a domestic violence situation. And guns [as a risk factor] are weighted heavily.

Crocker says there is a package of risk factors, including a history of domestic violence and the nature of that violence. She specifies that “controlling and jealous behaviour are red flags for further violence and even homicide.” She elaborates:

And also some of the types of violence are risk factors as well. So there’s various ways in which you can be physically violent, but choking is a predictor of homicide ... when you see jealousy, coercive control, and then when you see the physical act of choking, those are identified as putting a woman at higher risk. So there are obvious assessment tools to check off.

Crocker says there is a “danger assessment checklist,” and when she listened to Boe describing GW in radio interviews, she said it was just, “check, check, check, check.” She says the correlation is “pretty incontrovertible.”

The idea [is] that you have red flags that then actually allow you to be more proactive about taking away a gun instead of waiting until someone does something and then including it in their sentence. You know, firearms prohibitions are pretty standard with domestic violence sentencing. But to be able to do something proactively when there are red flags, I think is a really interesting idea. And it gets you out of this debate about which gun is more violent

...it's kind of like the question about if you were accused of sexual harassment in your workplace. Sometimes you've got to go home for two weeks, till the workplace figures it out.

... however, like I said, it just takes one perfectly reasonable hunting rifle with one bullet in it to kill a woman, if a man wants to kill his partner. The fewer guns, the less femicide we would have involving guns, writ large.



Memorial at the Portapique church hall. Photo: Joan Baxter

For Linda MacDonald there is no doubt about the value of a red flag law. She thinks it could be like mandatory reporting for child abuse, which allows someone who suspects abuse but who may not have proven it, to report it. That would lead to a file, and a profile of the man, that would document the red flags and allow the authorities to act.

Boe completely supports the government's moves to ban "military grade equipment," which she says, "should not be in the hands of civilians at all" and not even in the hands "of retired military guys." As she told the Halifax Examiner:

There is no reason to have access to any of those type of weapons. None. Because they're meant to kill. They're not meant for hunting.

And she supports a red flag law if it would help remove them from the hands of people like GW.

No one can say whether a red flag law could have done anything to prevent GW's murderous rampage, and so far the jury is out on whether such a law is needed and if it would reduce gun violence.

But Boe still regrets that when she reported GW's guns and spousal abuse to the RCMP, and nothing was done, and she wishes it had been handled differently.

She gets the final words:

Right now, if somebody sees somebody assaulting somebody, beating somebody, whether it be a guy or a girl, whatever, and they report it, it should be actioned immediately. Not with the consent of the person that's being beaten, whether it be a guy or girl. Same with weapons: if you know somebody's got weapons or has purchased weapons from the States, they didn't come from Canada, and they don't have an FAC, that's a big red flag there. Report them. And the RCMP or whoever is investigating should do it right away — like yesterday.

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1. When I interviewed "Boe" on May 11, 2020 about her experiences with the mass shooter during the years she lived in Portapique, she specifically requested that her actual name not be used. She asked that I refer to her as "Boe," a nickname that she said would be unfamiliar to a couple of people she was afraid of. The Halifax Examiner respected her request. Subsequent media reports, however, have used her name. She did several interviews for broadcast, including with Jeff Douglas for CBC Mainstreet in Halifax and with Carol Off on CBC's As It Happens. On May 16, the Examiner got in touch with her again to ask how she would like us to refer to her now that her full name is public. She said she had never wanted her name to be made public, and would prefer that we continue to call her Boe. The Halifax Examiner is also referring to the mass shooter as GW except where Boe refers to him by name in a quote. For privacy reasons, we are also not revealing the identity of GW's relative, who was Boe's friend.
 2. The Firearms Acquisition Certificate was replaced by the Possession and Acquisition Licence in 1995. Boe was familiar with the older terminology
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