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Commission Counsel
Mass Casualty
Commission 128
Esplanade Street Truro,
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Via email only: participation@masscasualtycommission.ca

Re: Submissions on Phase 1

Please accept these submissions on behalf of Be the Peace Institute (BTPI), the Transition House Association of Nova Scotia (THANS) and Women's Shelters Canada (WSC) (collectively, the "coalition") in relation to Phase 1 of the Commission's proceedings.

Given the ways in which the Commission has structured its processes, we have not been actively participating in Phase 1 of the proceedings. Our submissions focus on the following concerns:

- (1) the ways in which the structure of the Commission's processes has resulted in the adoption of a siloed approach to addressing issues of intimate partner and gender-based violence, which only fuels myths about stereotypes about public and private violence and victimhood; and
- (2) the gaps in the evidence tendered during the phase 1 hearings, which may impede the Commission's ability to properly address its mandate to consider the impact on gender-based and intimate partner violence on the mass casualty of April 2020.

Concerns around how the Commission has structured its processes

The Commission has chosen to structure its processes, like many past public inquiries, into different phases: Phase 1, which focused on "what happened" in relation to the events of April 18 and 19, 2020; and Phase 2, which is concerned with the broader questions of "why it happened". Phase 3 will explore recommendations to guard against such a tragedy happening again.

The boundaries between the question of “what happened” and “why it happened” are not rigid. Reasonable people could disagree about what should be considered part of “what happened” vis à vis the April 2020 events. Despite that porous boundary, the Commission’s processes have evolved to exclude many participants which it seems to have decided were not sufficiently interested in Phase 1. This happened despite the fact that when the Commissioners issued their decision granting 61 individuals and groups the right to participate, it never grouped them into Phase 1 or Phase 2 participants.

In the May 13, 2021 decision granting BTPI, THANS, and WSC the right to participate in the inquiry, the Commissioners directed that the three organizations form a coalition; they placed no other limits on the right to participate¹ (see May 13, 2021 Decision). Consistent with that ruling, the coalition was initially included in regular meetings with Commission Counsel and other participants and kept informed of processes in the same manner as other participants.

That changed dramatically at some point in the fall of 2021, without any real explanation. Despite not having a ruling or reasons from the Commission to explain which individuals/groups were Phase 1 or Phase 2 participants,² and what that distinction meant in terms of participatory rights, our coalition came to realize that we were considered a Phase 2 participant, which meant we were excluded from important updates, meetings, and engagement around the Phase 1 proceedings. In particular, the coalition was excluded from fall meetings with the Phase 1 participants in which concerns were raised about the Phase 1 Foundational Documents (FDs) that were being produced by Commission Counsel.³

Although our coalition was excluded from those meetings, we continued to review and provide our feedback on the Phase 1 FDs. While we were not included in the Phase 1 participants’ meetings – and indeed got the clear message that the Commission did not see Phase 1 as “relevant” to our clients’ interests – we felt that to participate in a meaningful manner and we needed to fully understand the facts about “what happened”. Indeed, from the perspective of BTPI/THANS/WSC, the violent acts that the perpetrator committed against his common law partner, Lisa Banfield, were an important part of “what happened” and warranted close examination both in Phase 1 and in Phase 2 (as part of the broader context of the perpetrator’s acts). We were troubled that the Commission was adopting a siloed approach to the issues of IPV/GBV, which we felt were inextricably connected to the mass casualty. We nevertheless remained hopeful that issues relating to IPV/GBV would be woven throughout the Phase 2 proceedings.

¹ By way of contrast, some organizations’ participatory rights were explicitly limited in that decision – such as allowing only for written submissions.

² As of mid-January, we still had not received a list delineating between phase 1 and phase 2 participants. We wrote to the Commission to request such as list be shared with us on January 13, 2022, and finally received an updated list and information that a meeting would be held with Phase 2/3 participants late in the day on January 14, 2022. That January 28, 2022 meeting was the first one held with Phase 2/3 participants since earlier in the fall of 2021.

³ Phase 2 participants were also excluded from meetings to discuss the Rules, particularly as they concern accommodations for witnesses (Rule 43). We had asked to be included in that meeting, given that the Rules apply to all participants, but were told that it would be too difficult to accommodate us all.

With that in mind, when we provided our feedback on the phase 1 FDs, we sought to be responsive to what we understood was the Commission's view that the question of "what happened" was of relatively narrow scope. We came to understand through our conversations with Commission Counsel that Phase 1 was focused on what happened after the first 911 calls came in (from the Blair home) – and thus would not address or consider the violent attacks on Lisa Banfield. As such, we targeted our feedback to focus on the issues that we felt needed to be addressed in Phase 2, including further details about the perpetrator's attack on Ms. Banfield that evening; his history of violence towards hers (and others), more generally; and his relationships with other victims (to help discern whether others were motivated by GBV).

Many of the Phase 1 FDs ended up looking dramatically different in their final versions than the draft version, which had been the subject of our feedback. For example, despite having understood that the Portapique FD would begin with the first 911 call, the version that ended up being presented at the public hearings did begin one paragraph concerning the violence against Ms. Banfield that marked the beginning of the perpetrator's 13-hour rampage (see [COMM0050893](#) at para 8). While we were initially hopeful that this was a sign that the Commission understood the importance of breaking down the siloes of private and public violence, that hope was short lived.

During the February 28, 2002 hearings, Senior Commission Counsel Roger Burrill presented the Portapique FD and began by providing a brief overview of the geographical layout of the Portapique Community. In doing so, he paused at the home of the Blair family (where the first two murders occurred), and emphasized, "This is where the mayhem, it will be submitted by the Mass Casualty Commission, really commenced in terms of the violence and the **perpetration of violence against innocent parties.**" (Transcript of proceedings, Feb 28, 2002, at pp 18-19; emphasis added). In those brief remarks, Senior Commission Counsel replicated a very common narrative – and persistent myth about IPV/GBV – namely that real victims are innocent parties, subject to random attacks – as distinct from those who experience domestic or intimate partner violence. Those subject to DV/IPV, which often happens in private spaces, are not seen as "innocent" – or even true victims.

As troubling as those comments were to hear coming from Senior Commission Counsel, in our submission, the very structure of the Commission's processes has unfortunately helped fuel those myths. By failing to address in any depth the issues of intimate partner violence/gender based violence (IPV/GBV) during phase 1,⁴ the Commission has missed the opportunity to break down the siloes that exist between our understandings of private and public violence, which in turn perpetuates myths and stereotypes about survivors of IPV/GBV and the public's understanding of victimhood.

One of the expert reports commissioned for the Mass Casualty Commission, *Understanding the Links between Gender-Based Violence and Mass Casualty Attacks: Public Violence and Misogyny as Public Risk*, specifically opines that this siloed approach can interfere with the

⁴ It is notable that the only real mention of IPV/GBV during the phase 1 hearings were from the February 28, 2002 hearings: one paragraph summarizing the attack on Lisa Banfield, and the comments from Senior Commission Counsel advancing the perspective, on behalf of the Mass Casualty Commission, that the real violence was that targeted at "innocent parties".

important work of considering the connections between GBV and mass casualty events ([COMM0053826](#)). Professors McCulloch and Maher, the report's authors, emphasize the strong evidence pointing to connections between mass-casualty attacks and GBV, including in relation to the targeting of specific women (often as a perpetrator's first victim), in the history of GBV in the backgrounds of men who commit such attacks, and in the often explicit misogynistic motivation of some mass casualty attackers. (See [COMM0053826](#), at p 9).

Their report underscores how the connections between GBV and mass casualties have typically been obscured by the adoption of a siloed approach to the two issues: treating one as a public problem, but GBV as private. As they explain, "The dichotomous approach to private and public violence undermines the ability to understand, prevent, and respond to mass casualty attacks." (See [COMM0053826](#), at p 2).

In our submission, the Commission's failure to consider IPV/GBV during the phase 1 proceedings risks impeding the work of this inquiry to understand, prevent and respond to mass casualty attacks. This approach has led to important gaps in the evidence that was considered during phase 1, which we address further below. While we had been hopeful that issues relating to IPV/GBV would be given a more fulsome consideration *throughout* the phase 2 proceedings, it has not. It has been segmented out as a distinct issue, only apparently warranting consideration as a standalone issue. The siloed approach that the Commission's experts warn against has unfortunately been built into the very structure of the Commission's work.

Gaps in evidence considered during Phase 1

It is an historic, but helpful, axiom that motivation is a crucial part of any investigation. Without it, we cannot answer "why" which the public, Victims and Commission deserve to know. Our coalition has identified several gaps in investigation which do not seem to have been explored by the Commission in Phase 1. These gaps are essential to understanding the causes and context for the events of April 2020. The Commission has not explored whether there is any evidence to determine the relationships between the Perpetrator and the Victims, which has made determining the role of gender based violence in this mass casualty event difficult, if not impossible. Without this examination we will never be able to fully appreciate the role gender based violence played in the selection of Victims by the Perpetrator. While we understand and sympathize that such relationships may be difficult to process for families of the Victims, if the role of this Commission is to prevent such events happening again then they must be explored in more depth.

These do not appear to all be random murders. While some Victims appear to have been in the "wrong place" at the "wrong time", others knew the Perpetrator very well, and even predicted that he would target them. The Commission has not fully explored whether there is evidence of intimate partner relationships between the Perpetrator and Victims. The Commission has not explored whether there is evidence of business (legitimate or otherwise) relationships between the Perpetrator and some Victims. The Commission has not fully explored whether there is evidence of the Perpetrator and Victims travelling together. The Perpetrator would have likely passed dozens, or more, people on his route through the province but clearly had motivations that required him to visit certain persons, skip others and spend three hours at Hunter Road. The

Commission has not explored whether there is evidence that the Perpetrator made other stops or attempts to find other persons. The Commission has not fully explored whether there is evidence that the Perpetrator intended to target family members of his common-law partner.

Further, the Commission has removed references found in the initial drafts of some Foundational Documents to the Mersereau murders of 1999 and potential connections to organized crime, and the Commission has not not explored whether there is additional evidence of connections to organized crime. The Commission has not explored whether there is evidence of a number of residents of Portapique having ties to organized crime. This coalition is concerned that the lack of investigation into this area obfuscates the misogyny and gender based violence that often comes with involvement in organized crime.

The Commission has likewise not explored whether there is evidence of police training for dealing with survivors of gender based violence, which would affect their treatment of the Perpetrator's partner. The Commission has not disclosed evidence of whether the fatal gunshot to Constable Stevenson was at close range, which could indicate she was targeted because of her gender.

It is the position of our coalition that the failure to fully explore the relationship between the Perpetrator and the Victims is a significant barrier to fulling understanding the links between the mass casualty and gender based violence. We know this would have been an uncomfortable process, but it would have allowed us to understand the true motivations of the Perpetrator. Instead, we are left with no indication of motive. This information is important to the Commission's work to understand this mass casualty attack – and help prevent and respond to mass casualty attacks more generally.

In addition, we note that the following issues were identified in previous correspondence with the Commission relating to draft FDs, and were not addressed in the revisions to those documents. We continue to take the position that these issues are essential to the understanding of the events of April 18-19, 2020.

CONFIRMATION OF MOCK RCMP CRUISER – November 29, 2021

This document is missing evidence about whether any further steps were taken by the RCMP to de-escalate trauma for the common-law partner of the Perpetrator.

RCMP PUBLIC COMMUNICATIONS/PUBLIC ALERTING – November 25, 2021

This document is missing evidence of any attempts to warn locals in Portapique to shelter in place and any other steps which were taken for public safety the night of April 18, 2020

This document is missing evidence about and explaining the CIC determination

This document is missing evidence about whether the RCMP have training on domestic violence responses as they relate to the public

This document is missing evidence about why there was only one person (a civilian) working on April 18, 2020 on the Alert Ready system, and about whether the absence of an RCMP officer was a contributing factor to the Alert Ready not being issued until April 19, 2020

EMERGENCY RESPONSE TEAM – November 24, 2021

We raised concerns about the lack of detail included in this document, and the fact that it “sanitizes” the document and minimizes the harm suffered by Lisa Banfield at the hands of the perpetrator, while also downplaying the perpetrator’s other instances of intimate partner violence, which remain unaddressed

This document is missing evidence about the perpetrator’s plans to kill his sister-in-law, and evidence of whether the various police officers involved had knowledge that the perpetrator was targeting women

This document is missing evidence about the Emergency Response Team’s response to traumatized victims

SHUBENACADIE CLOVERLEAF – November 22, 2021

This document is missing evidence to clarify Cst Stevenson’s movements at the Cloverleaf

This document is missing evidence relating to the actions of the police when they arrived at the Cloverleaf after Cst Stevenson’s death

HIGHWAY 224 – November 22, 2021

This document is missing evidence about whether the police stopped and checked any properties on Highway 224

This document is missing evidence about whether the perpetrator drove on Highway 224 to seek out Gina Goulet and whether it was for the sole purpose of murdering her

This document is missing evidence about whether notice identifying the vehicle was sent to the area after the Perpetrator left Shubenacadie Cloverleaf

This document is missing evidence about whether officers enter homes or knock on doors during their search, after shooting in Shubenacadie Cloverleaf

This document is missing evidence about what, if any, calls Stephen Hunt made after seeing Gina Goulet’s gate smashed in

CIVILIAN PERSPECTIVES IN PORTAPIQUE – November 8, 2021

This document is missing evidence about the perpetrator’s actions the day of April 18, 2020, and in the weeks leading up to April 18

This document is missing evidence about Portapique residents’ opinions of the Perpetrator, his propensity for violence and any concerns they had

This document is missing evidence about whether any residents of Portapique had knowledge of the Perpetrator’s violence toward Lisa Banfield

FIRST RESPONDERS IN PORTAPIQUE – November 8, 2021

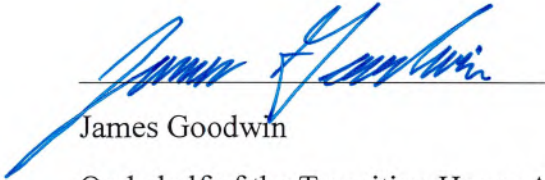
This document is missing evidence about whether the officers who arrived at the scene first (Beselt, Patton, Merchant and Colford) had training on a) dealing with active shooters, b) experience with children left in violent situations, and c) trauma informed responses

This document is missing evidence about whether Csts. Beselt, Patton, Merchant and Colford know the perpetrator

This document is missing evidence about who Jamie Gratto is and what the connection was to the victims/area

This document is missing evidence about what was done after Cst Colford aired the information on her radio that there was a second exit out of Portapique

All of which is respectfully submitted,



James Goodwin

On behalf of the Transition House Association of Nova Scotia, Women's Shelters Canada and
the Be The Peace Institute